

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Contents	Page
Part 1 – Summary and Explanation	3
Part 2 – Articles of the Constitution	9
Article 1 - The Constitution	11
Article 2 - Members of the Council	13
Article 3 - Citizens and the Council	15
Article 4 - The Full Council	17
Article 5 - Chairing the Council	19
Article 6 - Policy Development and Scrutiny Committees	21
Article 7 - The Executive	25
Article 8 - Regulatory and other Committees	29
Article 9 - The Standards Committee	31
Article 10 - Area Committees and Forums	33
Article 11 - Joint Arrangements	35
Article 12 - Officers	37
Article 13 - Decision Making	43
Article 14 - Finance, Contracts and Legal Matters	45
Article 15 - Review and Revision of the Constitution	47
Article 16 - Suspension, Interpretation and Publication of the Constitution	49
Schedule 1 - Description of Executive Arrangements	51
Part 3 – Responsibility for Functions	53
Responsibility for Functions	55
Executive Portfolios	61
Functions exercised by the full Executive	63
Part 4 – Rules of procedure	65
Council Procedure Rules	67
Access to Information Procedure Rules	85
Budget and Policy Framework Procedure Rules	95
Executive Procedure Rules	99
Policy Development and Scrutiny Procedure Rules	107
Policy Development and Scrutiny Committee Terms of Reference	115
Officer Employment Procedure Rules	119
Financial Regulations	1
Appendices	
Appendix 1 - Local Conventions - Officers	3
Appendix 2 - Standing Orders	7
Appendix 3 - Members Code of Conduct	11
Appendix 4 - Member Allowance Scheme	17
Appendix 5 - Council Structure	21
Appendix 6 - Member/Officer Protocol	23
Appendix 7 - Guidance Note – Executive Assistants	25
Appendix 8 - Membership of Outside Bodies	27
Appendix 9 - Co-opted Members	33
Appendix 10 - Scheme of Executive and Non-Executive Delegation	1

(April 2019)

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Part 1

Summary and Explanation

Summary and Explanation

The Council's Constitution

The London Borough of Bromley has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 of the Constitution commits the Council to exercise all its powers and duties in accordance with the law and this Constitution. Articles 2-16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council. (Article 5)
- Policy Development and Scrutiny (including overview and scrutiny role) (Article 6).
- The Executive (Article 7)
- Regulatory and other Committees (Article 8)
- The Standards Committee (Article 9).
- Area Committees (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

How the Council operates

The Council is composed of 60 Councillors elected every four years. Councillors are democratically accountable to the whole community and owe particular responsibilities to the residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for ensuring that training and advice is given on the Code of Conduct and in dealing with complaints about breaches of the Code.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council will elect the leader of the Executive at the Annual Meeting immediately following the ordinary election of all Councillors who will normally hold office until the day of the Annual Meeting following from the next ordinary election of all Councillors. The Executive will consist of the following:-

- the Executive Leader;
- at least 2 but not more than 9 Councillors appointed by the Leader.

The Council will consider reports from the Policy Development and Scrutiny Committees (see Page 4 under "Overview and Scrutiny") where the Executive is believed to have taken a decision outside the powers of the Executive such as a decision taken contrary to policy or budget. In other cases, decisions of the Executive may be "called-in" for scrutiny before being implemented.

The Council will also appoint central Committees to deal with development control, licensing, registration and other functions which cannot be undertaken by the Executive.

A Standards Committee composed of non-Executive Councillors will monitor the maintenance of high standards of conduct in all the Council's activities.

How decisions are made

The Executive

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of a Leader and between two and nine Councillors. The full Council elects the Leader who appoints all other members of the Executive. When key decisions are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated. If these key decisions are to be discussed with Council officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Overview and Scrutiny

There are 6 Committees called Policy Development and Scrutiny Committees. They support the work of the Executive and the Council as a whole. They have a major role in policy development and scrutinise the decisions of the Executive. They make reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Policy Development and Scrutiny Committees also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between officers and members of the Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as a parent of a school pupil, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Executive;
- participate in the Council's question time and contribute to investigations by the Policy Development and Scrutiny Committees;
- find out, from the Executive's forward plan, what key decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- attend meetings of the Executive where key decisions (non-personal or non-confidential) are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Executive subject to personal or confidential restrictions;
- complain to the Council about any aspect of Council services;

- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Council's Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Director of Corporate Services.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Part 2 Articles of the Constitution

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 1 – The Constitution

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the London Borough of Bromley (“the Council”)

1.03 Purpose of the Constitution

The purpose of the 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 Councillors represent their constituents 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 will review or scrutinise a decision in which they were directly involved in making;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

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

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 2 – Members of The Council (Councillors)

2.01 Composition and eligibility

- (a) **Composition.** The Council will comprise 60 members, otherwise called Councillors. Up to 3 Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor.

2.02 Election and terms of Councillors

The regular election of Councillors will usually be held on the first Thursday in May every four years beginning in 2002. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

(a) **Key roles.** All Councillors will:

- (i) collectively 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 the 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 the ward or electoral division and represent the ward or electoral division as a whole;
- (v) be involved in decision-making;
- (vi) be available to represent the Council on other bodies;
- (vii) maintain the highest standards of conduct and ethics.

(b) Rights and duties

- (i) Councillors will 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) Councillors will 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 Councillor or officer entitled to know it.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Code of Conduct set out in the appendix to this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in the appendix to this Constitution.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 3 – Citizens and The Council

3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution:

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition on any matter including a request for a referendum for an elected Mayor form of Constitution.
- (b) **Information.** Citizens have the right to:
 - (i) attend meetings of the Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) attend meetings of the Executive when key decisions are being considered;
 - (iii) find out from the forward plan what key decisions will be taken by the Executive or Chief Officers under delegated powers and when;
 - (iv) see reports and background papers unless containing confidential or exempt information, and any records of decisions made by the Council and the Executive;
 - (v) inspect the Council's accounts and make their views known to the external auditor; and
 - (vi) inspect the Council's Interests Register
 - (vii) request information under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004.
- (c) **Participation.** Citizens have the right to participate in the Council's question time and contribute to investigations by Policy Development and Scrutiny Committees.
- (d) **Complaints.** Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme;
 - (ii) the Ombudsman after using the Council's own complaints scheme;

- (iii) the Standards Committee about a breach of the Councillors' Code of Conduct

3.02 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 4 – The Full Council

4.01 Functions of the Full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the Policy Framework and the Budget;
- (c) 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. This function to be subject to the urgency procedure contained in the Access to Information Procedure Rules Part 4 of this Constitution.
- (d) appointing and removing the Leader;
- (e) agreeing and/or amending the terms of reference for non-Executive committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (g) adopting an allowances scheme under Article 2.05;
- (h) changing the name of the area, conferring the title of honorary alderman or granting freedom of the borough;
- (i) the appointment of the Chief Executive as head of the paid service and the dismissal and other disciplinary action of the Chief Executive together with the appointment and disciplinary action and dismissal of Chief Officers and Deputy Chief Officers and which have not been delegated;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive and which have not been delegated;
- (l) appointing the Councillors who are to sit on the Policy Development and Scrutiny Committees;
- (m) considering reports of the Policy Development and Scrutiny Committees;
- (n) all other matters which, by law, must be reserved to the Council.

4.02 Meanings

- (a) **Policy Framework.** The policy framework means the following plans and strategies:-
 - Library Strategy;
 - Children’s Services Plan;
 - Community Strategy;
 - Crime and Disorder Reduction Strategy;
 - Local Development Framework;
 - Youth Justice Plan;
 - Building a Better Bromley.
- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, 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.

4.03 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) special meetings;

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 Responsibility for functions

The Council will discharge those responsibilities as set out in Part 3 of this Constitution which are not the responsibility of the Executive.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 5 – Chairing The Council

5.01 Role and function of the Mayor

The Chairman of the Council will be the Mayor and in his/her absence, the Deputy Mayor if approved for this purpose, and will have the following roles and functions:

- (a) the Mayor will, as the first citizen of the Borough, be the ceremonial representative of the Council, taking precedence on all such occasions;
- (b) the Mayor will chair meetings of the Full Council and in this connection will exercise all the powers and duties described in the Council's Rules of Procedure set out in Part 4 of this Constitution.
- (c) The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:
 - 1. to uphold and promote the purpose of the Constitution, and to interpret the Constitution when necessary;
 - 2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
 - 3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Executive or hold committee chairs are able to hold the Executive and Committee Chairmen to account;
 - 4. to promote public involvement in the Council's activities;
 - 5. to attend such civic and ceremonial functions as the Mayor in his/her discretion shall think appropriate;
 - 6. generally to act as a representative of both the Council and the community.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 6 – Policy Development and Scrutiny

6.01 Terms of reference

The full Council will appoint the Policy Development and Scrutiny Committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 and any regulations under section 32 of the Act, in relation to the matters set out in the right hand column of the same table. The Executive and Resources Policy Development and Scrutiny Committee will be known as the PDS Committee. The other Committees will reflect the Executive portfolios.

Committee	Scope
Policy Development and Scrutiny Committee (PDS)	Across the board issues including <ol style="list-style-type: none">(1) strategic direction and resources,(2) overall direction and co-ordination of the PDS function,(3) The Executive, the Resources Portfolio and any matters which cross individual portfolio boundaries (including cross-portfolio Best Value Reviews)(4) Review of Community Leadership and local well-being powers and partnership working;(5) participation in the preparation of an annual report;(6) the consideration of “call-ins” of Executive decisions.

PDS Portfolio Committees (reflecting Executive portfolios)	(1)	Explore whether agreed plans are being achieved and if so how effectively
	(2)	Consulted by Executive on draft policy framework as it relates to this portfolio
	(3)	Conduct of Best Value reviews covered by each portfolio
	(4)	Considering call-in matters referred to the Committee
	(5)	Responsible for scrutiny of non-Executive decisions
	(6)	Other statutory duties as directed by legislation outside of the Local Government Act 2000.

6.02 **General role**

Within their terms of reference, Policy Development and Scrutiny Committees may:

- i) make reports and recommendations to the full Council, the Executive or any policy, joint or area committee in connection with the discharge of any functions;
- ii) make reports or recommendations on any matter affecting the area or its inhabitants; and
- iii) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Executive's or Council's functions;
- iv) call in of urgent decisions after the event and non-urgent, before implementation.
- v) undertake scrutiny of partner organisations.

6.03 **Specific functions**

- (a) **Policy development and scrutiny.** The Committees will within their terms of reference:
 - i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - ii) examine whether agreed plans are being achieved and if so how effectively;
 - iii) conduct research and consultation in the analysis of policy issues and possible options;

- iv) consider and implement processes to encourage and enhance community participation in the development of policy options;
 - v) question members of the Executive, Committees and Chief and Senior Officers about council functions and issues and proposals affecting the area;
 - vi) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the quality of life and other interests of local people are enhanced by collaborative working;
 - vii) to seek information from partner organisations and to question representatives of partner organisations and to make recommendations for consideration by partner organisations; and
 - viii) to lead on Councillor calls for action.
- (b) **Scrutiny.** The Committees may within their terms of reference:
- i) review and scrutinise both decisions made and decisions to be made (as published in the Forward Plan) or submitted for pre-decision scrutiny by the Executive, including Executive Committees and Portfolio Holders, Committees of the Council and Council officers both in relation to individual decisions and over time;
 - ii) review and scrutinise the performance of the Executive and individual Portfolio Holders in relation to policy objectives, performance targets and/or particular service areas;
 - iii) question Members of the Executive, Committees and Chief and Senior Officers about their decisions, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - iv) make recommendations to the Executive, appropriate Committee or Council and partner organisations arising from the outcome of the scrutiny process;
 - v) review and scrutinise the exercise of statutory powers in relation to local NHS bodies and other partner organisations;
 - vi) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant Policy Development and Scrutiny Committee.
- (c) **Finance.** The Committees may exercise overall responsibility for the finances made available to them.
- (d) **Annual report.** A report will be submitted annually to full Council on the Policy Development and Scrutiny functions and PDS budget, and amended working methods if appropriate. This report will be produced by the PDS Committee with input from the relevant portfolio PDS.
- (e) **Annual work programme.** The Policy Development and Scrutiny function will be responsible for undertaking and fulfilling annual programmed work which will encompass broad policy development and scrutiny issues.

6.04 **Proceedings of Policy Development and Scrutiny Committees**

The Committees will conduct their proceedings in accordance with the Policy Development and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 7 - The Executive

7.01 Role

The Executive will carry out all of the Local Authority's functions which are not the responsibility of any other part of the Local Authority, whether by law or under this Constitution.

7.02 Form and composition

- (a) The Executive will consist of the Executive Leader plus at least two but not more than 9 other Councillors.
- (b) The Leader will oversee the development of the Council's policy priorities and may also exercise Executive functions.
- (c) Within the discretion allowed by statute the form and composition of the Executive may change.

7.03 Leader

The Leader will be a Councillor elected to the position of Leader normally at the Annual Meeting of the full Council following on from the ordinary election of all Councillors signified by a show of hands. The Leader will hold office until the day of the next Annual meeting following the ordinary election of all Councillors unless:

- (a) he/she resigns from the office; or
- (b) he/she ceases to be a Councillor except where the Leader fails to be returned as a Councillor following an ordinary election of all Councillors when unless the Leader resigns, is disqualified or is otherwise removed from office he/she shall continue as Leader until the day of the Annual Meeting; or
- (c) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (d) he/she is removed from office by resolution of the Council for misconduct or other good reason established following investigation by the Standards Committee; or
- (e) he/she is removed by resolution at a special Meeting of the Council called for that purpose; or

- (f) by resolution of the Council where he/she fails for six months to attend any meeting of the Executive, or any Committee of the Executive 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 Local Authority, he/she shall cease to be a member of the Local Authority.

Where the Annual Meeting or any other meeting of the Council fails to elect a Leader a Special Meeting of the Council shall be held within a maximum of ten working days for the purpose of electing a Leader. Where a Leader resigns then a Special Meeting of the Council shall be held within ten working days of the resignation for the purpose of electing a Leader. Where a meeting of the Council removes a Leader from office then a new Leader is to be elected at that meeting.

In the period between the ordinary election of Councillors 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 the appointment of the Leader shall be taken by the Chief Executive in consultation with the Leader of the Group with the 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.

7.04 Other Executive Members

Each Executive Member shall be appointed by the Leader and shall hold office for a period determined by the Leader which must terminate no later than the fourth day after the ordinary election of all Councillors unless:

- (a) he/she resigns from office; or
- (b) he/she ceases to be a Councillor; or
- (c) he/she is disqualified or suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension at the discretion of the Leader); or
- (d) he/she is removed from office by the Leader of the Council. The Leader shall serve the Councillor, the Chief Executive and all Members with written notice (including e-mail) of the removal which shall take effect upon service of the Chief Executive.
- (e) the Council removes them from office by resolution following a recommendation to that effect from the Standards Committee;
- (f) he/she fails for six months to attend any meeting of the Executive, or any Committee of the Executive or, acting alone, fails to discharge any functions which are the responsibility of the Executive then unless the failure was due to some reason approved by the Local Authority, he/she shall cease to be a member of the Local Authority.

7.05 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.06 Responsibility for Functions

The exercise of functions which are the responsibility of the Executive will be determined by the Leader. The Leader will maintain a list in Part 3 of this Constitution setting out which individual Members of the Executive, Committees of the Executive, officers or joint arrangements are responsible for the exercise of particular executive functions. The list shall include the general areas of responsibility of the individual member of the Executive. The Leader shall also maintain a list of Executive functions delegated to officers. The Leader shall advise all Members and the Chief Executive and monitoring officer in writing (to include e-mail) where the identity of an Executive member or portfolio holder or the scope of a portfolio changes or where a new portfolio is created or a portfolio is terminated.

7.07 Deputy Leader

The Leader will appoint one of the Executive members as his/her Deputy to act when the Leader is absent or otherwise unable to act. This shall include any period following the resignation or removal of the Leader and the appointment of a new Leader. Provided always that the Deputy Leader:

(a) is not permitted to make changes to Executive Functions or delegations or appoint or dismiss any member of the Executive;

(i) except following the resignation or removal of the Leader to protect the interests of the Council and which action cannot be delayed until the appointment of a new Leader and following consultation with the Chairman of the main Policy Development and Scrutiny Committee and the Chairman of the General Purposes and Licensing Committee and the Chief Executive, or

(ii) where in the opinion of the Chief Executive the Leader of the Council is incapacitated for such a period of time that the efficient operation of the Council would be impaired and only then following consultation by the Deputy Leader with members at a meeting of the full Council.

(b) shall not act in the Leader's stead for a consecutive period of more than three or a combined period of six months in any municipal year without having obtained the endorsement of the full Council. If the Council is not prepared to endorse the Deputy Leader then a special meeting shall be held within 10 working days to consider the removal of the Leader and the appointment of a new Leader. Subject to the restrictions in paragraph 7.04 the Deputy Leader can continue to act until the appointment of a new Leader.

The provisions on appointment and removal of Executive members shall apply to the appointment and removal of the Deputy Leader.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 8 – Regulatory and other Committees

8.01 **Regulatory and other Committees**

The Council will appoint the committees set out in Part 3 of this Constitution, Responsibility for Council Functions. Rules of Procedure for these committees are set out in the Council's Rules of Procedure contained in Part 4 of this Constitution.

8.02 **Delegations**

The Council's delegations to the Regulatory and other committees are as set out in Responsibility for Functions contained in Part 3 of this Constitution.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 9 – The Standards Committee

9.1 Standards Committee

The Council will establish a Standards Committee

9.2 Composition

- (a) The Standards Committee will have a membership of five Councillors, up to three from the largest political group and a minimum of one from each of the next two political groups.
- (b) A Councillor who is a member of the Executive is not eligible to sit on the Standards Committee.
- (c) The Chairman will be appointed from, and by, members of the Standards Committee and will hold office for one year.
- (d) Independent persons appointed under the Localism Act 2011 shall be entitled to attend and speak at all meetings of the Standards Committee.

9.2 Role and Function

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and Church and Parent Governor representatives.
- (b) Assisting the Councillors, co-opted members and Church and Parent Governor representatives to observe the requirements on declaring pecuniary interests within the Members Code of Conduct and associated local protocols.
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct and associated local protocols.
- (d) Monitoring and reviewing the operation of the Members Code of Conduct and associated local protocols.
- (e) Developing for recommendation to the Council, local protocols to supplement the members Code of Conduct.
- (f) Enforcing local protocols and applying sanctions in respect of breaches of the members' Code of Conduct as appropriate.

- (g) Advising, training or arranging to train Councillors, co-opted members and Church and Parent Governor representatives on matters relating to the declaration of pecuniary interests, Members' Code of Conduct and associated local protocols.
- (h) Hearing cases against Councillors in consultation with the Independent Person.
- (i) To keep under review, amend and make additional provisions to the Protocol on Member/Officer relations.
- (j) To monitor the Officers' Code of Conduct to ensure consistent application and enforcement Council-wide.
- (k) General overview of probity matters arising from Ombudsman reports, Monitoring Officer reports, Audit Committee reports and ethical indicators.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 10 – Area Committees and Forums

10.01 Area Committees

The Council may appoint Area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

10.02 Form, composition and function

Area Committees may set up local mechanisms such as Sub-Committees or Panels to deal with locality issues.

10.03 Conflicts of interest – membership of Area Committees and Policy Development and Scrutiny Committees

(a) Conflict of interest

If a Policy Development and Scrutiny Committee is scrutinising specific proposals in relation to the business of the Area Committee of which the Councillor concerned is a Member, then the Councillor may not speak or vote at the Policy Development and Scrutiny Committee meeting unless a dispensation to do so has been given by the Standards Committee.

(b) General policy reviews

Where the Policy Development and Scrutiny Committee is reviewing policy generally the Member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

10.04 Area Committees – access to information

Area Committees will comply with the Access to Information Rules in Part 4 of this Constitution.

10.05 Executive Members on Area Committees

A Member of the Executive may serve on an Area Committee if otherwise eligible to do so as a Councillor.

10.06 Area Committees – Terms of Reference

- (a) to advise the Executive and/or Policy Development and Scrutiny Committee(s) on the local implications of service delivery across all of the functions of the Council;
- (b) to consider those Best Value Reviews which have an area dimension and submit views thereon to the relevant Policy Development and Scrutiny Committee;
- (c) to consider the local impact of the Community Plan and advise the Executive and/or Policy Development and Scrutiny Committee of their views;
- (d) to assist the Council in all its roles particularly as “Community Leader” and Councillors in their “Representational” role.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 11 – Joint Arrangements

11.01 Arrangements to promote well being

The Council or the Executive in order to promote the economic, social or environmental well-being of its area, 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.

11.02 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 Executive 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 Executive may only appoint Executive Members to a joint Committee and those Members need not reflect the political composition of the local authority as a whole.
- (d) The Executive may appoint Members to a joint Committee from outside the Executive in the following circumstances:

the joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the joint Committee any Councillor who is a Member for a Ward which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.

- (e) Details of any joint arrangements including any delegations to joint Committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

11.03 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the Members of a joint Committee are Members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (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 V of the Local Government Act 1972 will apply.

11.04 Delegation to and from other local authorities

- (a) The Leader may delegate non-Executive functions to another local authority.
- (b) The Executive may delegate executive functions to another local authority or 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.

11.05 Contracting out

The Council or the Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 12 – Officers

12.01 Management structure

(a) General

The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) Chief Officers

The full Council will engage persons for the following posts, who will be designated Chief Officers, each of whom will have responsibility for specific portfolios.

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all staff).</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p>
Director of Corporate Services (and Monitoring Officer)	<p>To work with the Chief Executive and colleague Chief Officers on the strategic management and co-ordination of Council-wide initiatives and projects; to develop cross service policies; and to take overall responsibility for the direction and performance of the services for which he/she is responsible including responsibility for all the Council's democratic processes.</p> <p>To perform the statutory responsibilities of the Monitoring Officer and to act as the Council's solicitor.</p>
Director of Finance	<p>To work with the Chief Executive and colleague Chief Officers on the strategic and financial management of the Council and the co-ordination of Council-wide initiatives and projects; to develop cross service policies and financial planning and control systems; and to take overall responsibility for the direction and performance of the services for which he/she is responsible. To discharge the statutory function for the Council's financial administration given by Section 151 Local Government Act 1972.</p>

Executive Director of Education, Care and Health Services	To work with the Chief Executive and colleague Chief Officers on the strategic management and co-ordination of Council-wide initiatives and projects; to develop cross service policies; and to take overall responsibility for the direction and performance of the services for which he/she is responsible. To perform the statutory responsibilities of the Director of Social Services and Director of Children's Services.
Executive Director of Environment and Community Services	To work with the Chief Executive and colleague Chief Officers on the strategic management and co-ordination of Council-wide initiatives and projects; to develop cross service policies; and to take overall responsibility for the direction and performance of the services for which he/she is responsible.
Director of Regeneration and Transformation	To work with the Chief Executive and colleague Chief Officers on the strategic management and co-ordination of Council-wide initiatives and projects; to develop cross service policies; and to take overall responsibility for the direction and performance of the services for which he/she is responsible.

(c) **Head of Paid Service, Monitoring Officer, Chief Finance Officer and Scrutiny Officer**

The Council will designate the following posts as shown (the Deputy Monitoring Officer and the Deputy Chief Finance Officer being appointed by the Monitoring Officer and the Chief Finance Officer respectively, not the Council):

Post	Designation
Chief Executive	Head of Paid Service
Director of Corporate Services	Monitoring Officer
Director of Finance	Chief Finance Officer
Democratic Services Manager	Statutory Scrutiny Officer

Such posts will have the functions described in Article 12.02–12.05 below.

(d) **Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out in the appendix to this Constitution.

(e) **Deputy Chief Executive**

A Chief Officer shall be nominated by the Chief Executive to act when the Chief Executive is absent or unable to act.

12.02 **Statutory Functions of the Head of Paid Service**

(a) **Discharge of functions by the Council.**

The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) **Restrictions on functions.**

The Head of Paid Service may not be the monitoring officer but may hold the post of Chief Finance Officer if a qualified Accountant.

12.03 **Statutory Functions of the Monitoring Officer**

(a) **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

(b) **Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an Executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the Standards Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(d) **Receiving reports**

The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.

(e) **Conducting investigations**

The Monitoring Officer will conduct (or appoint another to conduct), investigations into matters referred by the Standards Committee for investigation or to pursue such action as the Standards Committee directs, to make reports or recommendations in respect of investigations or alternative action to the Standards Committee.

(f) **Proper Officer for access to information**

The Monitoring Officer as proper officer will ensure that 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 Executive decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework in consultation with the Head of Paid Service, Chief Finance Officer and other Chief Officers as appropriate.

(h) **Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues.

(i) **Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.04 **Statutory Functions of the Chief Finance Officer**

(a) **Ensuring lawfulness and financial prudence of decision making.**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an Executive function and to the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is likely to lead to a loss or deficiency or to the Council entering into an item of account unlawfully.

(b) **Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

(e) **Give financial information**

The Chief Finance Officer will provide financial information to the media, Members of the public and the community.

12.05 Statutory Functions of the Scrutiny officer

The Scrutiny Officer will promote the role of the Council's Policy Development and Scrutiny Committees, provide support to those Committees and provide support and guidance to Members of the authority on the functions of overview and scrutiny.

12.06 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.07 Conduct

Officers will comply with the Officers Code of Conduct and the Protocol on Officer/Member relations set out in the appendix to this Constitution.

12.08 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 13 – Decision Making

13.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decision or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.02 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- (a) Proportionality (ie the action resulting from the decision will be proportionate to the desired outcome);
- (b) after taking and considering professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes
- (f) identification of the options which were considered in reaching the decision; and
- (g) the giving of reasons for reaching the decision.

PRINCIPLES OF DECISION MAKING

13.03 Types of decision

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.
- (b) Key decisions.
 - (i) A key decision is any decision in relation to an Executive function which will result in either expenditure being incurred or the making of savings which are significant. The level above which expenditure or savings will be regarded as significant to be agreed by the full Council having regard to the Council's budget for the service or function to which the decision relates.

- (ii) A decision will also be a key decision if it is likely to have a significant impact on the community in one or more Wards of the Council regardless of the financial cost or savings involved.
- (iii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

13.04 Decision making by the full Council

Subject to Article 13.08, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by the Executive

Subject to Article 13.08, the Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by Policy Development and Scrutiny

Policy Development and Scrutiny Committees will follow the Policy Development and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision making by other Committees established by the Council

Subject to Article 13.08, other Council Committees and Sub-Committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision making by Council bodies acting as tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 14

Finance, Contracts and Legal Matters

14.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

14.03 Legal proceedings

The Director of Corporate Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Corporate Services considers that such action is necessary to protect the Council's interests.

14.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Corporate Services or other person authorised by him, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Every contract whatever its value will be in writing and signed by or on behalf of the appropriate Chief Officer. Contracts exceeding £200,000 will be made under the Common Seal of the Council and signed by the Director of Corporate Services, or by some other person authorised by him/her, and by a Councillor.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Director of Corporate Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director of Corporate Services should be sealed. The affixing of the Common Seal will be attested by the Director of Corporate Services or some other person authorised by him/her.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 15

Review and Revision of the Constitution

15.01 Duty to monitor and review the Constitution

The Director of Corporate Services will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.02 Protocol for monitoring and review of constitution by monitoring officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders;
4. compare practices in this Authority with those in other comparable authorities, or national examples of best practice; and
5. in carrying out these functions the Monitoring Officer will regularly consult the Head of Paid Service and as and when appropriate the Standards Committee, Policy Development and Scrutiny Committee and the Executive before formulating proposals for change.

15.03 Changes to the Constitution

- (a) **Approval.** Changes to the Constitution will only be approved by the full Council. However, proposals for change may be made by the Head of Paid Service, Monitoring Officer, the Executive, the Policy Development and Scrutiny and the Standards Committees. Any proposals for change will only be approved after consideration of a report from the Director of Corporate Services.
- (b) **Change from a Leader and Cabinet form of Executive to alternative arrangements.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 16

Suspension, Interpretation and Publication of the Constitution

16.01 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, Committees and the Executive to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in [Article 1](#).
- (c) **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 16.01:

Standing Orders

Financial Regulations

Contracts Procedure Rules

Council Procedure Rules

Executive Procedure Rules

16.02 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 **Publication**

- (a) The Director of Corporate Services will give a printed copy of this Constitution to each Member of the Authority upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.
- (b) The Director of Corporate Services will ensure that copies are available for inspection at Council offices, libraries, the Council's website and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Director of Corporate Services will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the Executive arrangements:

1. Article 6 (Policy Development Scrutiny Committees and the Policy Development and Procedure Rules)
2. Article 7 (The Executive and the Executive Procedure Rules)
3. Article 10 (Area Committees and Forums)
4. Article 11 (Joint arrangements)
5. Article 13 (Decision making and the Access to Information Procedure Rules)
6. Part 3 (Responsibility for Functions).

**CONSTITUTION OF THE
LONDON BOROUGH OF BROMLEY**

Part 3

Responsibility for Functions

Responsibility for Functions

1. Responsibility for Local Choice Functions

- (a) The Council has determined that all local choice functions contained in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (to be known as the Functions Regulations) are to be Non-Executive functions, except for Best Value Reviews which shall be both an Executive and Non-Executive function; and
- (b) That all local choice functions contained in Schedule 3 of the Functions Regulations are to be Non-Executive functions.

2. Responsibility for Council Functions

The Council has delegated the responsibilities and functions to the Committees and Sub-Committees named below and these delegations will include appointment of Councillors to all relevant outside bodies that fall within the Council's policy for making such appointments. These Committees may consider and decide any matter of relevant Non-Executive business referred to the Committee by a Sub-Committee or a Chief Officer.

2.01 **General Purposes and Licensing Committee** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority.)

- (a) Electoral issues
- (b) Making byelaws
- (c) Administration of the Local Government Pension Scheme
- (d) Staffing matters
- (e) Probity Strategy
- (f) Audit
- (g) Open Government
- (h) Fraud Prevention
- (i) Complaint Procedures
- (j) Member appointments
- (k) Health and Safety
- (l) Licensing of births, deaths and marriages
- (m) Licensing matters, including, where appropriate, determining cases relating to individual licenses.
- (n) Non-executive highway functions as set out in Schedule 1 to the Functions Regulations (excluding functions under the Town & Country Planning Act 1990)
- (o) Any non-executive function not delegated elsewhere or reserved to Council.

2.02 **Audit Sub-Committee** (Membership proportional, and to exclude any member of the Executive.)

- Monitor internal audit's strategy, plan and performance.

- Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
- Consider the reports of external audit and inspection agencies.
- Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti fraud and anti corruption arrangements.
- Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- Be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.
- 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 demonstrated and actively promoted.
- 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.

2.03 **Pensions Investment Sub-Committee** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority.)

- (a) monitoring the financial position of the Pension Fund, including consideration of the triennial actuarial valuations;
- (b) investment of the Pension Fund, including the appointment of investment managers;
- (c) management of the Council's additional voluntary contributions (AVC) scheme;

2.04 **Rights of Way Sub-Committee** (Membership proportional – may include one Member of the Executive from each recognised party group subject to Executive Members not being in the majority) – Functions relating to non-vehicular highway matters within the remit of the General Purposes & Licensing Committee and those vehicular highways within the terms of reference of the General Purposes and Licensing Committee, associated with routes shown, or capable of being shown, on the Definitive Map of Public Rights of Way.

2.05 **Local Joint Consultative Committee** (Membership proportional to include the Leader or named Deputy also from the Executive, the Chairman of General Purposes and Licensing Committee or named Deputy also from the General Purposes and Licensing Committee and the Chairman of the Main Policy Development and Scrutiny Committee or named Deputy also from the Main Policy Development and Scrutiny Committee)

- (a) To enable regular consultation and discussion between the Local Authority and its employees.
- (b) To consider matters referred to it by the General Purposes and Licensing Committee or the Executive or by employee representatives or Trade Union representatives.
- (c) To make recommendations to the General Purposes and Licensing Committee or Executive.
- (d) To refer matters for consideration by and advice of the Association of London Government.

2.06 **Appeals Sub-Committee** (Membership excluding Members of the Executive drawn from a panel appointed by the Council and constituted as and when necessary by the Council or, where delegated, named decision-maker.)

To determine appeals against any decision of the Council including:

- staff dismissal, discipline, grading, capability, early retirement, pension entitlement or other reasons
- access to information
- social services matters including domiciliary charges, registration of child minders, persons providing day care for children, registration of residential care homes and others, which carry a statutory right of appeal
- education transport appeals.
- internal reviews relating to listing and compensation appeals under the community right to bid

(Note: This Sub-Committee will not consider appeals by Chief Officers concerning appraisal, disciplinary investigations or disciplinary matters).

2.07 **Licensing Sub-Committee** (Three Members to be drawn from the General Purposes and Licensing Committee and to include no more than one Member of the Executive)

Concurrently with General Purposes and Licensing Committee -

1. Gaming, entertainment, food and miscellaneous licensing and functions relating to licensing and registration as set out in Schedule 1 of the Functions Regulations.
2. All functions arising pursuant to the Licensing Act 2003 apart from a function conferred by Section 5 of that Act in respect of the Statement of Licensing policy.

- 2.08 **Development Control Committee** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority)
1. **Planning and Conservation and Building Control.** All the Council's powers and duties relating to town and country planning and development control and building control as specified in Schedule 1 of the Functions Regulations, including, where appropriate, determining cases relating to individual sites.
 2. **Unitary Development Plan.** To be responsible for preparing, revising and recommending the Plan to the Executive.
 3. **Highways use and regulation.** The exercise of powers relating to the regulation of the use of highways under the Town and Country Planning Acts 1990, as set out in Schedule 1 to the Functions Regulations.
 4. **Common land and village greens.** Power to register common land or village greens and to register variation of rights of common.
- 2.09 **Plans Sub-Committees** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority)
- Concurrently with Development Control Committee -
1. To exercise all the powers and duties of the Council as local planning authority – as set out in Schedule 1 of the Functions Regulations.
 2. To exercise all the powers and duties of the Council in relation to Building Control matters – as set out in Schedule 1 to the Functions Regulations.
- 2.10 **Standing Advisory Council on Religious Education (SACRE)** (Seven Members)
- An independent Statutory body charged to advise the Council upon matters connected with religious worship in schools and the religious education to be given in accordance with an Agreed Syllabus.
- 2.11 **Urgency Committee** (Seven Members, comprising the Mayor, the Chairman of the General Purposes and Licensing Committee, the Chairman of the Executive and Resources PDS Committee, the relevant Portfolio Holder or Committee Chairman and the Leaders of the three largest party groups).
- To deal with urgent non-executive decisions that are not of a sensitive nature – any such decisions made shall be reported to the next available meeting of the full Council.
- 2.12 **Health & Wellbeing Board** (11 Elected Members, including one representative from each of the two Opposition Parties; the two statutory Chief Officers (without voting rights); two representatives from the Clinical Commissioning Group (with voting rights); a Health Watch representative (with voting rights) and a representative from the Voluntary Sector (with voting rights). The Chairman of the Board will be an Elected Member appointed by the Leader. The quorum is one-third of Members of the Board providing that elected Members represent at least one half of those present.

Substitution is permitted. Other members without voting rights can be co-opted as necessary.)

1. Providing borough-wide strategic leadership to public health, health commissioning and adults and children's social care commissioning, acting as a focal point for determining and agreeing health and wellbeing outcomes and resolving any related conflicts.
2. Commissioning and publishing the Joint Strategic Needs Assessment (JSNA) under the Health and Social Care Act.
3. Commissioning and publishing a Joint Health & Wellbeing Strategy (JHWS) – a high level strategic plan that identifies, from the JSNA and the national outcomes frameworks, needs and priority outcomes across the local population, which it will expect to see reflected in local commissioning plans.
4. Receiving the annual CCG commissioning plan for comment, with the reserved powers to refer the CCG commissioning plan to the NHS Commissioning Board should it not address sufficiently the priorities given by the JSNA.
5. Holding to account all areas of the Council, and other stakeholders as appropriate, to ensure their annual plans reflect the priorities identified within the JSNA.
6. Supporting joint commissioning and pooled budget arrangements where it is agreed by the Board that this is appropriate.
7. Promoting integration and joint working in health and social care across the borough.
8. Involving users and the public, including to communicate and explain the JHWS to local organisations and residents.
9. Monitor the outcomes and goals set out in the JHWS and use its authority to ensure that the public health, health commissioning and adults and children's commissioning and delivery plans of member organisations accurately reflect the Strategy and are integrated across the Borough.
10. Undertaking and overseeing mandatory duties on behalf of the Secretary of State for Health and given to Health and Wellbeing Boards as required by Parliament.
11. Other such functions as may be delegated to the Board by the Council or Executive as appropriate.

3. Responsibility for Executive Functions

Other than those matters reserved to the Council or delegated to a Non-Executive Committee or to a Chief Officer as a Non-Executive function, all other remaining functions are Executive functions.

Executive Portfolios
(Required by the Local Government Act 2000 (Constitution)
(England) Direction 2000 – paragraph 3h.)

(NOTE: changes can be made by the Leader for insertion without the need to formally change the constitution at Council.)

The Leader will appoint or remove Portfolio Holders and allocate portfolio responsibilities in accordance with Article 7 of the Constitution and the Executive Procedure Rules.

All Portfolio Holders will provide an integrated response to future challenges; engage in appropriate partnerships, and deliver a ‘whole Council’ response on the quality of life and wellbeing needs of clients and communities.

Current Portfolio Holder responsibilities are as follows -

1. Resources, Commissioning and Contract Management

This Portfolio is concerned with the delivery of the Council’s financial strategy and monitoring the revenue and capital budgets; the Council’s land and property including the sale of Council assets; Biggin Hill Airport; information and communication technology; procurement; human resources strategy and registrars.

2. Adult Care and Health Services

This Portfolio is concerned with care services for adults and older people; learning disabilities; health; joint commissioning and mental health.

3. Education, Children and Families

This Portfolio is concerned with care services for children and families and all the Council’s education services including school admissions; education welfare services; special educational needs; early years development; standards and effectiveness in schools and youth offending.

4. Renewal, Recreation and Housing

This Portfolio is concerned with town centres; business regeneration and employment opportunities; further education and lifelong learning; leisure, culture and libraries; planning and building control; and housing.

5. Environment and Community Services

This Portfolio is concerned with transport (highways development, traffic, road safety and parking); street services; waste and re-cycling; and parks & open spaces.

6. Public Protection and Enforcement

This Portfolio is concerned with anti-social behaviour; environmental health and trading standards; partnership with the police and drug action.

The Leader shall ensure that any changes to the above allocation of portfolios and responsibilities is updated as soon as is practically possible to do so and in addition to any other notification required by the Constitution the Leader shall provide the monitoring officer with written notice of the change to allow this part of the Constitution to be updated.

COUNCIL CONSTITUTION

FUNCTIONS EXERCISED BY THE FULL EXECUTIVE

The following Executive Functions shall be exercised by the full Executive:

- taking decisions on the Council's areas of policy priority.
- the approval of the Budget (Revenue and Capital) for recommendation to the Council.
- strategic leadership of the Council's financial strategy.
- proposed variations to the budget requiring recommendations to the Council (except those variations which could be implemented without reference to the Council under Financial Regulations).
- budget monitoring during the course of the financial year.
- approval of all plans forming part of the Policy Framework requiring recommendation to the Council.
- approval of all plans forming part of the Policy Framework which can be finally approved by the Executive without reference to the Council.
- significant variations to all such plans forming part of the Policy Framework.
- any decision which would be contrary to the approved budget or approved Policy Framework; or any recommendation to the Council in respect of any such proposed decision.
- the consideration and determination of matters arising from any Best Value Review.
- the consideration and determination of any decision which has been referred back to the Executive by the Council or by a Policy, Development & Scrutiny Committee under the "call in" procedure; regardless of whether the original decision was taken by the Executive, an Executive Committee or by an individual Member of the Executive.
- any decision which materially involves or has a significant impact on more than one Portfolio (the content of Portfolios being as set out in the Constitution).
- any decision which is not specifically identified as being the responsibility of a Portfolio holder or Chief Officer.
- the provision or closure of any Council facility, particularly but not exclusively, the following:

- schools and any other educational facility
- libraries, sports centres, museums, parks and any other recreational facility
- homes and similar facilities for children, young persons and the elderly
- any facility for the disposal or treatment of waste and transport depots
- the provision of a new highway for the purposes of vehicular traffic

provided that this paragraph shall not include the closure of any highway unless it has a significant impact on people working or living in an area comprising two or more Wards.

Subject to the above, and excluding Executive decisions delegated to Chief Officers under the Scheme of Delegations to Chief Officers, all other Executive decisions shall be taken by the Member of the Executive with Portfolio responsibility for the matter in question. It shall always be open to the Member of the Executive with portfolio responsibility to refer a matter to the full Executive for decision. Also, the Executive shall have the power to “call in” any Executive decision to be determined by the full Executive.

The Executive may, from time to time, set up Executive Committees for stipulated purposes and may delegate to such Executive Committees responsibility for any Executive decision which would otherwise come within the responsibility of a Portfolio Holder or a Chief Officer.

The exercise of any Executive functions shall, for the avoidance of any doubt, also include the following ancillary or incidental matters:

- making any Statutory Orders (except those reserved to other Council Committees as non-Executive functions)
- entering into contracts (whether under hand or seal)
- instituting or defending legal proceedings and quasi legal proceedings (Tribunals, etc.) whether civil or criminal (except those reserved to other Council Committees as non-Executive functions)
- authorising any other action which is ancillary or incidental to the performance of the delegated function (except any such action reserved to other Council Committees as non-Executive functions)

The exercise of all Executive functions shall be subject to the following:

- the Budget or Policy Framework as determined from time to time by the Council (subject to the powers of the Executive (1) to recommend to the Council the implementation of decisions which would be contrary to the approved budget or approved Policy Framework; or (2) to take such decisions on the grounds of urgency in accordance with the statutory procedure)
- Standing Orders and Financial Regulations

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Part 4

Rules of Procedure

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

COUNCIL PROCEDURE RULES

CONTENTS

Rule	Page
1. Annual meeting of the Council	69
2. Ordinary meetings	70
3. Special meetings	71
4. Time and Place of Meetings	71
5. Notice of and Summons to meetings	72
6. Chairman of Meeting	72
7. Quorum	72
8. Duration of meeting	72
9. Questions from the public	73
10. Questions by Members	74
11. Motions with notice	76
12. Motions without notice	77
13. Rules of debate	78
14. Previous decisions and motions	81
15. Voting	81
16. Minutes	82
17. Exclusion of public	82
18. Members' conduct	83
19. Disturbance by public	83
20. Suspension and amendment of Council Procedure Rules	84
21. Substitutes	84
22. Application to committees and sub-committees	84

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in April or May.

The annual meeting will:

- (i) choose a person to preside if the Mayor is absent;
- (ii) elect the Mayor;
- (iii) note the Deputy Mayor;
- (iv) approve the Minutes of the last meeting;
- (v) elect the Leader;
- (vi) receive notification from the Leader of the Members to be appointed to the Executive;
- (vii) appoint the Policy Development and Scrutiny Committees, a Standards Committee and such other Committees as the Council considers appropriate;
- (viii) agree the scheme of delegation– or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (ix) consider any business set out in the notice convening the meeting.
- (x) receive any announcements from the Mayor and/or Head of Paid Service and, if the Leader of the Council so elects to make a statement to receive that statement on the Executive plans for the year;

1.2 Selection of Councillors on Committees

At the annual meeting, the Council meeting will:

- (i) decide which Committees to establish for the Municipal Year;
- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) appoint the Chairmen and Vice-Chairmen of Committees;
- (v) receive nominations of Councillors to serve on each Committee; and
- (vi) appoint to those Committees except where appointment has been delegated by the Council or is exercisable only by the Executive.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme and normally commence at 7pm. Ordinary meetings will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) approve the Minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (v) receive questions on notice from members submitted in accordance with rule 10 for up to 30 minutes, if any
- (vi) deal with any business from the last Council meeting;
- (vi) (a) to receive a statement from the Leader of the Council at the first ordinary Council meeting on the Executive Plans for the year if not made at the annual meeting;
- (b) at the last meeting of each Municipal year to receive a statement from the Leader of the Council on performance against matters set out in the Opening Statement;
- (vii) receive statements, if any, from the Leader of the Council, Portfolio Holders and Chairmen of all Committees, and receive questions and answers arising from those questions. A statement may arise in two ways –
 - (a) the Leader, a Portfolio Holder or a Chairman may decide to make a statement by noon, three working days before the meeting of the Council; or
 - (b) a PDS Chairman and one other Member, a Group Leader and one other Member or any five Members may request that a statement be made by the Leader, a Portfolio Holder or a Chairman.

Statements must be requested by noon, three working days before the meeting (i.e. on the previous Thursday for a Monday meeting); requests for statements on matters of urgency may be allowed at the discretion of the Mayor.

Notice of the intended statement will be circulated by email as soon as possible after notification to the Director of Corporate Services.

Statements will be limited to five minutes each, with an overall time limit of thirty minutes to ensure that more time is available for Council questions, subject to the Mayor having discretion to ask the meeting whether the session can be extended.

- (viii) receive reports from the Executive and the Council's Committees and receive questions and answers on any of those reports;
- (ix) consider motions;

- (x) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Policy Development and Scrutiny Committees for debate;
- (xi) receive any announcements from the Mayor, Leader, Members of the Executive or the Head of Paid Service; and
- (xii) debate any matter on which the Executive is to make a decision where a request has been received by the Leader or five Members of the Council.

3. **SPECIAL MEETINGS**

3.1 **Calling special meetings.**

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor of the Council;
- (iii) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- (iv) the Director of Corporate Services as Monitoring Officer; the Head of Paid Service; the Director of Finance.

3.2 **Business**

The business to be considered shall be as set out on the agenda

3.3 **Additional Items**

Any Member of the Council may require the proper officer to add an item relevant to that body's functions to the agenda for the next scheduled meeting of the Council, a committee or sub-committee, or, where this will not permit the matter to be dealt with adequately, to convene a special meeting.

3.4 **Questions**

There will not be a general public question time at special meetings of the Council, except in exceptional circumstances agreed in advance by the Mayor, but questions relating to specific reports on the agenda may be submitted before 5pm on the second working day after the final day on which the agenda may be published.

4. **TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the proper officer and notified in the summons. Evening meetings will normally commence at 7pm.

5. NOTICE OF AND SUMMONS TO MEETINGS

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the proper officer will send a summons signed by him or her to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. CHAIRMAN OF MEETING

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

7. QUORUM

7.1 The quorum of a meeting will be one third of the whole number of Members. During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

7.2 A meeting may be postponed or cancelled in exceptional and unforeseen circumstances by the Chief Executive at the request of a Committee or Sub-Committee Chairman (or by the Leader or a Portfolio Holder in the case of an executive meeting.)

8. DURATION OF MEETING

8.1 The Mayor may, at the commencement of each Council meeting, put a time limit for discussion on any item where a time limit is not set elsewhere in these Council Procedure Rules, provided, always, this time limit may be extended with the agreement of the meeting during the course of an item if it is considered that more time is required.

8.2 Interruption of the meeting

If the business of the meeting has not been concluded by 10.00 pm (or after three hours, if the meeting did not commence at 7pm) the Mayor will, at the first convenient opportunity, draw the attention of the Council to the time and to the provisions of this Standing Order.

8.3 Adjournment of the meeting

The Mayor will then 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 Council) as he/she may direct at the time or afterwards.

8.4 Voting on outstanding business

With the exception of business so specified, the Mayor will put to the vote one by one and without debate all outstanding Committee reports and motions on the agenda for this meeting and then close the meeting.

9. QUESTIONS FROM THE PUBLIC

9.1 General

Members of the public may ask up to two questions at each meeting of Members of the Executive or any Committee Chairman at ordinary meetings of the Council and a maximum period of 30 minutes will be allowed for such questions. Subject to the discretion of the Mayor to refer the question to another Council body if the Mayor considers it a more appropriate body to respond to the question.

9.2 Order of questions

Questions will be asked in the order notice of them was received, with all first questions heard first, then all second questions. The Mayor may group together similar questions or vary the order as he or she sees fit.

9.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than 5pm, ten working days before the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

Questions relating to specific reports on the agenda may be submitted before 5pm on the second working day after the final day on which the agenda may be published.

9.4 Scope of questions

The proper officer may reject a question if it:

- is not about a matter for which the Local Authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

9.5 Record of questions

The proper officer will record each question and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

9.6 Asking the question at the meeting

The Mayor will invite the Member named in the notice to answer the question. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the

questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

9.7 Supplementary questions

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 9.4 above.

After a reply to a supplementary question has been given, the Mayor may, having regard to the time available and other matters on the agenda, allow further supplementary questions to be asked by Members (this will usually be no more than one per Member.)

9.8 Written answers

Any question which cannot be dealt with during the 30 minute period of public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

9.9 Reference of question to the Executive or a Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

10. QUESTIONS BY MEMBERS

10.1 On reports of the Executive or Committees

A Member of the Council may ask the Leader or the Mayor or the Chairman of a Committee any question without notice upon an item of the report of the Executive or a Committee or on a motion when that item is being received or is under consideration by the Council.

10.2 Questions on notice at full Council

Subject to Rule 9.4, a Member of the Council may ask:

- the Mayor
- a Member of the Executive
- the Leader or
- the Chairman of any Committee or Policy Development and Scrutiny Committee

a question on any matter in relation to which the Council has powers or duties or which affects the area of the Council

General

10.2.1 The number of questions a Member asks at any meeting be limited to no more than two written questions and two oral questions. For the purposes of

calculating the number of questions, a request for information or action shall be regarded as a question, even when asked as a subsidiary part of the main question;

10.2.2 A Member may ask another Member to submit a question on their behalf having notified the Director Corporate Services of the situation beforehand;

10.2.3 A Member may send questions in via either their personal LBB email account, their personal home email account, or in writing;

10.2.4 Questions will be asked in the order notice of them was received, with all first questions heard first, then all second questions. The Mayor may group together similar questions or vary the order as he or she sees fit.

10.2.5 Members of the Executive may not submit questions on notice at full Council on executive functions.

10.2.6 Executive Assistants may not submit questions to the Portfolio Holder that they assist.

10.3 **Questions on notice at the Executive, Committees and Sub-Committees**

Subject to Rule 10.4, a member of the Executive, a Committee or Sub-Committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that Committee or Sub-Committee.

10.4 **Notice of questions**

A Member may only ask a question under Rule 10.2 or 10.3 if either:

- (a) they have given notice in writing of the question to the proper officer by 5pm ten working days before the meeting; or
- (b) if the question is about a report on the agenda, it has been submitted before 5pm on the second working day after the final day on which the agenda may be published; or
- (c) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is, if possible, given to the proper officer by 10.00 am on the day of the meeting.

Questions considered by the Mayor to be defamatory, frivolous or offensive will be rejected.

10.5 **Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

- (c) where the reply cannot conveniently be given orally, a written answer sent later to the questioner;
- (d) replies to questions will be recorded in the Minutes and shall be made available to members within five days of the meeting;
- (e) every question shall be put and answered without discussion. The person asked the question may decline to answer or may ask another Member to answer it on their behalf, but will give reasons for so doing.

10.6 Supplementary question

A member asking a question under Rule 10.2 or 10.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

After a reply to a supplementary question has been given, the Mayor may, having regard to the time available and other matters on the agenda, allow further supplementary questions to be asked by other Members (this will usually be no more than one per Member.)

10.7 Written replies

Notwithstanding the provisions for other forms of questions, Members may put down questions requiring a written reply, at Full Council Meetings, where the question requires a fuller or more in depth answer than can be accommodated in an oral response.

11. MOTIONS WITH NOTICE

11.1 Notice

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by the Member or Members giving the notice, must be delivered to the Director of Corporate Services at least six days before the date of the meeting unless

- (a) it is urgent, or
- (b) it may be moved without notice

11.2 Motion set out in agenda

The Director of Corporate Services will date and record each motion received in a book, open to inspection by Members, in the order in which they are received. Maintaining the order of receipt, each motion will be set out in the agenda for the following Council meeting.

11.3 Scope

Every motion shall be relevant to a matter in which the Council has powers or duties or which affects the Borough. The Mayor shall, if a need arises, give a ruling on the relevance of motions.

11.4 **Motions withdrawn or not withdrawn**

A motion may be withdrawn by the mover. If a motion is not moved at the Council meeting by the person giving notice or by some other Members on the mover's behalf it shall, unless postponed by consent of the Council, be treated as withdrawn.

11.5 **Automatic reference to the Executive, an Executive Member or a Committee**

If the subject matter of a motion comes within the Terms of Reference of the Executive, an Executive Member or a Committee, it shall, after being moved and seconded, be referred without debate for consideration and report unless previously resolved.

11.6 **Discretion of Mayor**

A motion may be dealt with at the meeting at which it is brought forward if the Mayor considers it convenient and conducive to the despatch of business. A motion will be rejected if the Mayor considers it to be defamatory, frivolous or offensive.

12. **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of the Executive, Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;

- (l) to adjourn a meeting;
- (m) to suspend a particular Council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a Member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution;
- (q) a motion without notice may be dealt with at the meeting at which it is brought forward if the Mayor considers it convenient and conducive to the despatch of business.

13. **RULES OF DEBATE**

13.1 **No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

13.2 **Right to require motion in writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

13.3 **Secunder's speech**

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

13.4 **Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Mayor.

13.5 **When a Member may speak again**

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;

- (e) on a point of order; and
- (f) by way of personal explanation.

13.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 Alteration of motion

- (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

13.8 Withdrawal of motion

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

13.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

13.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a Member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4.

13.11 Closure motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If

it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.12 Point of order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

13.13 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

13.14 Chief Officers

Chief Officers will participate in debates at Council only if invited to do so by the Mayor but the Mayor will always exercise the discretion to permit a Chief Officer to speak to facilitate the exercise of a statutory responsibility of a Chief Officer.

14. PREVIOUS DECISIONS AND MOTIONS

14.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 20 Members.

14.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 20 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

15. VOTING

15.1 Majority

Any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put unless the meeting decides otherwise. Members should only vote on a matter if they have been present in the room for the whole of that item.

15.2 Mayor's casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

15.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 15.4 and 15.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

15.4 Ballots

The vote will take place by secret ballot if one third of the Members present at the meeting demand it. The Mayor will announce the numerical result of the ballot immediately the result is known.

15.5 Recorded vote

If five of the Members present at the meeting demand it by rising in their seats, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot. A recorded vote will be taken on Budget and Council Tax setting matters and where required by law.

15.6 Right to require individual vote to be recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

15.7 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

16. MINUTES

16.1 Signing the Minutes

The Mayor will sign the Minutes of the proceedings at the next suitable meeting. The Mayor will move that the Minutes of the previous meeting be signed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

16.2 No requirement to sign Minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the Minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting

called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of Minutes.

16.3 Form of Minutes

Minutes will contain all motions and amendments agreed in the exact form and order the Chairman put them.

17. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public).). All Members shall have the right to attend all meetings of the Council (including for items where the public are excluded) and to have access to agendas for those meetings, except:

- where the Member has a de-barring interest in an item as set out in the Council's Code of Conduct;
- exceptionally where the Council is unable to comply with the presumption due to a conflict with another legal duty and the Monitoring Officer has set out the reasons on the relevant agenda.

18. MEMBERS' CONDUCT

18.1 Standing to speak

When a Member speaks at full Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

18.2 Mayor standing

When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

18.3 Member not to be heard further

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

18.4 Member to leave the meeting

If the Member continues to behave improperly after a motion at 18.3 is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

18.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

19. DISTURBANCE BY THE PUBLIC

19.1 Removal of a member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

19.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

19.3 Clearance of whole public gallery

The Mayor may exercise discretion to remove all persons from the public gallery whether or not all of them are causing a disturbance.

20. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

20.1 Suspension

All of these Council Rules of Procedure except Rule 15.6 and 16.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

20.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

21. SUBSTITUTES

21.1 All Members of the Council except for the Executive may serve as substitute Members of a Committee or Sub-Committee in the absence of the appointed Member. Members of the Executive may serve as substitutes on the regulatory Committees, provided that they only substitute for other Executive Members.

21.2 Recognised groups shall substitute no more than one half of their Members at any Committee or Sub-Committee (all figures to be rounded up to the nearest whole number.)

21.3 The substitute member shall:

- a) be from the same group as the Member who is unable to attend the meeting;
- b) not substitute for more than one Member;
- c) not be a Member of the Committee or Sub-Committee already.

21.4 Subject to any legal limits, a substitute Member may attend, speak and vote as a Member of the Committee or Sub-Committee at the meeting.

- 21.5 Substitution is not permitted for any reconvened meetings for quasi-judicial bodies.
- 21.6 If the appointed Member attends the meeting when he or she has already been substituted, he or she may not attend as a Member of the Committee.
- 21.7 There shall be no substitution on the Executive or Standards Committee.
- 21.8 Only Members of the General Purposes and Licensing Committee may act as substitutes on Licensing Sub-Committees.

22. **APPLICATION TO THE EXECUTIVE COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 3-13 and 15-22 (but not Rule 18.1) apply to meetings of the Executive, Committees and Sub-Committees. Rule 21 applies to all Council Committees but not to meetings of the Executive or Standards Committees.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Access to Information Procedure Rules

1. EXECUTIVE ARRANGEMENTS

These rules apply to all meetings of the Council, Policy Development and Scrutiny Committees, Area Committees (if any), the Standards Committee and regulatory committees and public meetings of the Executive (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICES OF MEETING

The Council will publish each year its proposed schedule of meetings of both the full Council and of the Executive. At least 5 clear days notice of any meeting will be given in addition by posting details of the meeting at the Civic Centre, Stockwell Close, Bromley, the designated office.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports which are open to the public available for inspection at the designated office at least 5 clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the proper officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

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

7. ACCESS TO MINUTES ETC AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the executive, 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 any 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

8.1 List of background papers

The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

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

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of Executive reports, the advice of a political advisor.

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's main offices.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public must be excluded from 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.

10.2 Exempt information – discretion to exclude the public

The public may be excluded from 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 meeting will 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 meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 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.

10.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to any condition):

Category	Condition
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).	Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act as set out in paragraph 8 of Schedule 12A of the Local Government Act 1972 (as amended). Financial or business affairs includes contemplated as well as past or current activities.
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office-holders under the authority.	Information within paragraph 4 is only exempt if and for so long as its disclosure to the public would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter. "Labour relations matters" are as specified in paragraphs (a) to (g) of Section 218 of the Trade Unions and Labour Relations Act 1992, i.e. matters which may be the subject of a trade dispute.
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	Information within paragraph 6 is exempt only while disclosure might give an opportunity to a person affected by the notice, order or direction to defeat the purpose for which the notice, order or direction is

Category	Condition
person; or (b) to make an order or direction under any enactment.	to be given or made.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

11. **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. **APPLICATION OF RULES TO THE EXECUTIVE**

Rules 13 – 24 apply to the Executive and its Committees. If the Executive or its Committees meet to take a key decision then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution.

If the Executive or its Committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include meetings, whose sole purpose is for officers to brief Members.

13. **PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least 5 clear days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the Executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. **THE FORWARD PLAN**

14.1 **Period of forward plan**

Forward plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

14.2 Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be subject of a key or private decision to be taken by the Executive, a committee of the Executive, individual Members of the Executive, officers, Area Committees or under joint arrangements in the course of the discharge of an Executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

The forward plan must be published at least 28 days before the start of the period covered. The proper officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;

- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices.

Exempt information need not be included in a forward plan and confidential information cannot be included.

15. **GENERAL EXCEPTION**

If a matter which is likely to be a key or private decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) the proper officer has informed the chairman of a relevant Policy Development and Scrutiny Committee, or if there is no such person, each Member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the proper officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 5 clear days have elapsed since the proper officer complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

16. **SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of a relevant Policy Development and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of a relevant Policy Development and Scrutiny Committee, or if the Chairman of each relevant Policy Development and Scrutiny Committee is unable to act, then the agreement of the Mayor will suffice.

17. **REPORT TO COUNCIL**

17.1 **When a Policy Development and Scrutiny Committee can require a report**

If a Policy Development and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with a relevant Policy Development and Scrutiny Chairman, or the Mayor under Rule 16;

the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the proper officer, who shall require such a report on behalf of the Committee when so requested by (the Chairman or any 5 Members). Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Policy Development and Scrutiny Committee.

17.2 Executive's report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

17.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF DECISIONS

After any meeting of the Executive or any of its Committees, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. EXECUTIVE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

The Executive will decide whether meetings relating to matters which are not key decisions will be held in public or private.

20. NOTICE OF MEETING OF THE EXECUTIVE

Members of the Executive or its Committees will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

21. ATTENDANCE AT MEETING OF THE EXECUTIVE

All formal meetings of the Executive will be held in public unless a decision to exclude the public has been taken in accordance with Rule 10.

Any recognised Group on the Council not represented on the Executive may appoint a spokesperson who shall be entitled to attend all meetings of the Executive and speak on any item on the agenda.

All other Members of the Council are entitled to attend meetings of the Executive and speak subject to the discretion of the Chairman.

The Head of Paid Services, Chief Finance Officer and the Monitoring Officer and their nominees are entitled to attend any meeting of the Executive.

22. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

22.1 Reports intended to be taken into account

Where an individual Member of the Executive receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.

22.2 Provision of copies of reports to Policy Development and Scrutiny Committees

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chairman of every relevant Policy Development and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

22.3 Record of individual decision

As soon as reasonably practicable after an Executive decision has been taken by an individual Member of the Executive or a key decision has been taken by an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual Members of the Executive. This does not require the disclosure of exempt or confidential information or advice from a political or Mayor's assistant.

23. POLICY DEVELOPMENT AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

23.1 Rights to copies

Subject to Rule 23.2 below, a Policy Development and Scrutiny Committee (including its Sub-Committees) will be entitled to copies of any document which is in the possession or control of the Executive or its Committees and which contains material relating to

- (a) any business transacted at a public or private meeting of the Executive; or
- (b) any decision taken by an individual Member of the Executive.

23.2 Limit on rights

A Policy Development and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser.

24. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

24.1 Material relating to previous business

All Members will be entitled to inspect any document which is in the possession or under the control of the Executive or its Committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

- (a) it contains exempt information falling within paragraphs 3 and 6 of the categories of exempt information; or
- (b) it contains the advice of a political adviser.

24.2 Material relating to key decisions

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive or its Committees which relates to any key decision unless paragraph (a) or (b) above applies.

24.3 Nature of rights

These rights of a Member are additional to any other right he/she may have.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Budget and Policy Framework Procedure Rules

1. The framework for Executive decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

2. Process for developing the framework

The process by which the budget and policy framework shall be developed is:

CONSULTATION BY EXECUTIVE AND PDS COMMITTEE CONFLICT RESOLUTION BY SIMPLE MAJORITY

- (a) Before a plan/strategy/budget needs to be adopted, the Executive will publish initial proposals for the budget and policy framework. Details of the Executive's consultation process shall be included in relation to each of these matters in the forward plan. Any representations made to the Executive shall be taken into account in formulating the initial proposals, and shall be reflected in any report dealing with them.
- (b) The Executive's initial proposals shall be referred formally to the relevant PDS Committee for consideration and comment. The proposals will be referred by sending a copy to the proper officer who will forward them to the Members of the relevant PDS Committee. The relevant PDS Committees shall report to the Executive on the outcome of its considerations at the next available Executive meeting unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it will inform the PDS Committee of the time for response when the proposals are referred to it.
- (c) The plans that are specified in Article 4 must be referred to Full Council. Having considered the report of the PDS Committee, the Executive, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. It will also report to Full Council on how it has taken into account any recommendations from the PDS Committee. Conventions will state how the Executive will report at Full Council meeting.
- (d) The Council will consider the recommendations of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place.
- (e) The Council's decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader and Executive Members. The notice of

decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Executive's recommendations without amendment) or (if the Executive's recommendations are not accepted without amendment), that the Council's decision will become effective on the expiry of 5 working days after the publication of the notice of decision, unless the Leader objects to it in that period. If a meeting of the Executive on or after 8th February submits to the Council matters relating to the adoption of the budget, the decision of Council shall be effective immediately even if it involves any amendments to the Executive's proposals.

- (f) If the Leader objects to the decision of the Council, he/she shall give written notice to the proper officer to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the proper officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- (g) The Council meeting must take place within 5 working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- (h) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately.
- (i) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the Council.

3. Decisions outside the budget or policy framework

- (a) Subject to the provisions of paragraph 5 (virement) the Executive, Committees of the Executive, individual members of the Executive and any officers, or joint arrangements discharging Executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Executive, Committees of the Executive, individual Members of the Executive and any officers, or joint arrangements discharging Executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. The Monitoring Officer and/or the Chief Finance Officer will consult with the relevant Chief Officers regards appropriate advice. If the advice of the Monitoring Officer and/or Chief Finance Officer is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a

matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the budget or policy framework

- (a) The Executive, a Committee of the Executive, an individual Member of the Executive or officers, or joint arrangements discharging Executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - i) if it is not practical to convene a quorate meeting of the full Council;
and
 - ii) if the chairman of the relevant PDS committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chairman of the relevant PDS Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chairman of the relevant PDS Committee the consent of the Mayor must be sought.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. Virement

- (a) The financial regulations shall state the budget heads of the Council.
- (b) Steps taken by the Executive, a Committee of the Executive, an individual member of the Executive or officers, Area Committees or joint arrangements discharging Executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads. The financial regulations of the Council will specify the virement limits of each decision making body or individual and their ability to increase the budget. Beyond that limit, approval to any virement across budget heads shall require the approval of the full Council.

6. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive, a Committee of the Executive, an individual Member of the Executive or officers, or joint arrangements discharging Executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- (a) which will result in the changes to, closure or discontinuance of a service or part of service to meet a budgetary constraint;

- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

7. Call-in of decisions outside the budget or policy framework

- (a) Paragraph 16 of the Policy Development and Scrutiny Procedure Rules (in this part of the Constitution) state the procedure for calling-in an Executive decision. Any five Members of the Council can call-in an Executive decision which must then be referred to the PDS Committee for consideration.
- (b) Where the PDS Committee are of the opinion that an Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- (c) If the advice of the Monitoring Officer and/or the Chief Finance Officer is that the decision would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the PDS Committee shall refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 5 days of the request by the PDS committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer. The Council may either:
 - i) endorse a decision or proposal of the Executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Members in the normal way;

Or

- ii) amend the council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Members in the normal way;

Or

- iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Executive Procedure Rules

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make Executive decisions?

The arrangements for the discharge of Executive functions will be set out in the Executive arrangements. The Leader may decide how they are to be exercised and may provide for Executive functions to be discharged by:

- i) the Executive as a whole; and/or
- ii) a Committee of the Executive; and/or
- iii) him/herself or an individual Member of the Executive; and/or
- iv) an officer; and/or
- v) an Area Committee; and/or
- vi) joint arrangements; and/or
- vii) another local authority.

1.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:

- i) the names and addresses of the people appointed to the Executive by the Leader if applicable;
- ii) the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;
- iii) the Terms of Reference and Constitution of such Executive Committees as may be appointed from time to time and the names of Executive Members appointed to them;
- iv) the nature and extent of any delegation of Executive functions to Area Committees, any other authority or any joint arrangements and the names of

those Executive Members appointed to any joint committee for the coming year;
and

- v) the nature and extent of any delegation to officers with details of any 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 Executive, a Committee of the Executive or an individual Member of the Executive is responsible for an Executive function, they may delegate further to an Area Committee, joint arrangements or an officer.
- (b) Where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 Amending Executive Delegations

- (a) The Leader may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the proper officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Executive as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (b) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chairman.

1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in the appendix to this Constitution.
- (b) If every Member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in the appendix to this Constitution.
- (c) If the exercise of an Executive function has been delegated to a Committee of the Executive, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in the appendix to this Constitution.

1.6 Executive meetings – when and where?

- (a) The Executive will have scheduled meetings. The time and place of meetings are set out in the Council's conventions. Additional unscheduled meetings may be called if necessary.
- (b) The Executive will meet in public. Any member of the public may attend Executive meetings except for confidential or exempt items. The rights of Councillors to attend meetings of the Executive are set out in the conventions.

1.7 Quorum

The quorum for a meeting of the Executive, or a Committee of it, shall be 3 of which 2 are from the majority (Administration Party) and does not have to include the Leader.

1.8 How are decisions to be taken by the Executive?

- (a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the 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 those taken by the Executive as a whole.
- (c) Where Executive decisions are taken by the Leader or are delegated to a Portfolio Holder, they shall follow the agreed procedures of the Council, including seeking pre-decision scrutiny. The current procedures are summarised in Appendices 1, 2 and 3 to the Executive Procedure Rules.
- (d) For the classes of decision set out in appendix 3, where there is agreement between a portfolio holder and the relevant PDS Committee, proposed decisions will be published five clear working days before the decision is to be taken, but it will not be necessary for pre-decision scrutiny to be carried out at a meeting. Any member may request that a matter be referred to the relevant PDS Committee meeting before a decision is taken.
- (e) Where a scrutiny committee is operating as a select committee, the Executive Portfolio Holder may publish a “minded to” at least report five clear days before making a decision which will be circulated to all Members of the Council. The following may make a referral for scrutiny within this five day period –
 - The chairman of the relevant select committee
 - A group leader and one other Member;
 - Where a decision affects a particular ward, all ward Members (or the ward Member plus one other Member in the case of Darwijn ward);
 - Any five Members.

Where a referral for scrutiny is made, the issue must be considered by the relevant select committee within ten working days of the decision being referred.

In cases of urgency, where agreed by the Leader and the select committee chairman, the five day period for referral for scrutiny may be waived.

2. HOW ARE THE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader will preside. In his/her absence a person appointed to do so by those present shall preside.

2.2 What business?

At each meeting of the Executive the following business will be conducted:

- i) consideration of the minutes of the last meeting;

- ii) declarations of interest, if any;
- iii) matters referred to the Executive (whether by a Policy Development and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- iv) 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.

Where a debate at full Council has been requested under rule 2 (xii) of the Council Procedure Rules on an executive matter, the Executive may not make a decision until that debate has taken place unless the Council would be in breach of a legal obligation by delaying the decision.

2.3 Consultation

All reports to the Executive from any Member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Policy Development and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.4 Who can put items on the Executive agenda?

- (a) Any Member of the Executive may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration. If he/she receives such a request the proper officer will comply.
- (b) The proper officer will make sure that an item is placed on the agenda of the next available meeting of the Executive where a relevant Policy Development and Scrutiny Committee or the full Council have resolved that an item be considered by the Executive.
- (c) Any Councillor may ask the proper officer to put an item on the agenda of an Executive meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. [This Councillor will be invited to attend the meeting, whether or not it is a public meeting and given the opportunity to speak.]
- (d) The Head of Paid Service, Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. Any other Chief Officer may similarly include an item for consideration and require the proper officer to call a meeting.

2.5 Right to attend and speak

Over and above the rights of the public, the following have the right to attend meetings of the Executive and Executive Committees (whether public or private):

- all Members of the Executive

- Chairmen of Policy Development & Scrutiny Committees
- Nominees of the two major opposition parties
- the Chief Executive, the Director of Corporate Services and the Director of Finance
- all other Chief Officers for items within their sphere of responsibility
- all Councillors but with the right to speak only on items in respect of which they have a Ward or special interest and subject to the overriding discretion of the Chairman
- in addition, the Executive and Executive Committees have discretion to permit other persons to attend meetings for public and private items (including Councillors who have been appointed to support the Executive in their work) and to speak

2.6 **Meetings of Portfolio Members**

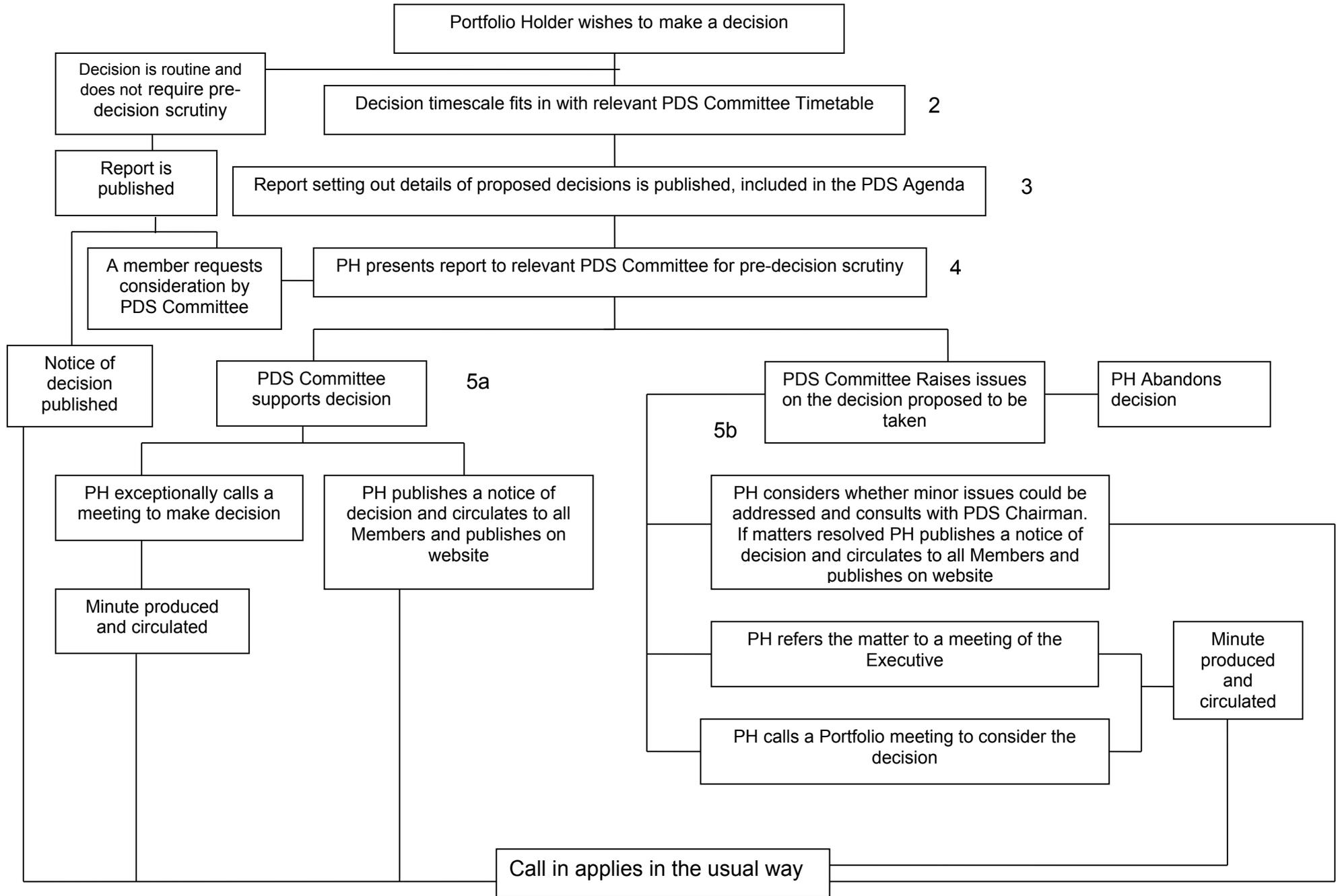
The meetings of Portfolio members of the Executive will be held in public, except for those items dealt with in private under the statutory provisions relating to access to information. The following have the right to attend and speak when individual Members of the Executive are making decisions

- the Chairman of the relevant Policy, Development & Scrutiny Committee
- the Chief Executive, the Director of Corporate Services and the Director of Finance
- all other Chief Officers for items within their sphere of responsibility
- Councillors, but with the right to speak only on items in respect of which they have a Ward or special interest and subject to the overriding discretion of the Portfolio member
- any other person at the discretion of the individual Portfolio Member of the Executive

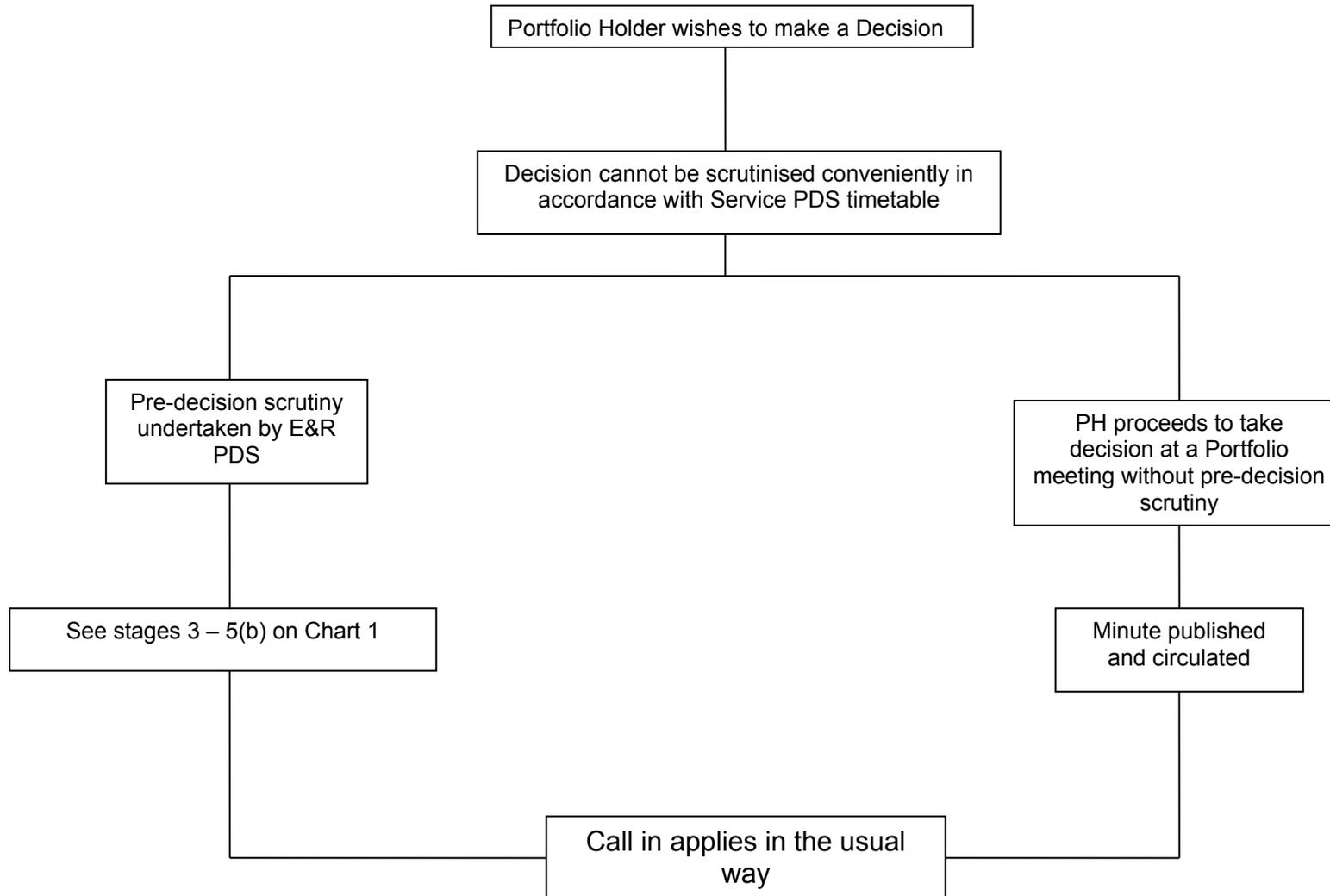
2.7 **Member support for the Executive**

The Executive may appoint other Members of the Council to support them in their work in accordance with arrangements agreed from time to time, covering numbers and roles of such support Members.

Appendix 1 – Decision Making Procedures



Appendix 2 - Decision Making Charts



Appendix 3

Where PDS Committees and Portfolio Holders are in agreement, Portfolio Holders may make decisions without formal pre-decision scrutiny in the following categories and circumstances –

- Appointments made by the Portfolio Holder where there is only one nominee;
- Local schemes costing less than £35k which affect only one Ward, e.g.: minor highways schemes, where all Ward Councillors are in support of the proposal;
- Contract extensions where there are no performance issues with the contractor and the contract includes a provision to extend;
- Contract awards where there has been a gateway review and the award is proposed to be made to the most economically advantageous tenderer;
- Contract waivers where the Portfolio Holder is required to agree single tender action;
- Matters considered by the Executive where further action can appropriately be delegated to a Portfolio Holder;
- Any other matter that the Portfolio Holder can decide under the Scheme of Delegation where there has been no objection from any Member of the relevant PDS Committee.

All these categories of decision will be subject to the Portfolio Holder circulating his proposed decision to all Members in advance by email as a “minded to” decision; any Member may request that a matter be referred to the relevant PDS Committee before a decision is taken.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

POLICY DEVELOPMENT AND SCRUTINY PROCEDURE RULES

1. **What will be the number and arrangements for Policy Development and Scrutiny Committees?**

- (a) The Council will have the Policy Development and Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. In addition further ad hoc Committees may be appointed from time to time to consider and report on specific issues.
- (b) There will be one main or overarching Policy Development and Scrutiny (PDS) Committee, with its membership based on political proportionality. Chairmen of the portfolio Committees will sit on this Committee subject to the rules of proportionality.
- (c) The terms of reference of the PDS Committee will be set out separately.

2. **Who may sit on Policy Development and Scrutiny Committees?**

All Councillors (except Members of the Executive. Executive Assistants may not serve on the PDS which mirrors the Portfolio they support on the Executive) may be Members of one or more Policy Development and Scrutiny Committee. However, a Member must declare an interest in a decision in which he/she has been involved and may not be involved in scrutinising that decision.

3. **Co-optees**

The Policy Development and Scrutiny Committees are empowered to appoint non-voting co-optees on such terms and conditions as they consider appropriate.

4. **Education representatives**

Each relevant Policy Development and Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

- (a) Church of England diocese representative (at least one);
- (b) Roman Catholic diocese representative (at least one);
- (c) Parent Governor representatives (between 2 and 5); and
- (d) representatives of other faiths or denominations as may be directed by the Secretary of State.

A relevant Policy Development and Scrutiny Committee in this paragraph is a Policy Development and Scrutiny Committee or Committee of a local education authority, where the Committee's functions relate wholly or in part to any education functions which are the responsibility of the Authority's Executive. If the Policy Development and Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

5. Meetings of the Policy Development and Scrutiny Committees

The cycle of meetings for Policy Development and Scrutiny Committees will be variable, the frequency of which to be decided on an annual basis. Extraordinary meetings may be called from time to time as and when appropriate. A Policy Development and Scrutiny Committee meeting may be called by the Chairman of the relevant Policy Development and Scrutiny Committee, by any 5 members of the Committee or by the Director of Corporate Services as Proper Officer if he/she considers it necessary or appropriate.

6. Quorum

The quorum for a Policy Development and Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

7. Work programme

- (a) The Policy Development and Scrutiny Committees will be responsible for setting their own work programme having regard to the Council's annual performance planning process and the budget and policy framework and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group or controlling group(s) on the Council.
- (b) In setting their work programme for each year, each Policy Development and Scrutiny Committee should allocate meetings at which it will require the relevant Executive Members to attend to give their account for the performance of their Portfolio, the delivery of the budget for which they are responsible and to answer questions from Members and members of the public in accordance with Council rules.

8. Agenda items

- (a) Any member of the Council shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next ordinary meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.
- (b) The Chief Executive, Director of Corporate Services and Director of Finance and any other Chief Officer in respect of any matter coming within his or her sphere of responsibility will be entitled to have items included on the agenda of Policy Development and Scrutiny Committees.

9. Review of policy and development

- (a) The role of the Policy Development and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Policy Development and Scrutiny Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (c) Subject to budgetary implications, Policy Development and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10. Reports from Policy Development and Scrutiny Committees

- (a) Once recommendations on proposals for development have been formed, the Policy Development and Scrutiny Committees will prepare formal reports which will be submitted to the Proper Officer for consideration by the Executive or to the Council as appropriate.
- (b) If a Policy Development and Scrutiny Committee cannot agree on one single final report to the Council or Executive as appropriate, then minority reports prepared by Councillors may be submitted for consideration by the Council or Executive with the majority report.
- (c) The Council or Executive shall consider reports of the Policy Development and Scrutiny Committees normally at the first available meeting of the Executive (subject to the Executive having discretion for good cause to defer to a later meeting) after the meeting of the Policy Development and Scrutiny Committee or in any event within two months, or at the next ordinary Council meeting where appropriate.

11. Making sure that Policy Development and Scrutiny reports are considered by the Executive or Policy Committees

- (a) The agenda for Executive meetings shall include an item entitled 'Issues arising from Policy Development and Scrutiny Committees'.
- (b) All references from the Policy Development and Scrutiny Committees will be considered by the full Executive notwithstanding that the original decision may have been taken by an individual member of the Executive.

12. Rights of Policy Development and Scrutiny Committee Members to documents

- (a) In addition to their rights as Councillors, members of Policy Development and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and Policy Development and Scrutiny Committees as appropriate depending on the particular matter under consideration.

13. **Members and officers giving account**

- (a) Any Policy Development and Scrutiny Committee may, within its terms of reference, scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any (other) member of the Executive, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:
- i) any particular decision or series of decisions;
 - ii) the extent to which the actions taken implement Council policy; and/or
 - iii) their performance

and it is the duty of those persons to attend if so required.

- (b) Where any Member or officer is required to attend a Policy Development and Scrutiny Committee under this provision, the Chairman of that Committee will inform the Proper Officer. The proper officer shall inform the Member or officer in writing giving at least 5 working days notice of the meeting at which he/she is required to attend, except in cases of urgency. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) The right of Policy Development & Scrutiny Committees to require officers to attend before them is unlimited in terms of the status and functions of officers. By Council convention, the following officers may be subject to a requirement to attend to answer questions from time to time:
- the Chief Executive
 - all other Chief Officers
 - any other officer (but the relevant Chief Officer shall be entitled to attend with that officer and to participate.)

14. **Attendance by others**

- (a) The following persons will be entitled to attend meetings of the committees by virtue of their office, rather than in exercise of public rights:
- The Leader and all Members of the Executive
 - All other Members of the Council
 - All Chief Officers
- (b) A Policy Development and Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders, business representatives and members and officers in other parts of the public sector and shall invite such people to attend.

15. Call-in

- (a) When a decision is made by
 - (1) the Executive
 - (2) an individual member of the Executive or
 - (3) a Committee of the Executive, or
 - (4) a key decision is made by an officer with delegated authority from the Executive

the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made. Chairmen of all Policy Development and Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale, by the Proper Officer.

- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days this being the first call-in period after the publication of the decision.
- (c) During that period, the Proper Officer shall make arrangements to call-in a decision for scrutiny by the Committee if so requested with reasons by any five Members of the Council and shall then notify the decision-taker of the call-in. A PDS Committee will meet within a time period agreeable to all parties to the call-in. This must be within ten working days (including the day of the call-in and the day of the meeting) unless the parties agree to extend the date to the next ordinary meeting of the PDS Committee, if this is later. In cases where there is not unanimity on the date of the Committee to consider the call-in, the Chairman of the main PDS Committee to decide.
- (d) Having considered the decision, the PDS Committee may refer it back to the full Executive, with its reasons. The Executive shall then reconsider. A decision which has been referred back to the Executive following a call-in must be considered within 20 working days of the call-in meeting, or it will fall.
- (e) The PDS Committee will not exercise its right to refer decisions to the full Council except in exceptional circumstances such as, for example, an alleged intention by the Executive to act contrary to law or the policy and budget framework.
- (f) If following a "called-in" decision, a PDS Committee does not meet or does meet but does not refer the matter back to the full Executive, the decision shall take effect on the date of the PDS Committee meeting, or the expiry of that further 5 working day period, whichever is the earlier.
- (g) Key decisions by Chief Officers are subject to call in and referral back to the Executive.
- (h) Where Executive decisions have been submitted for pre-decision scrutiny at full Council there will not be a right of call-in, provided that the Executive decision accords with the views of Council.

- (i) A Member who is a party to the call-in shall not chair the PDS meeting considering the call-in.

16. Call-in and Urgency

- (i) The call-in procedure set out above shall not apply where the Executive decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, along with reasons why, and therefore not subject to call-in.
- (j) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

17. Procedure at Policy Development and Scrutiny Committee meetings

- (a) Policy and Development and Scrutiny Committees shall consider the following business:
 - i) minutes of the last meeting;
 - ii) declarations of interest;
 - iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
 - iv) responses of the Executive to reports of the Policy Development and Scrutiny Committee; and
 - v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Policy Development and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
 - i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
- (c) Following any investigation or review, the Committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall save in exceptional circumstances make its report and findings public.
- (d) All Chief Officers and their nominees shall be entitled to attend Policy Development and Scrutiny Committees and are entitled to speak on any matter within their sphere of activity.

18. **Right to Speak**

The following will be entitled to speak at meetings of the committee:

- (a) any Councillor on a matter which affects his or her Ward or in respect of which he or she has a special interest, subject to the overriding discretion of the Chairman of the Committee
- (b) the Chief Executive, the Director of Corporate Services and the Director of Finance in respect of any matter coming within their statutory responsibilities; they and all other Chief Officers in respect of matters coming within their sphere of responsibility (whether or not covered by a specific statutory provision)
- (c) any other person, subject to the agreement of the Committee.

19 **Officer Support**

Officer support for Policy Development and Scrutiny Committees will be provided by the Chief Executive and Chief Officers. Chief Officers and their departments will be “double hatted” (ie: will provide support not only to Policy Development & Scrutiny Committees but also to the Council and its Committees and the Leader and Executive). The Chief Executive will keep under review the support provided to Policy Development & Scrutiny Committees.

20 **Minority Reports -**

Generally, any reports by Policy Development & Scrutiny Committees shall be prepared on the basis of majority decision. However, it shall be open to any Member or Members to produce a minority report.

21 **Portfolio Holder Attendance at PDS Committees and Pre-decision Scrutiny**

A key function of policy development and scrutiny is to hold the Portfolio Holder to account and to undertake pre-decision scrutiny of prospective portfolio decisions. PDS Committees, in their work programmes, shall allocate a slot for Portfolio Holders to attend to answer questions from the public and Members and to give a general account for their Portfolios. PDS Committees shall also undertake pre-decision scrutiny of prospective Portfolio decisions which are brought to their attention.

Where a Portfolio decision cannot be considered by a service PDS Committee, the Executive & Resources PDS Committee can fulfil the pre-decision scrutiny function.

It is important to remember that PDS Committees cannot make decisions and are fulfilling the important role of challenge to the Portfolio Holder.

22. **Matters within the remit of more than one Policy Development and Scrutiny Committee**

Where a matter for consideration by a Policy Development and Scrutiny Committee also falls within the remit of one or more other PDS Portfolio Committees, the decision as to which Policy Development and Scrutiny Committee will consider it will be resolved by the PDS Committee.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Policy Development and Scrutiny Committees

Terms of Reference

EXECUTIVE AND RESOURCES

To fulfil the role of Policy Development and Scrutiny as it relates to the Executive and the Resources Portfolio and the strategic direction and resources of the Council including:

1. The development of the Council's plans within the policy framework, including the revenue budget and capital programme, and exploring whether such plans are being achieved effectively.
2. Collaborative working with partner organisations and groups.
3. Receiving reports and making recommendations on performance monitoring of services falling within the remit of this portfolio which would include:
 - (a) cross-cutting services that are not included in the terms of reference of any other Policy Development and Scrutiny Committee;
 - (b) financial strategy;
 - (c) the Council's overall policy priorities;
 - (d) land and property;
 - (e) information and communication technology;
 - (f) human resources.
5. The management of call-in.
6. Overall coordination of the Policy Development and Scrutiny function, including the production of an Annual PDS report.

CARE SERVICES

To fulfil the role of Policy Development and Scrutiny as it relates to care services for adults including:

1. The development of the Council's plans within the policy framework that makes up this portfolio and exploring whether such plans are being achieved effectively.
2. Reviewing working with partner organisations and groups such as health agencies, the Housing Corporation and housing associations. This would include monitoring the effectiveness of partnership working as well as inviting partners/groups to attend meetings as appropriate.
3. Receiving reports and making recommendations on performance monitoring of services falling within the remit of this portfolio which would include:
 - (a) all care services for adults and older people, adults with physical disabilities, adults with mental health problems, learning difficulties, HIV/AIDS, or with drugs or alcohol related health problems and carers;
 - (b) the improvement of private sector housing, grants and loans to owner-occupiers, tenants landlords, and/or developers, homelessness, rehousing and special needs/supported housing;
 - (c) benefits and welfare rights services;
 - (d) public health;
 - (e) scrutinising local health agencies under powers contained in the Health and Social Care Act 2001;
 - (f) housing.

EDUCATION, CHILDREN AND FAMILIES

To fulfil the role of Policy Development and Scrutiny as it relates to education, children and families including:

1. The development of the Council's plans within the policy framework that make up this portfolio and exploring whether such plans are being achieved effectively.
2. Reviewing working with partner organisations and groups including the Early Years Development and Childcare Partnership. This would include monitoring the effectiveness of partnership working as well as inviting partners/groups to attend meetings as appropriate.
3. Receiving reports and making recommendations on performance monitoring of functions falling within the remit of this portfolio which would include:
 - a) all of the functions of the Council as an education authority under the Education Acts, School Standards and Framework Act 1998 and all other relevant legislation in force from time to time;
 - b) all functions of the Council in so far as they relate to the provision of opportunities for education, training and learning outside the school environment including pre-school learning;
 - c) Youth offending services;

- d) 16-19 education;
- e) social work for children and young people, children with special needs, fostering and adoption and family support services;
- f) Adult education.

ENVIRONMENT

To fulfil the role of Policy Development and Scrutiny as it relates to environmental services including:

1. The development of the Council's plans within the policy framework that make up this portfolio and exploring whether such plans are being achieved effectively.
2. Reviewing collaborative working with partner organisations and groups. This would include monitoring the effectiveness of partnership working as well as inviting partners/groups to attend meetings as appropriate.
3. Receiving reports and making recommendations on performance monitoring of services falling within the remit of this portfolio which would include:
 - a) Engineering and highways;
 - b) street services, waste management and refuse collection;
 - c) energy efficiency;
 - d) transport services, parking and road safety;
 - e) parks and open spaces, allotments and other like facilities.

RENEWAL AND RECREATION

To fulfil the role of Policy Development and Scrutiny as it relates to renewal and recreation including:

1. The development of the Council's plans within the policy framework that make up this portfolio, and exploring whether such plans are being achieved effectively. Also, to perform a scrutiny role regarding the Unitary Development Plan, which will be developed by the Development Control Committee.
2. Reviewing working with partner organisations and groups including local businesses, business support agencies, sub-regional and regional organisations including the Learning and Skills Council, Small Business Service and London Development Agency. This would include monitoring the effectiveness of partnership working as well as inviting partners/groups to attend meetings as appropriate.
3. Receiving reports and making recommendations on performance monitoring of services falling within the remit of this portfolio which would include:
 - a) town centre management;
 - b) regeneration;

- c) business information services;
- d) employment opportunities;
- e) further education and lifelong learning;
- f) museums, archives and local history activities;
- g) libraries, leisure and culture, including art galleries and theatres;
- h) planning and building control.

PUBLIC PROTECTION AND SAFETY

To fulfil the role of Policy Development and Scrutiny as it relates to public protection and safety including:

1. The development of the Council's plans within the policy framework that make up this portfolio, and Exploring whether such plans are being achieved effectively.
2. Reviewing working with partner organisations and groups namely the Safer Bromley Partnership (including the Police, Probation and Fire Services). This would include monitoring the effectiveness of partnership working as well as inviting partners/groups to attend meetings as appropriate, and carrying out the Council's crime and disorder scrutiny responsibilities under the Police and Justice Act 2006.
3. Receiving reports and making recommendations performance monitoring of services falling within the remit of this portfolio, which would include:
 - a) drugs action team;
 - b) environmental health and trading standards;
 - c) anti-social behaviour.

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Officer Employment Procedure Rules

1. Recruitment and Appointment

(a) Declarations

- i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
- ii) No candidate so related to a Councillor or an officer will be appointed without the Authority of the relevant Chief Officer or an officer nominated by him/her.

(b) Seeking support for appointment.

- i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) No Councillor will seek support for any person for any appointment with the Council.

2. Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - i) the duties of the officer concerned; and
 - ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. **Appointment of Head of Paid Service**

- (a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Committee or Sub-Committee of the Council. That Committee or Sub-Committee must include at least one member of the Executive.

4. **Appointment of Chief Officers and Deputy Chief Officers**

- (a) The Council or a Committee or Sub-Committee of the Council will appoint Chief Officers. That Committee or Sub-Committee must include at least one member of the Executive.
- (b) Appointment of Deputy Chief Officers will be by appropriate officers.
- (c) An offer of employment as a Chief Officer or Deputy Chief Officer shall only be made where no well-founded objection from any member of the Executive has been received.

5. **Other Appointments**

- (a) **Officers below Deputy Chief Officer.** Appointment of officers below Deputy Chief Officer (other than assistants to political groups and an assistant to the Mayor) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. **Disciplinary Action**

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.
- (c) Councillors will not be involved in the disciplinary action against any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

7. **Dismissal**

Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.