

# **CONSTITUTION OF THE LONDON BOROUGH OF CAMDEN**

**Adopted at Council Meeting 27th June 2001  
(with subsequent amendments)**

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**PART 1**

**SUMMARY**

**AND**

**EXPLANATION**

PART 1 – SUMMARY AND EXPLANATION

## PART 1 – SUMMARY AND EXPLANATION

### SUMMARY AND EXPLANATION

#### **The Council's Constitution**

The London Borough of Camden 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. The law requires some of these processes, while others are a matter for the Council to choose.

The Constitution is divided into 14 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 clear and transparent decision-making, which is inclusive and provides a focus for community leadership whilst also ensuring effective and efficient use of resources. Article 2 explains the role of members and Article 3 explains the rights of citizens in relation to the Constitution. Articles 4–14 explain how the key parts of the Council operate.

#### **How the Council operates**

The Council is composed of 54 Councillors, elected every four years or should a vacancy arise (for example upon the resignation of a Councillor during the four year term), elected within the term. Councillors are democratically accountable to residents of their ward. There are three Councillors per 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 training and advising them on the Code of Conduct.

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 appoints the Leader (who must be a Councillor of the authority) at its first meeting after the four yearly whole council elections. The Leader then serves a four year term subject to the Council having the power to remove the Leader in accordance with the procedure set out in part 4. The Leader appoints and can remove Cabinet Members and a Deputy Leader and decides upon what delegated authority they are to have and upon their related portfolios.

## PART 1 – SUMMARY AND EXPLANATION

### **How decisions are made**

All Cabinet decision making power is exercised by the Leader who can appoint up to 9 Cabinet Members (one of whom must be the Deputy Leader). The Cabinet which will be the Leader and other Cabinet Members appointed by the Leader, is the part of the Council which is responsible for most day to day decisions whether sitting together as a Cabinet or individually. The Leader decides upon the decision making to be undertaken by individual Cabinet Members, and which matters will be decided by the Cabinet sitting as a committee. The law dictates that the Leader must retain the power to make any decisions which could have been made by other Cabinet Members or by the Cabinet sitting together

All decisions to be made by the Cabinet will be published in the Cabinet's forward plan in so far as they can be anticipated. Decision-making meetings of the Cabinet sitting together will generally be open for the public to attend except where exempt or confidential matters are being discussed. Individual Cabinet Members may make decisions (in accordance with the scheme agreed by the Leader) and these decisions will, unless the Cabinet Member considers that the matter is of significant public interest, be taken in private. However notice of the decisions will be given in advance in the Forward Plan and the decision will be subject to call in by Councillors if they so indicate – see below.

The Cabinet has to make decisions in line with the Council's overall policies and budget. If it wishes to make a decision, which is not in line with the budget or policy framework, this must be referred to the Council as a whole to decide.

### **Scrutiny**

There are five Scrutiny Committees, which support the work of the Cabinet and the Council as a whole. The Scrutiny Committees will undertake policy development and review and will also look closely at decisions that the Cabinet is going to take. This will lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Scrutiny Committees can also monitor the decisions of the Cabinet taken either individually or collectively. Any four members of the Council can 'call in' a decision, which has been made by the Cabinet but not yet implemented for consideration by the relevant Scrutiny Committee. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet 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

## PART 1 – SUMMARY AND EXPLANATION

law and uses its resources wisely. The Member/Officer 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. Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

The Council welcomes participation by its citizens in its work. People's rights to access to meetings and papers are set out in the Access to Information Rules.

PART 1 – SUMMARY AND EXPLANATION

## **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 Camden.

### **1.03 Purpose of the Constitution**

This Constitution is based on the following general principles:

<b>Openness</b>	being open about the decisions and actions that the Council takes
<b>Responsiveness</b>	listening to all sections of the local community and finding a balance that will best meet local needs
<b>Representativeness</b>	enabling the Council to act in the interests of the whole community that it serves
<b>Stewardship</b>	ensuring the Council uses its resources prudently and lawfully
<b>Integrity</b>	enabling Councillors and Council employees to act in accordance with the highest ethical standards

It seeks to achieve the following broad objectives:

- (i) **clear decision-making**
- (ii) **transparency about who makes decisions**
- (iii) **inclusive decision-making and consensus**
- (iv) **a focus for community leadership**
- (v) **effective and efficient use of resources**

It further aims to:

- (i) enable the Council to work in partnership with residents and local organisations to implement Camden's Community Strategy;
- (ii) support the active involvement of Camden's diverse communities in the democratic process;
- (iii) help Councillors represent their constituents more effectively;
- (iv) create a powerful and effective means of holding decision makers to public account;
- (v) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (vi) ensure that those responsible for decision-making explain the reasons for decisions; and
- (vii) provide a means of improving the delivery of services to Camden's diverse communities.

#### **1.04 Interpretation and Review of the Constitution**

The Audit and Corporate Governance Committee will monitor and evaluate the operation of the Constitution as set out in Article 16.

## **ARTICLE 2 – MEMBERS OF THE COUNCIL**

### **2.01 Composition and eligibility**

- (a) **Composition:** The Council will comprise 54 members (known as Councillors). Every Councillor 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:** People can hold office as Councillors if they are on the electoral register or if they have lived, worked or occupied property in the borough for 12 months.

### **2.02 Election and terms of Councillors**

The regular election of Councillors will be held on the first Thursday in May every four years, the next election being due in 2022. 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. The term of office of the Leader of the Council and the Mayor continues until the next Annual meeting of the Council after the election.

### **2.03 Roles and functions of all Councillors**

#### **(a) Key roles**

All Councillors will maintain the highest standards of conduct and ethics, in accordance with the General Principles of Conduct and the Council's Code of Conduct for Councillors. They will have the opportunity to perform the following roles:

- (i) be responsible for the good governance of the local authority;
- (ii) develop Council policy;
- (iii) collectively be the ultimate policy-makers, making decisions on overall strategies and revenue and capital budgets;
- (iv) protect and, if possible, enhance the natural environment to the benefit of the borough and its residents and act to mitigate and ensure resilience to climate change in recognition of the declared climate emergency.
- (v) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (vi) represent constituents' interests (both individuals and local groups) and bring their views into the Council's decision-making process;
- (vii) scrutinise proposals and decisions and monitor how Council policy is being implemented;

- (viii) provide community leadership and work for the good of the borough with local, regional and national organisations;
- (ix) promote Valuing Diversity in the Council's policies and practices and through its work with all of its potential partners from the voluntary, community and private sectors;
- (x) be available to represent the Council on other bodies.

(b) **Rights and duties**

- (i) Councillors will have rights of access to documents, information, land and buildings of the Council to enable them to fulfill their duties except where this is not 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 except with the consent of the person providing the information or in accordance with the member Code of Conduct set out in Part 5 of this constitution..
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules of this Constitution.

**2.04 Conduct**

Councillors will at all times observe Camden's Code of Conduct.

**2.05 Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution but not otherwise.

## **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 Rules in Part 4 of this Constitution:

#### **(a) Voting**

Citizens on the electoral roll for the area have the right to vote.

#### **(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 Cabinet and its sub-groups when decisions are being made except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iii) find out from the Forward Plan what decisions will be taken by the Cabinet, its sub-groups and individual Cabinet Members and when, and what key decisions will be taken by officers and when;
- (iv) see reports and background papers (when not confidential or exempt), and any records of decisions made by the Council and the Cabinet; and
- (v) inspect the Council's accounts and make their views known to the external auditor.

#### **(c) Participation**

The Council is committed to helping people to contribute to how decisions are made about local services, and will therefore support a wide range of consultation to hear residents' views. The Council also wants to develop more ways of working with local people and communities, particularly hard-to-reach groups such as young people and minority ethnic communities. In addition, individual citizens have the following rights:

- (i) the right to participate in any public sessions arranged for members of the Cabinet to answer questions from Camden residents;
- (ii) the right to be asked to contribute to the work of the Scrutiny Committees;
- (iii) the right to attend as part of a deputation to the Cabinet, the Scrutiny Committees, the Audit and Corporate Governance Committee, other Committees and their subsidiary bodies and to the Council in accordance with the relevant Rules;

#### **(d) Making representations and complaints**

Citizens have the right to:

- (i) make representations to their ward Councillors or to members of the Cabinet;
- (ii) make a formal complaint about any Council service to the Council itself under its complaints scheme;
- (iii) Complain to the Ombudsman after using the Council's complaints scheme;
- (iv) complain to the Monitoring Officer about a breach of the Councillors' Code of Conduct.

**(e) Petitions**

People on the electoral roll for the Council's area can sign a petition to request a referendum for an elected mayor form of Constitution.

Citizens may also present petitions on other matters to the Cabinet, to Scrutiny Committees, to the Council or to their ward member.

In addition residents and people who work or study in the Borough may also present a petition in accordance with the Council's Petition Scheme detailed in Part 5 of the Constitution.

**3.02 Citizens' responsibilities**

There are a number of ways that Camden citizens can contribute to a flourishing democratic local authority and civic culture, which this Constitution is intended to support:

- (i) assisting the Council with the compilation of the electoral register and respecting any requirements for proper use of this information;
- (ii) exercising their right to vote in local, regional, national and European elections;
- (iii) respecting and valuing the diversity of communities and their views within a densely populated urban area such as Camden;
- (iv) behaving in socially and morally responsible ways, towards those in authority and towards each other.

## **ARTICLE 4 – THE COUNCIL**

### **4.01 Meanings**

#### **(a) Policy Framework**

The policy framework means the following plans and strategies:

- (i) Best Value Performance Plan;
- (ii) Children and Young People Plan
- (iii) Community Care Plan, as integrated into the Local Delivery Plan;
- (iv) Community Strategy;
- (v) Crime and Disorder Reduction Strategy;
- (vi) Local Transport Plan;
- (vii) Plans and alterations which together comprise the Development Plan;
- (viii) The Statement of Licensing Policy
- (ix) The Gambling Act
- (x) Such other plans as are from time to time agreed by the Council as forming the policy framework and which are then added to this list.

#### **(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.

#### **(c) Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

### **4.02 Functions of the full Council**

- (i) adopting and changing the Constitution except for those elements of the Constitution expressly delegated elsewhere for agreement;
- (ii) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (iii) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a Cabinet 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:

- a) contrary to the policy framework, or
  - b) contrary to or not wholly in accordance with the budget, or borrowing or capital expenditure strategy and the decision-maker is not authorised by standing orders, financial regulations or any other rules or procedures to make such a determination;
- (iv) appointing and removing the Leader of the Council;
  - (v) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
  - (vi) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
  - (vii) adopting an allowances scheme under Article 2.05;
  - (viii) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
  - (ix) confirming the appointment of the Head of Paid Service;
  - (x) making, amending, revoking, re-enacting or adopting bylaws (except where the power to do so has been expressly delegated as set out in this Constitution) and promoting or opposing the making of local legislation or personal Bills;
  - (xi) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet;
  - (xii) all other matters which, by law, must be reserved to the Council;
  - (xiii) to appoint a local auditor to audit the authorities accounts;
  - (xiv) to take any decision to remove a local auditor previously appointment by the authority;
  - (xv) to take any decision to enter into any liability limitation agreement; and
  - (xvi) the appointment of the Authority's Auditor Panel.

#### **4.03 Council meetings**

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

Council meetings will be chaired by the Mayor (or deputy).

#### **4.04 Responsibility for functions**

The proper officer will advise as to which responsibilities are for the Council or its committees and which are for the Cabinet, both as a matter of law and local choice.

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## **ARTICLE 5 –THE MAYOR**

The Council will elect the Mayor annually. The Mayor, and in his or her absence the Deputy Mayor, will have the following responsibilities:

- (i) to preside over meetings of the Council to ensure the efficient dispatch of business in accordance with this Constitution and effective and fair debate of the Council's policy and budget framework;
- (ii) to ensure that the Council holds the Cabinet properly to account;
- (iii) to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

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## **ARTICLE 6 - SCRUTINY**

### **6.01 Structure of scrutiny function**

The Council will appoint five Scrutiny Committees to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000.

For the terms of reference for the five Scrutiny Committees see Part 3 of the Constitution.

The Council will constitute a Joint Chairs of Scrutiny Committee which will meet twice a year to discuss the Leader's Annual Statement, other relevant cross cutting scrutiny matters arising from the business of the Cabinet or as advised by the Chief Executive, and joint working across the scrutiny committees including the creation of scrutiny panels by scrutiny committees in the forthcoming year (see part 3 of the Constitution for the full terms of reference).

The membership of the Joint Chairs of Scrutiny Committee will comprise the chairs of the five scrutiny committees, with the Chair being appointed by the Committee. The Leader and Deputy Leader of the Council will attend the meeting of the Committee at which the Leader's Annual Statement is considered.

The meetings of the Joint Chairs of Scrutiny Committee will be governed by the Procedure Rules detailed in Part 4C and 4D of the Constitution.

### **6.02 General role**

Within their terms of reference, each Scrutiny Committee will:

- (i) approve an annual scrutiny work plan focused on a strategic programme of policy development, performance review and pre-decision scrutiny
- (ii) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (iii) make reports and/or recommendations to the Cabinet and/or full Council in connection with the discharge of any functions;
- (iv) consider any matter affecting the area or its inhabitants; and
- (v) hear, for reconsideration, the call-in of decisions made but not yet implemented by the Cabinet, its Sub-groups, Cabinet Members and officer key decisions
- (vi) consider petitions in accordance with the Council's Petition Scheme.

### **6.03 Specific functions**

#### **(a) Policy development and review**

The Scrutiny Committees may:

- (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the Cabinet and chief officers about their views on issues and proposals affecting the area; and
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

**(b) Scrutiny**

The Scrutiny Committees may:

- (i) review and scrutinise the decisions made by, and performance of, the Cabinet and Council officers both in relation to individual decisions and over a period of time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of the Cabinet and chief officers about their decisions and performance, 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 Cabinet and/or the Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committees and local people about their activities and performance;
- (vi) question and gather evidence from any person outside the Council (with their consent).

Each scrutiny committee, within its remit, shall take responsibility for scrutinising the impact of Council policies and operations on the natural environment, including in relation to greenhouse gas levels, and shall determine whether such policies and the operation of those policies protect and/or enhance the natural environment, including whether they address risks posed by climate change. The Culture and Environment Scrutiny Committee will be the lead scrutiny committee for this work.

Specifically, the Health and Adult Social Care Scrutiny Committee (with due reference to the Children, Schools and Families Scrutiny Committee where appropriate) may:

- review and scrutinise matters relating to health and public health and hear the views of local residents, with a view to improving health services, reducing health inequalities and improving the health of local residents;
- Review and scrutinise the impact of the Council's own services and of key partnerships (including the Health and Wellbeing Board) on the health of its population;
- Undertake all statutory functions in accordance with Section 244, of the National Health Act 2006, regulations and guidance under this section;
- Respond to consultations by the local health trusts and by the Department of Health;
- Consider whether changes proposed by local health trusts amount to a substantial variation or development and, if so, to take appropriate action including appointing members to any joint committee where the proposals cover more than one local authority's area;
- Receive and respond to referrals and reports from Healthwatch relating to health services in the area of Camden, in accordance with the Health and Social Care Act 2012 , regulations and guidance;
- arrange for relevant functions in respect of health scrutiny to be exercised by an Overview and Scrutiny Committee of another local authority where the Council considers that another local authority would be better placed to undertake those relevant functions, and that local authority agrees to exercise those functions; and
- may appoint a joint Scrutiny Committee with two or more local authorities and arrange for the relevant functions of those authorities to be exercised by the joint committee.

No Member of the Health and Adult Social Care Scrutiny Committee is to be a member of the Health and Wellbeing Board

The Health and Adult Social Care Scrutiny Committee may receive and respond to referrals and reports from Healthwatch relating to adult social care services in the area of Camden, in accordance with the Health and Social Care Act 2012, regulations and guidance.

The Culture and Environment Scrutiny Committee will undertake its responsibility under the police and Justice Act 2006 (Crime and Disorder (Overview and Scrutiny) Regulations 2009) and this is identified in Appendix B in the Scrutiny Procedure rules as set out in Part 4 of the Constitution.

The Councillor Call for Action provisions relating to scrutiny as identified in the Local Government and Public Involvement in Health Act 2007 and the Police and Justice Act 2006, have been outlined in the Scrutiny Procedure Rules as set out in Part 4 of the Constitution.

**(c) Finance**

The Scrutiny Committees may exercise overall responsibility for the budgets made available to them.

**(d) Reports to Council**

The Scrutiny Committees will report as appropriate to full Council on their workings.

**6.04 Proceedings of the Scrutiny Committees**

The Scrutiny Committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution. In the event of a procedural matter arising which is not covered by these rules, reference should be made to the relevant committee rule.

## **ARTICLE 7 – THE CABINET**

### **7.01 Role**

The Cabinet (meaning the Leader and such members as the Leader may appoint) 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. The Cabinet will specifically have responsibility for those plans described as "local choice functions":

- (i) Food Law Enforcement Service Plan;
- (ii) the plans and strategies which comprise the Housing Investment Programme;
- (iii) Adult Learning Plan;
- (iv) Local Agenda 21 Strategy; and
- (v) Quality Protects Management Action Plan.

### **7.02 Form and composition**

- (i) The Leader will be chosen from the membership of the Council and appointed by Council;
- (ii) The Leader will appoint the Cabinet of up to nine members and will decide on the delegations to be made to them and the scope of their respective portfolios, deputising arrangement and the scheme of delegation to officers. The Leader has the right to remove any Cabinet Member from this position;
- (iii) The Leader must appoint one of his or her appointed Cabinet to act as Deputy Leader of the Council and make any other Cabinet appointments required by law; and
- (iv) The Leader retains the power to make all Cabinet decisions upon behalf of the Council.

### **7.03 Leader**

- (i) The Leader will be the Councillor elected to the position of Leader by Council; and
- (ii) The Leader will hold office from the day of his or her appointment by Council, until the day of the post local government election Annual Council meeting (even if for whatever reason the Leader is not re-elected as a Councillor at those elections), unless the Leader is removed as Leader in accordance with the provisions of 7.05 when his or her term of office will end on the day of his or her removal or unless the Leader is disqualified (pursuant to a standards investigation) or resigns.

#### **7.04 Deputy Leader and other Cabinet Members**

Cabinet Members appointed by the Leader, including the Deputy Leader, shall hold office until;

1. They are removed by the Leader
2. They are suspended from being Councillors pursuant to the Local Government Act 2000 as amended
3. They resign as Cabinet Members

If for any reason the Leader is unable to act or the office of Leader is vacant the Deputy Leader must act in his or her place until the appointment of a new Leader by the Council.

#### **7.05 Votes of no confidence**

The Leader shall cease to be Leader if a vote of no confidence is carried at a meeting of the Full Council by a majority of the members of the whole Council. If the Council passes a resolution to remove the Leader a new Leader is to be elected at the meeting at which the Leader is removed from office or at a subsequent meeting. Should a Leader not be able to act or the office is vacant the Deputy Leader is to act in their place. If the Deputy leader is unable to act or the office is vacant then the Cabinet must act in the Leaders place or must arrange for a member of the Cabinet to act in his or her place, until a decision is made by the Council to appoint a new Leader. In the event of there being no Leader, Deputy or Cabinet Members executive functions shall in the interim be carried out for the Chief Executive.

#### **7.06 Proceedings of the Cabinet**

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution. In the event of a procedural matter arising which is not covered by these rules, reference should be made to the relevant committee rule.

#### **7.07 Responsibility for functions**

The proper officer will maintain a list in Part 3 of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Cabinet functions. The Leader is responsible for deciding upon the number of Cabinet Members (subject to statutory maximum and minimum) and the responsibility for functions will be agreed and amended by the Leader during the year, following a single member decision by them. Albeit that the Leader will be invited by the Proper Officer, before each annual meeting of the Council, to consider at that stage whether the Leader wishes to make any amendments and these will be reported to Council for information and for which a single member decision will not be required.

## **7.08 Cabinet Advisors**

The Leader will appoint up to four Cabinet Advisors each municipal year and will decide in consultation with his or her Cabinet the policy area in which the Cabinet Advisor will focus their recommendation-making. Cabinet Advisors will not sit as part of the Executive. The Leader has the right to remove any Cabinet Advisor from this position at any time

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**ARTICLE 8 – PLANNING, LICENSING, PENSION, AUDIT AND OTHER NON-EXECUTIVE FUNCTIONS**

- 8.01** The Council shall appoint a committee to be called the Audit and Corporate Governance Committee and it shall have responsibility for the discharge of the all the non-executive functions as specified under legislation, except for those relating to licensing, pensions and planning matters.
- 8.02** The Council shall appoint a committee to be called the Licensing Committee and it shall have responsibility for the discharge of the Council’s licensing functions as specified under legislation.
- 8.03** The Council shall appoint a committee to be called the Planning Committee and it shall have responsibility for the discharge of the Council’s planning functions as specified under legislation.
- 8.04** The Council shall appoint a committee to be called the Pension Committee and it shall have responsibility for the discharge of the Council’s pension functions as specified under legislation.
- 8.05** The Committees will be established at the annual meeting of the Council
- 8.06** The Audit and Corporate Governance Committee, the Licensing Committee, the Pension Committee and the Planning Committee may establish appropriate sub-committees, whose terms of reference are in Part 3.
- 8.07** Proceedings of the Committees and their sub-committees shall take place in accordance with the Committee Procedure Rules in Part 4.

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## **ARTICLE 9 - THE STANDARDS COMMITTEE**

### **9.01 Standards Committee**

The Council has decided to establish and maintain a Standards Committee.

### **9.02 Composition**

By agreement of the Council the rules of proportionality shall not apply to the Standards Committee.

The Standards Committee will be composed of:

- 9 Councillors
- The allocation of seats will be decided by Council at its Annual Meeting

The statutory Independent Persons will be invited to attend Standards Committee hearings as observers but will not be entitled to vote and may contribute solely at the discretion of the chair.

### **9.03 Chairing, voting and quorum for the Standards Committee**

The Chair and Vice Chair of the Standards Committee will be appointed by Council annually.

The independent persons will not be members of the committee and therefore not entitled to vote at meetings but may contribute at the Chairs' discretion. When meeting as a hearing Committee one Independent Person shall be present and their views must be sought and taken into account before the Committee makes any decision with regard thereto.

The Chair of the Standards Committee will have a casting vote in the event of a vote being tied. The quorum is 3 members unless the Committee is considering a specific allegation against a member/s when the quorum will be 50% of the Membership of the Committee.

### **9.04 Role of the Standards Committee**

The role of the Standards Committee is recoded in the Articles and is detailed in its agreed rules and procedures.

### **9.05 Procedure for meetings**

The Standards Committee will follow the Committee procedure Rules set out in Part 4D. The Standards Committee's Procedure for considering investigations is set out in Part 5 (Part 5 "procedure for Standard Committee hearings to consider investigations on allegations of Councillor misconduct")

### **9.06 General Standing Order**

Any Member who has a disclosable pecuniary interest in any matter to be or being considered at a committee, sub-committee, joint committee, joint sub-committee, Council or Cabinet meeting must while any discussion or vote takes place in which by the operation of the Member Code of Conduct they cannot participate or vote must leave the room where the said meeting is taking place for the duration of both the discussion and vote.

## **ARTICLE 10 – THE HEALTH AND WELLBEING BOARD (HWB)**

### **10.1 Purpose**

10.1 The Health and Social Care Act 2012 states that every local authority must establish a Health and Wellbeing Board for its area. The Camden Health and Wellbeing Board is responsible, on behalf of the Council, for promoting the health and wellbeing of local residents. It must encourage integrated working and commissioning between health and social care services in order to secure the best possible health outcomes for all local people and reducing health inequalities, based upon the joint strategic needs assessment and the joint health and wellbeing strategies

### **10.2 Vision and approach**

10.2.1 The Board's vision is to work in partnership for a healthier Camden, to address health inequalities and ensure that everyone benefits from prevention of illness and improvements in health and Wellbeing.

The HWB will be responsible for:

- a) Carrying out all duties imposed by the Health and Social Care Act 2012 on a Health and Wellbeing Board for Camden, among which are included:
  - i) To provide collective leadership for the general advancement of the health and wellbeing of the Camden population by promoting the integration of health and social care services;
  - ii) To identify key priorities for health and local government commissioning, including the preparation of the Joint Strategic Needs Assessment and the production of a Joint Health and Wellbeing Strategy; and
  - iii) These duties should be carried out in accordance with the provisions of the HSCA 2012 concerning the requirement to consult the public and to have regard to guidance issued by the Secretary of State.
- b) Mobilising, co-ordinating and sharing resources needed for the discharge of its statutory functions, from its membership and from others which may be bound by its decisions; and appointing such sub committees or informal working panels as are considered necessary for the better performance of its duties.

### **10.3. Background**

10.3.1 The Camden HWB is a committee of the Council and subject to (other than the modification outlined below, or as agreed by the Borough Solicitor) the Council's Procedure Rules and Standing Orders and Code of Conduct and Protocols as set out in the Constitution.

## **10.4 Membership**

10.4.1 The membership for Camden's Health and Wellbeing Board is to consist of:

- At least one Camden Councillor (to be nominated by the Leader and the Council)
- Executive Director Supporting People (Statutory Director of Children's Services)
- Director of Adult Social Care (Statutory Director of Adult Social Care)
- Director of Public Health;
- Chair (GP) of Camden's Clinical Commissioning Group
- GP Representative from the CCG;
- Patient and public involvement representative from the CCG;
- Chief Officer (CCG)
- One Healthwatch representative
- One Community Centres Representative

<sup>1</sup>

10.4.2 The HWB may appoint such additional members to be members of the Board as it thinks appropriate.

No Member of the Health and Adult Social Care Scrutiny Committee is to be a member of the HWB

### **10.4.3 Co-opted members**

The HWB will be able to co-opt members (to be non-voting unless otherwise specified in statute) as required.

### **10.4.4 Substitutes**

Every effort will be made by Board members to attend meetings. However, named substitutes will be allowed on the basis they are fully briefed and can make decisions on behalf of their organisation and have been duly appointed as a substitute by their organisation with full voting rights.

### **10.4.5 Chairing**

Meetings will be chaired by the Leader of the Council or, in their absence, one of the other Camden Councillors appointed to the Health and Wellbeing Board as the meeting may appoint for the duration of the meeting.

### **10.4.6 Frequency of Meetings**

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<sup>1</sup> The Leader of the Council agreed on 11<sup>th</sup> May 2016 that Council representation on the HWB would be as follows:-

- The Leader of the Council
- Cabinet Member for a Healthy and Caring Camden
- Cabinet Member for Best Start for Children and Families

Meetings of the Health and Wellbeing Board will take place on a quarterly basis, or any other additional extraordinary board meetings called by the Chair of the board or by four members of the HWB in writing.

#### **10.4.7 Sub Groups**

The Board has the power to set up sub groups and discharge functions to a sub-committee of the Health and Wellbeing Board as is necessary.

#### **10.4.8 Code of Conduct**

The Camden Members Code of Conduct applies to the members of the Health and Wellbeing Board other than where dis-applied or modified by legislation.

#### **10.4.9 Quorum**

The Quorum of the meeting shall be 5 members, at least three of whom must be Members or Officers of the Council and one member of Camden's Clinical Commissioning Group.

#### **10.4.10 Times and Places of Meetings**

The times, frequency and places of meeting shall be determined by the Health and Wellbeing Board.

### **10.5. Accountability**

10.5.1 The statutory Health and Wellbeing Board is a Committee of the local authority and is accountable to Camden Council.

#### **Health and Wellbeing Board dis-applied legislation**

- Section 13 of the 1989 Local Government Act provides for members of committees, who are not members of the local authority, to be treated as non-voting members, except in relation to a specified set of committees. This section is dis-applied, to make it clear that key members of the HWB can vote alongside the nominated elected representatives on the board. Decisions are expected to be reached on a consensus basis.
- Sections 15 to 17 of and Schedule 1 of the 1989 Local Government Act impose political balance requirements on relevant local authorities and committees, in relation to allocation of seats on section 102 committees and sub committees. The proportionality rules are dis-applied in relation to HWBs.
- All members of the HWB will be subject to the Members Code of Conduct.

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## **ARTICLE 11 – PENSION BOARD**

The Pension Board is established in accordance with Section 5 of that Act and under Regulation 106 of the Local Government Pension Scheme Regulation 2013 (as amended).

The Pension Board operates independently of the Pension Committee (which administers all matters concerning the Council's pension investments in accordance with any applicable law and policy on behalf of the Scheme Manager).

The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committee or to sub-committee or officers under the Constitution, standing orders or scheme of delegation of the Administering Authority apply to the Pension Board unless expressly included within its terms of reference or operating processes.

The terms of reference of the Pension Board are set out in the Matters Reserved Scheme, and the operational arrangements are set out in the Codes and Protocols sections of the Constitution.

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## **ARTICLE 12 - JOINT ARRANGEMENTS**

### **12.01 Joint arrangements**

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Leaders/Cabinet to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee or board with these other local authorities. The Council may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations. These other arrangements are called “boards” in this Constitution.
- (b) The Leader may establish joint arrangements with one or more local authorities or other organisations to exercise functions which are executive functions or to advise the Leader. Such arrangements may involve the appointment of joint committees or boards with these other local authorities or bodies. The Leader may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations.
- (c) Except as set out below, the Leader may only appoint Cabinet Members to a joint committee or board and those members need not reflect the political composition of the local authority as a whole.
- (d) The Leader may appoint members to a joint committee or board from outside the Cabinet where the joint committee or board is exercising non-executive functions.
- (e) Details of any joint arrangements including any delegations to joint committees or boards are set out in Part 3 of this Constitution.

### **12.02 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 or board are members of the Cabinet in each of the participating authorities then the Access to Information Rules relating to the Cabinet in the Local Government Act 2000 will apply.
- (c) If the joint committee or board contains members who are not on the Cabinet of any participating authority then the Access to Information Rules in Part VA of the Local Government Act 1972 will apply.

### **12.03 Delegation to and from other local authorities**

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- (b) The Leader 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.

### **12.04 Delegation to and from other organisations**

- (a) The Council may delegate non-executive functions to other organisations or boards where legislation allows.
- (b) The Leader may delegate executive functions to other organisations or boards where legislation allows.
- (c) The decision whether or not to accept such a delegation from another organisation or board shall be reserved to the Council.

## **ARTICLE 13 - OFFICERS**

“Officers” means all employees and staff engaged by the Council to carry out its functions. This covers those engaged under short-term, agency or other non-employed situations as well as those employed on a permanent basis.

### **13.01 Management structure**

#### **(a) General**

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

The most senior officer in the Council is the Chief Executive, who is also the statutory Head of Paid Service.

#### **(b) Executive Directors**

The Council will engage persons for the following posts, who will be designated Executive Directors and for the purposes of this constitution are defined so as to include the Chief Executive:

Chief Executive  
Executive Director Supporting People  
Executive Director Supporting Communities  
Executive Director Corporate Services

#### **(c) Deputy Chief Executive**

An Executive Director may be appointed as the Council’s Deputy Chief Executive in addition to their Executive Director post. The Deputy Chief Executive will have all the powers of the Chief Executive as Head of Paid Service should for whatever reason the Chief Executive not be able to act.

Any appointment to the position of Deputy Chief Executive will either be taken by the Chief Executive or by the Audit and Corporate Governance (Appointment Panel) Sub-Committee.

#### **(d) Chief Officers**

The Constitution will also make reference to the term Chief Officer when identifying who can also undertake certain functions

The term Chief Officer will include the Chief Executive, all Executive Directors, Directors, the Chief Digital Information Officer, the Borough Solicitor, and the Director of Public Health.

## **(e) Structure**

The Head of Paid Service will determine and publicise a description of the overall directorate structure of the Council showing the management structure. This is set out at Part 7 of this Constitution.

### **13.02 Statutory Officers**

The Council is required to appoint to a number of statutory positions and will ordinarily designate those posts as follows:

<b>Statutory Post</b>	<b>Camden Postholder</b>
Head of Paid Service	Chief Executive
Electoral Registration Officer	Chief Executive
Returning Officer	Chief Executive
Monitoring Officer	Borough Solicitor
Data Protection Officer	Borough Solicitor
Chief Financial Officer	Executive Director Corporate Services
Director of Children's Services <sup>1</sup>	Executive Director Supporting People
Director of Public Health <sup>2</sup>	Joint Director of Public Health
Director of Adult Social Services <sup>3</sup>	Director of Adult Social Care
Lead Scrutiny Officer <sup>4</sup>	Director of Policy, Participation and Communications

Where appropriate, the Head of Paid Service, in consultation with the Monitoring Officer, may agree interim arrangements for the discharge of the statutory posts. Any such interim arrangements will be published as part of the organisational structure at the end of the Constitution.

The Council may determine this differently in the future.

#### **(a) Restrictions on functions**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

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

### **13.03 Functions of the Head of Paid Service**

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

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<sup>1</sup> As per the Children's Act 2004

<sup>2</sup> As per the Health and Social Care Act 2012

<sup>3</sup> As per the Local Authority Social Services Act 1970

<sup>4</sup> As per the Local Government Act 2000

The Head of Paid Service may report to the 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.

#### **13.04 Functions of the Monitoring Officer**

##### **(a) Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution on the Council's website and will ensure that it is available to members, staff and the public in paper form upon request.

In ensuring the Constitution is kept up to date, the Monitoring Officer will have the power to change the titles of officer posts in the Constitution to reflect changes in the officer structure, where there is a clear equivalent and substantially similar post.

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

After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the Council and the Leader and the Cabinet 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) Conducting investigations**

The Monitoring Officer will conduct investigations into matters referred to him as complaints which either he or the Standards Committee consider should be investigated. In addition, he may make reports or recommendations in respect of them to the Standards Committee.

##### **(e) Proper officer**

References to the Proper Officer in this Constitution are references to the Monitoring Officer unless there is an express reference to any other officer. The Monitoring Officer is responsible for ensuring that the provisions of the Constitution are complied with.

(f) **Advising whether Cabinet decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

(g) **Providing advice**

The Monitoring Officer will be responsible for providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework to all Councillors.

### **13.05 Functions of the Chief Financial Officer**

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

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the Council and the Leader and the Cabinet in relation to an executive function and 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 unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs**

The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council, including the provision of financial information both internally and externally as required.

(c) **Advising whether Cabinet decisions are within the budget and policy framework**

The Chief Financial Officer will advise whether decisions of the Cabinet are in accordance with the budget framework.

(d) **Providing advice**

The Chief Financial 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.

### **13.06 Duty to provide sufficient resources to the Monitoring Officer and Chief Financial Officer**

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

**13.07 Conduct**

Officers will comply with the Officers' Code of Conduct set out in Part 5 of this Constitution.

**13.08 Employment**

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

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## **ARTICLE 14 - DECISION MAKING**

### **14.01 Responsibility for decision making**

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

### **14.02 Principles of decision making**

All decisions of the Council will be made in accordance with the requirements of the Code of Conduct and the principles contained in Article 1.

When taking any decision that may have an environmental impact, the Council will consider the likely environmental consequences of the relevant decision. This will include making the most of opportunities to minimise negative impacts, to enhance the natural environment, and to act to mitigate and adapt to climate change, recording and detailing that consideration within the decision-making report.

### **14.03 Types of decision**

#### **(a) Decisions reserved to full Council**

Decisions relating to the functions listed in Article 4.02 will be made by the Council and not delegated.

#### **(b) Key decisions**

- (i) A key decision is a Cabinet decision which is likely:
  - 1. to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
  - 2. to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.
- (ii) A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules and the Access to Information Rules set out in Part 4 and the Protocol for Key Decisions set out in Part 5 of this Constitution.

### **14.04 Decision-making**

Subject to Article 13.05, the Council, the Cabinet (including sub-groups and individual members of the Cabinet), Scrutiny Committees and other committees and sub-committees established by the Council will follow the Rules relating to that body set out in Part 4 of this Constitution when considering any matter.

#### **14.05 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.

## **ARTICLE 15 - FINANCE, CONTRACTS AND LEGAL MATTERS**

### **15.01 Financial management**

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

### **15.02 Contracts**

Every contract made by the Council will comply with the Contract Standing Orders set out in Part 4 of this Constitution.

### **15.03 Legal proceedings**

The Borough Solicitor is authorised to:

- Institute, defend or participate in any legal proceedings other than in the case of offences under the Health and Safety at Work Act 1974 (as amended) which are instituted by an authorised inspector;
- Impose a financial penalty as an alternative to instituting legal proceedings; and
- When urgent, so any delay would be prejudicial to the interests of the Council, to make a decision to settle any legal proceedings, in consultation with the relevant Cabinet Member(s) and the Executive Director Corporate Services.

In any case where such action is necessary to give effect to decisions of the Council or in any case where the Borough Solicitor considers that such action is in the Council's best interests.

### **15.04 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 Borough Solicitor or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

### **15.05 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Borough Solicitor. 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 added to those documents which in the opinion of the Borough Solicitor should be sealed. The adding of the Common Seal will be witnessed by the Borough Solicitor or some other person authorised by him/her.

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## **ARTICLE 16 - REVIEW, SUSPENSION AND PUBLICATION OF THE CONSTITUTION**

### **16.01 Duty to monitor and review the Constitution**

The Audit and Corporate Governance Committee will have responsibility for monitoring and reviewing the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

### **16.02 Changes to the Constitution**

#### **(a) Approval**

Subject to (c) and (d) below, changes to the Constitution will only be approved by the Council usually after consideration of the proposal by the Audit and Corporate Governance Committee.

#### **(b) Change from a Leader and Cabinet form of executive to alternative arrangements, or vice versa**

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

#### **(c) Protocols**

The protocols and other documents in Part 5 of the Constitution may be amended by the body that created them without approval of the Council except for the Code of Conduct which is reserved to Council. *(Please note that the guidance appended to the Code of Conduct is not part of the Constitution and may be updated as appropriate by the Standards Committee).*

#### **(d) Cabinet delegation scheme**

The Leader may amend the scheme of delegation as set out in Part 3 of the Constitution by way of single member decision.

### **16.03 Suspension of the Constitution**

The Articles of this Constitution may not be suspended. Other Rules and protocols may be suspended by the body to which they apply (or if no such body by the Council) to the extent permitted within those Rules and the law.

### **16.04 Publication**

- (a) The proper officer 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 proper officer will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

The proper officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

The version of the Constitution available on the Council's web site shall be kept up to date at all times and for this reason is the definitive version.

**PART 3**

**RESPONSIBILITY**

**FOR**

**FUNCTIONS**

## **PART 3 - RESPONSIBILITY FOR FUNCTIONS**

### **COUNCIL**

The functions which are the responsibility of the Council are contained in Article 4 together with any functions not listed but which are as a result of legislation reserved to the Council for decision.

All the functions defined as “local choice functions” in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 will be exercised by the Cabinet and are included both in Article 7 and in this Part.

### **CABINET TERMS OF REFERENCE (Agreed by the Leader of the Council on 7<sup>th</sup> September 2020)**

The Leader may personally discharge any Cabinet functions or may (without prejudice to his or her continued power to so discharge) make arrangements for their discharge by the Cabinet, another member of the Cabinet, a Committee of the Cabinet or an officer of the authority. Where matters are to be discharged by the Cabinet they may (unless the Leader otherwise directs) delegate those matters to a committee of the Cabinet or to an officer. Where matters are to be discharged by a Cabinet Member then unless the Leader otherwise directs, they may delegate those matters to an officer.

The Cabinet shall have responsibility for the following:

1. To exercise all the Council’s executive functions even if not expressly set out in this part of the Constitution.
2. To formulate the Council's overall policy objectives and priorities, recommending them to the Council for approval where appropriate and their coordination and implementation with particular reference to the functions of the relevant directorates and departments.
3. To have responsibility for the Council's revenue and capital budgets, including the Housing Revenue Account, ensuring effective financial control and the achievement of value for money, within the provisions of Financial Standing Orders and recommending the budget to Council where appropriate.
4. To determine the authority's strategies and programmes in relation to the policy and budget framework set by the Council.
5. To encourage and promote the environmentally sustainable development and regeneration of the borough and its wellbeing and the health of the population.
6. To ensure that the Council is in a position to effectively respond to local, national, regional and wider change and policy developments.
7. To adopt or amend planning briefs and guidelines for the development of sites in the borough and conservation area statements.

8. To respond to consultation exercises or notices of intent by external authorities where they relate to strategic issues pertaining to the Council's role as the Local Planning Authority.
9. To have responsibility for the Council's role as corporate parent.
10. To have responsibility for all matters relating to the National Health Service (NHS), including the consideration and review of NHS policies insofar as they affect the borough and in particular to have responsibility for joint care planning and liaison with the appropriate health authorities, including those related to the Clinical Commissioning Groups and NHS England and the Mental Health and Social Care Trust and for oversight of arrangements of joint funding streams.
11. To have responsibility for agreeing and monitoring policies to tackle poverty and other inequalities, to promote social cohesion and social inclusion and to counter harassment or discrimination across Camden.
12. To oversee and promote initiatives on best value across the Council and to consider and promote strategic and Council-wide initiatives to improve the quality, efficiency and effectiveness of the Council's services to the public.
13. To be responsible for ensuring that effective performance management arrangements and frameworks are in place,
14. To have oversight of land and property resources, to determine priorities in the use of these resources, and take any other action necessary to achieve those objectives, including having overall responsibility for acquisitions and disposal of any interest in land, buildings or the real and leasehold property of the Council and responsibility for land and property used for operational purposes.
15. To have responsibility for all matters relating to the Council's finances, including financial administration and contracting and to receive the annual external audit management letter.
16. To have responsibility for the Council's corporate procurement policies
17. To have responsibility for the Council's corporate communication strategies.
18. To have responsibility for emergency planning and civil defence.
19. To oversee and take responsibility for effective joint work with partner agencies.
20. To affiliate to and appoint representatives to outside bodies and to make the Authority's appointments to school and college governing bodies and other bodies.

21. To have responsibility for the maintenance of the Council's archives.
22. To establish, set the terms of reference and procedures of and appoint to the bodies dealing with the school admissions and exclusions appeals.
23. To delegate to appropriate sub-committees of the Cabinet and chief officers and to receive regular information reports from them with particular reference to value for money; efficiency, service development; client/customer service and performance; and the performance and achievement of equalities objectives.
24. Agree a schedule of time-periods for the submission of expressions of interest for individual council services under the community right to challenge provision of the Localism Act.

## **CABINET PORTFOLIOS**

### Portfolios

#### **1. Leader**

##### Summary

Leading on overall strategy and innovation, with oversight of citizen and community participation. Given their long term significance to retain oversight of High Speed 2 and equalities policy and programmes.

##### Detail

To have overall responsibility for the functions within the remit of the Cabinet and the ability to make any decision that can be made by any Cabinet Member and the Cabinet collectively, or has been delegated to officers.

To lead on overall strategy and have responsibility for the policy and performance of the Council, including oversight of the implementation of Camden 2025 together with taking a strategic oversight of the Council's major projects.

To take the strategic lead on all devolution issues for the Council

To take a particular lead delivering the following:

- Opening up the Council so all citizens can have a say and working to make sure citizens are at the heart of delivering Camden 2025 - our community-led vision for Camden;
- Helping to make Camden a home of innovation and creativity, where we learn together, and trial new ideas to tackle inequality, injustice and entrenched challenges;

- Ensuring the council is campaigning in London and nationally on behalf of our residents; and
- Making sure that residents have a say in how services are delivered in their neighbourhoods and communities and run and to work to make sure that, where the council is best placed to deliver services and lead work ourselves, we will.

To have overall responsibility for Council communications.

To have overall strategic responsibility for the Camden's renewal and recovery from Covid-19, including having oversight of the work to manage the risk of Covid-19 in our communities and supporting the ongoing safety and wellbeing of residents.

To be responsible for health and safety issues that fall within the remit of this portfolio.

To be Cabinet lead for all matters within the remit of the Cabinet (subject to those allocated below) relating to the activities of Corporate Strategy, Participation and Communications and Law and Governance divisions of the Corporate Services directorate.

To maintain oversight on HS2 and Euston Station, with the strategic lead being the Cabinet Member for Investing in Communities, Culture and an Inclusive Economy and with each Cabinet Members being responsible for delivery within their portfolios of relevant aspects of the project.

To take, with the Cabinet Member for Finance and Transformation, the lead in seeking to protect Camden residents (including resident EU nationals) businesses and other organisations against the negative consequences of the UK's exit from the EU.

To be responsible for appointing a Senior Coroner as required under Schedule 3 of the Coroners and Justice Act 2009.

To hold the responsibilities of the Lead Member for Children's Services as described in statutory guidance.

Should the Cabinet Member for Best Start for Children and Families decline to act in relation to the appointment of school governors (for whatever reason), then the Leader or Deputy Leader will take the decision on school governor appointments or removals. For decisions relating to the removal of school governors then the Leader/Deputy Leader will either make the decision in consultation with the Executive Director Supporting People or should the Leader/Deputy Leader not have made the initial decision and should an appeal have been lodged, will receive the recommendation from the Governors Appeals Panel after an appeal.

## **2. Investing in Communities, Culture and an Inclusive Economy**

### Summary

Leading on job creation, protecting mixed communities and sharing our common wealth including investment in new homes, schools, green space and community facilities (including planning, Community Investment Programme, regeneration, place-making, economic growth and jobs and acting as the Cabinet strategic lead on HS2). Supporting and promoting Camden's arts, culture and heritage including our community and major institutions, and ensuring equal access and equal opportunity to arts and culture.

### Detail

To take responsibility for delivery of the aspects of Our Camden Plan that relate to the portfolio functions outlined below. In particular by:

- building as many genuinely affordable homes as we can as quickly as we can, and help others (including housing associations and developers) to do the same;
- working with the business community to deliver genuinely inclusive growth that benefits everyone;
- ensuring that the private rented sector in Camden is well-regulated, including the holiday short-term lets market, to maximise the availability of affordable, accessible and decent housing for Camden residents;
- Increasing access to Camden's cultural and heritage assets and, working closely with the Cabinet Member for Promoting Neighbourhoods and Communities, widening the opportunity for all to participate in, contribute to and enrich the borough's cultural life
- To lead on promoting and celebrating the arts and culture of Camden, and to lead on protecting and enhancing Camden's culture and creativity working closely with the Camden Cultural Partnership;
- work for an inclusive economy through promoting a good work standard and supporting businesses that invest in communities;
- increasing the number of affordable workspaces in the borough;
- helping those furthest from the labour market into rewarding work as part of overall responsibility for the Council's employment and skills programme;
- focusing on building communities that are mixed, with well-designed homes and infrastructure that encourage integration, cohesion, and active lifestyles; and
- preserving and enhancing a culture of lifelong learning by working with our colleges, employers, universities and the voluntary sector, to support citizens to develop skills and knowledge to access work and opportunities, but also to continue to enrich their lives and foster individual wellbeing.

To have responsibility for functions within the remit of the Cabinet which relates to the development of an inclusive economy, including job creation in Camden, as well as the planning service.

To oversee the authority's functions as a local planning authority (other than those which are the responsibility of the Council and its Planning Committee) including

enforcement with particular reference to planning policies and place-shaping (including HS2 and Euston), the Local Plan Review, Section 106 legal agreements, Community Infrastructure Levy and Neighbourhood Planning.

To lead on employment and skills for the Council including adult apprenticeships in Camden, and relationships with the Camden Business Board and business improvement districts. To increase the number of Camden residents gaining well-paid and decent employment, based on the skills and vocational training they have gained.

To lead on protecting mixed communities and sharing our common wealth including investment in schools, new homes, green space and community facilities, (including planning, Community Investment Programme, regeneration and place-making). To have responsibility for all matters within the remit of the Cabinet which relate to regeneration.

To have corporate oversight of cross-cutting Community Investment Programme issues.

To have oversight of the regulation of the holiday short-term lets market in Camden.

To be responsible for the health and safety issues that fall within the remit of this portfolio.

To have responsibility for the North London Waste Plan.

To take the overall strategic lead on HS2 and Euston Station and well as have specific responsibility for the aspects of the council's response to HS2 and Euston Station that fall within these portfolio responsibilities.

### **3. Better Homes**

#### Summary

Leading on improving council homes and estates, tenant and leaseholder participation and promoting quality private rented accommodation (including council stock; housing management and housing strategies).

#### Detail

To take responsibility for delivery of the aspects of Our Camden Plan that relate to the portfolio functions outlined below. In particular, by:

- continuing to work to make homes in Camden safe, well-managed, and well-maintained, and make sure that people's homes meet their needs, seeking to reduce the number of households living in unsuitable accommodation
- seeking to influence the private rented sector so that it improves the standard of accommodation

- delivering the highest level of safety in our housing stock by working together with tenants and leaseholders.

To be responsible for all strategic housing matters including the Council's housing strategy, its relationship with registered social landlords and other housing agencies across all tenures (including private sector issues) and the Council's housing strategy.

To have overall strategic responsibility for resident safety in Camden.

To lead on improving council homes and estates.

To lead in responding to and seeking to influence the Government's agenda on housing issues.

To lead on housing policy and temporary accommodation.

To be responsible for the health and safety issues that fall within the remit of this portfolio.

To have responsibility for effective arrangements for the provision of housing services funded by grants.

To be responsible for the improvement and maintenance (including responsive repairs, planned maintenance, capital projects and resulting health and safety obligations) of the Council's residential stock (including estate, street properties, sheltered and hostel accommodation). This includes oversight of the funding, procurement and management of the housing investment programme and related regeneration and inward-investment initiatives together with responsibility for the prudent management of the Housing Revenue Account and housing capital budgets including the oversight of the capital spend profile and annual rent-setting.

To have responsibility for functions within the remit of the Cabinet relating to housing management on Camden's housing estates and street properties (including estate cleaning, grounds maintenance, environmental management, void control, lettings and rent collection).

To lead on promoting quality private rented accommodation (including council stock; housing management and housing strategies).

To be responsible for leading and improving tenant and leaseholder participation. Ensuring that the views and interests of tenants and leaseholders are considered in the creation of housing policy and service delivery. To also ensure that the participation is representative and maximise the level of participation.

To be responsible for the aspects of the Council's response to HS2 and Euston Station that fall within these portfolio responsibilities.

#### **4. A Healthy and Caring Camden (Deputy Leader)**

##### Summary

Leading on healthy living and ageing well in Camden, supporting good mental health, reducing health inequalities and supporting independence for residents with disabilities or health conditions (including health inequalities, adult social care and adult safeguarding).

##### Detail

To take responsibility for delivery of the aspects of Our Camden Plan that relate to the portfolio functions outlined below and in particular:

- putting health and wellbeing at the forefront of all that we do, promoting good health and ensuring that we consider health and wellbeing in the delivery of our services;
- supporting improving population health and addressing entrenched health inequalities;
- keeping our communities safe including the prevention and management of the spread of Covid-19 in our communities and keeping our communities safe and well;
- seeking to ensure that healthy choices can be made and promoting the taking part in physical activity, such as walking or cycling;
- tackling the poorer health outcomes that exist among residents in social housing, using our relationship with our tenants to develop new community-based interventions;
- supporting people to age well and live independently for as long as possible. prioritising protecting people from harm, and supporting people with disabilities to be in control of their own lives;
- seeking to reduce the prevalence of mental ill-health in the borough and tackling the stigma that exists towards mental illness; and
- ensuring that the safeguarding of adults is a priority and is delivered effectively.

To have responsibility for all functions within the remit of the Cabinet which relate to adult social care and take the statutory/strategic political lead.

To be responsible for the health and safety issues that fall within the remit of this portfolio.

To lead on healthy living and ageing well in Camden, supporting good mental health, reducing health inequalities and supporting independence for residents with disabilities or health conditions (including health inequalities/adult social care)

To have responsibility for the Council's health-related functions including public health. These include executive matters dealt with by the relevant parts of the Supporting People Directorate and the Council's Public Health Service but may also include other matters from time to time. The function also includes lead responsibility for matters relating to NHS adult services and the Mental Health and Social Care

Trust, and the range of adult social care services and their commissioning, including accessible transport.

To be responsible for the aspects of the council's response to HS2 and Euston Station that fall within these portfolio responsibilities.

As Deputy Leader, if for any reason the Leader is unable to act or the office or the post of Leader is vacant, to have the authority to act in his or her place.

Should the Cabinet Member for Best Start for Children and Families decline to act in relation to the appointment of school governors (for whatever reason), then the Leader or Deputy Leader will take the decision on school governor appointments or removals. For decisions relating to the removal of school governors then the Leader/Deputy Leader will either make the decision in consultation with the Executive Director Supporting People or should the Leader/Deputy Leader not have made the initial decision and should an appeal have been lodged, will receive the recommendation from the Governors Appeals Panel after an appeal.

## **5. Finance and Transformation**

### Summary

Leading on making best use of limited funds to meet our objectives, transformation including promoting digital, making sure the Council is responsive to citizens and other stakeholders, financial inclusion (finance, property, HR, citizens and customer services, regulatory services, transformation including digital lead).

### Detail

To take responsibility for delivery of the aspects of Our Camden Plan that relate to the portfolio functions outlined below and in particular, in response to the challenging financial outlook to:

- design services focused on residents and their needs;
- ensure strong financial management; and
- strive for Camden to continue its development as a leading digital council.

To also take a specific lead on delivering the Plan's commitment to:

- increase resident satisfaction with the Council overall and as a result of 'right-first-time' changes in service provision;
- deliver efficiencies to meet the Council's cost reduction targets;
- set a clear and long-term approach to the Council Tax levels taxpayers can expect to pay in this difficult financial climate;
- ensuring that Camden's residents, businesses and communities are represented in the national debate about the UK's exit from the European Union;
- develop long-term plans to ensure that we remain a financially stable authority in a very different financial climate; and

- work to preserve a dynamic evening and night-time economy, balancing the needs of visitors and businesses with those of local people who may be negatively impacted.

To have responsibility for functions within the remit of the Cabinet which relates to the Finance & Procurement and Human Resources & Organisational Development divisions of the Corporate Services Directorate as well as customer and citizen services and Council transport services. These include, but not exclusively, the executive matters dealt with by the Finance & Procurement division of the Corporate Services Directorate but may also include other matters from time to time. In particular, it includes responsibility and political leadership on the Council's approach to procurement, digital inclusion, the Council's corporate use of technology and overall digital and technology strategy, including the digital service and the Council's Corporate Property function.

To lead on making best use of limited funds to meet our objectives.

To lead on transformation including promoting digital, making sure the council is responsive to citizens and other stakeholders.

To lead on financial inclusion (finance, property, human resources, citizens and customer services, regulatory services, transformation including digital lead).

To provide a political and strategic lead on customer and citizen services in Camden.

To have responsibility for functions within the remit of the Cabinet which relates to the HR function. These include, but not exclusively, the functions dealt with by HR, in particular, workforce policy and overseeing the implementation of national agreements.

To have responsibility for some regulatory services including licensing (in so far as they are not the responsibility of the Licensing Committee), and street trading within the Supporting Communities directorate.

To monitor the performance of the Council's people management policies and be the Cabinet Member with responsibility for Health and Safety, relating to employees and the Council's internal advice function.

To be otherwise responsible for the health and safety issues that fall within the remit of this portfolio.

To be one of the Council's representatives on the North London Waste Authority.

To be responsible for the aspects of the Council's response to HS2 and Euston Station that fall within these portfolio responsibilities.

## **6. A Sustainable Camden**

### Summary

Leading on cleaner air, greener streets, addressing climate change and the climate emergency, promoting sustainability, increasing recycling and making our communities accessible for all (including parks, recycling, waste services, transport, sustainability esp. air pollution, cycling and walking).

### Detail

To take responsibility for delivery of the aspects of Our Camden Plan that relate to the portfolio functions outlined below and in particular the following:

- leading the Council's response to the climate emergency including working with Council services, the wider public sector, businesses and citizens;
- seeking to improve air quality in Camden;
- seeking to reduce carbon emissions in the borough, lowering emissions from our estate and operations, and working with others to achieve this goal;
- decreasing the amount of waste produced in the borough by providing the infrastructure, information, and incentives for people and businesses to reduce their waste and recycle as much as possible of the waste that they do produce; and
- seeking to increase green space and ensure that green spaces, streets, housing estates, and other public spaces are clean, attractive and safe and that residents, visitors and businesses are actively involved in contributing to this.

To have responsibility for the overall policy and strategic direction of the Council with regards to sustainability, including issues around education and communication of its policy to the Borough.

To be responsible for transport policy, street maintenance, the public realm and improvements projects and programmes.

To be responsible for the overall policy and direction of parking management for the borough.

To have corporate oversight of cross-cutting Community Investment Programme issues related to sustainability.

To lead on cleaner air, greener streets, promoting sustainability, increasing recycling and making our communities accessible for all (including parks, recycling, waste services, transport, sustainability especially air pollution, cycling and walking)

To have responsibility for policy and strategic direction around Parks.

To be responsible for the areas of environmental services including recycling, waste management, street cleansing and public conveniences.

To be one of the Council's representatives on the North London Waste Authority.

To be responsible for the health and safety issues that fall within the remit of this portfolio.

To act as the Council's representative on the London Councils Transport and Environment Committee (TEC).

To be responsible for the aspects of the council's response to HS2 and Euston Station that fall within these portfolio responsibilities.

To take a lead on matters relating to animal welfare.

## **7. Best Start for Children and Families**

### Summary

Leading on keeping children safe, reducing child poverty, supporting families, excellence in education for all and reducing domestic violence (including schools, keeping children safe, domestic violence).

### Detail

To take responsibility for delivery of the aspects of Our Camden Plan that relate to the portfolio functions outlined below and in particular the following:

- working to protect Camden's family of schools and our shared vision of a collaborative and cooperative local comprehensive education system;
- seeking to help all our young people to achieve academic excellence and grow up to be active and engaged citizens;
- ensuring that young people are well-prepared for adult life, investing in education so that young people have the knowledge, resilience, and relationships they need to succeed;
- renewing our target of reducing domestic violence and its impacts, identifying early signs of abuse and supporting victims as early as possible;
- keeping safeguarding children as a priority protecting the most vulnerable and finding ways to support people to keep themselves and others safe;
- working to promote gender equality in Camden; and
- ensuring that all children have the best start in life through early intervention programmes and are kept safe and supported.

To have lead responsibility for all the functions within the remit of the Cabinet which relate to children's social care, health, education attainment and play.

To be the Lead Member for Children as defined in the Children Act (both now and as it may be amended) and in the subsequent guidance from the Government, and to fulfil all the necessary duties and responsibilities of this role.

To lead on keeping children safe, reducing child poverty and supporting families, including early interventions.

To ensure the Council is the best possible Corporate Parent to children in its care.

To lead on excellence in education for all, including schools.

To lead on reducing domestic violence including keeping children safe, domestic violence.

To be responsible for the health and safety issues that fall within the remit of this portfolio.

To be responsible for adult and community learning.

To have responsibility for schools and the Councils relationship with schools in the Borough seeking innovative improvements to obtain the optimum outcomes for all children and young people. These responsibilities include, but not exclusively, relevant executive matters dealt with by the Early Intervention and Prevention, Education (Achievement and Aspiration), and Children's Safeguarding and Social Work divisions of the Supporting People directorate and the Property Management division of the Supporting Communities directorate but may also include other matters from time to time such as the appointment or removal of and partnership with school governors, learning and standards of achievement in schools and Children's Centres and school effectiveness, school organisation matters and planning school places, schools capital developments and corporate programme.

To be a company director of Camden Learning.

The Cabinet Member will also be responsible for the quality and performance of traded services to schools, the quality, commissioning and performance of schools, contracts: school meals, school cleaning, policies and strategies on school exclusions and attendance, Special Educational Needs provision/support services and policies.

The portfolio holder will have lead responsibility for matters relating to the NHS Children Services and the range of Children's Social Care Services and their commissioning with a particular focus on safeguarding and promoting the welfare of children, and to take a strategic lead on issues around complex families in the Borough.

To have responsibility for the provision of play services in Camden.

For decisions relating to the removal of school governors, should the Cabinet Member not have made the initial decision, receive the recommendation from the Governors Appeal Panel after an appeal.

To be responsible for the aspects of the council's response to HS2 and Euston Station that fall within these portfolio responsibilities.

## **8. Safer Communities**

### Summary

Leading on reducing drug activity, preventing anti-social behaviour and crime, and reducing rough sleeping. The portfolio includes special responsibility for creating vibrant markets.

### Detail

To take responsibility for delivery of the aspects Our Camden Plan that relates to the portfolio functions outlined below and in particular the following:

- ensuring that we do everything we can to reduce crime and keep our citizens safe;
- supporting everyone experiencing rough sleeping to have a route off the street
- reducing and addressing the impact of anti-social behaviour;
- reducing the sale, use and impact of illegal drugs in our communities;
- delivering the Youth Safety Taskforce recommendations relating to enforcement and disruption; and
- leading our work to promote vibrant markets and high streets, in consultation with the Cabinet Member for Investing in Communities, Culture and an Inclusive Economy.

To lead on reducing rough sleeping.

To lead on preventing anti-social behaviour and crime, and to work collaboratively with the Cabinet Member for Young People, Equalities and Cohesion who leads Camden's Prevent Strategy and work programme on issues of hate crime and radicalisation.

To build effective partnerships with the Police to identify emerging areas of concern.

To lead on Emergency Management and responding to emergency incidents,

To take special responsibility for creating vibrant markets.

To lead on managing the impact of the night-time economy.

To be responsible for the health, wellbeing and safety issues that fall within the remit of this portfolio. In particular, this portfolio includes responsibility for the Council's approach to illegal drug activity.

To be responsible for effectively discharging the Council's strategic (non-landlord) duties under legislation in relation to rough sleeping and the effective stewardship of General Fund budgets associated with these responsibilities and services.

To have responsibility for all matters within the remit of the Cabinet which relate to community safety, anti-social behaviour, and emergency planning. These include,

but not exclusively, the executive matters dealt with by the relevant parts of the Supporting Communities Directorate and other Directorates but may also include other matters from time to time.

Working with the Cabinet Member for Best Start for Children and Families, domestic and sexual violence and child sexual exploitation.

To be responsible for the aspects of the council's response to HS2 and Euston Station that engage community safety issues.

## **9. Promoting Neighbourhoods and Communities**

### Summary

Leading on volunteering and neighbourhood empowerment including supporting the participation of all citizens in community life and decision-making; promoting health and wellbeing through sport and leisure; special responsibility for the voluntary and community sector (VCS), outcomes-led community work and supporting children and parents in our communities through our early years' services.

### Detail

To take responsibility for delivery of the aspects of Our Camden Plan that relate to the portfolio functions outlined below and in particular the following:

- working with our partners in the voluntary sector to build a resilient and independent sector, and support social action; and
- Ensuring that children are supported to have the best start in life through our early years' services, working closely with the Cabinet Member for Best Start for Children and Families.

To lead on volunteering and neighbourhood empowerment. To lead and have oversight of the Council's work to deliver services with our communities and in neighbourhood settings, focusing on bringing together collaborative partnerships of citizens, the public sector, businesses and third sector groups. This includes working with the Cabinet Member for Investing in Communities, Culture and an Inclusive Economy to increase active participation in arts and culture, leading on the use of the Council's buildings, working with other Cabinet Members to make the most of collaborative opportunities between the public sector, businesses and community groups putting communities and citizens at the heart of their work.

To lead on promoting health and wellbeing through sport and culture.

To be responsible for the health and safety issues that fall within the remit of this portfolio.

To have responsibility for all functions within the remit of the Cabinet which relate to libraries and leisure. To lead on the borough's sport and physical activity and, through this, to support outcomes around health inequality and life expectancy.

To have lead responsibility within Camden for Olympics heritage issues.

To be responsible for the strategic relationship with voluntary and community sector organisations in Camden.

To be responsible for the aspects of the council's response to HS2 and Euston Station that fall within these portfolio responsibilities.

## **10. Young People, Equalities and Cohesion**

### Summary

Leading on creating opportunities for young people, reducing youth offending and promoting community cohesion. This includes youth participation, ensuring successful launch into work; early intervention for adolescence; youth services, youth justice, and special responsibility for youth violence. This portfolio includes an overall role in promoting cohesion and leading on equalities.

### Detail

To take responsibility for delivery of the aspects of Our Camden Plan that relate to the portfolio functions outlined below and in particular the following:

- seeking to assist young people who have grown up locally, or who have strong connections to the borough, to gain a foothold in Camden and build their lives here;
- building a borough where different communities have opportunities to come together and celebrate diversity and shared values;
- preparing young people to be successful in their working lives via the pathway that is right for them, whether academic or vocational; and
- implementing the recommendations of the STEAM (Science, Technology, Engineering, Arts and Maths) Commission, and support young people in Camden to gain the skills they need to access 21st-century jobs.

To lead on tackling inequality and creating opportunity for young people including youth employment and apprenticeships.

To lead with regard to those not in education, employment or training (NEETS) and employment in the Borough.

To work to ensure the safety of Camden's young people and implement the recommendations of the Youth Safety Taskforce, and the Youth Safety Fund.

To take the strategic lead for the Council on equality and cohesion and on driving forward the Council's work to create an inclusive and equal borough. This includes

work to monitor the Council's equality performance and policies and ensuring that the work of other portfolio holders is effective in promoting equalities.

To take a strategic lead for the Council on employment and skills opportunities for young people with a particular reference to schemes and support programmes that will contribute to the Our Camden Plan objectives and the facilitating of opportunities, including apprentice schemes.

To take the lead Cabinet role, working with the Cabinet Member for Investing in Communities, Culture and an Inclusive Economy, in working with business to secure apprenticeships for young people.

To take the lead on Camden's work to prevent radicalization and reduce hate crime including the Prevent programme, and No Place for Hate, working collaboratively with the Cabinet Member for Safer Communities.

Working with the Cabinet Member for Safer Communities, who leads on emergency management, on incidents which impact community cohesion.

To have responsibility for all matters relating to the youth and youth offending services in Camden.

To lead on reducing youth offending and promoting community cohesion (including youth participation; ensuring successful launch into work and maximising apprenticeship levy; early intervention for adolescence; youth services, youth justice, plus equalities and cohesion including responsibility for youth violence

To lead on the development and building of stronger communities, community cohesion and resilience.

To have responsibility for the Coroners Service.

To have responsibility for ensuring that the voice of young people's in Camden is heard in the development of policies and services across the borough.

To be responsible for the health and safety issues that fall within the remit of this portfolio.

To be responsible for the aspects of the council's response to HS2 and Euston Station that fall within these portfolio responsibilities.

## **GENERAL MATTERS RESERVED FOR COLLECTIVE CABINET DECISION**

1. To formulate the Council's overall policy objectives and priorities, recommending them to Council for approval where appropriate. These include, but not exclusively the Community Strategy, the Community Safety Strategy, the Children and Young Peoples Strategy, Development Plan/Local Development Documents, Local Implementation Plan, external

communications strategy, strategies in relation to regeneration and social inclusion, consultation, capacity building and active citizenship.

2. To consider the annual estimates of revenue expenditure and income and the Treasury Policy Statement, and make recommendations to the Council on the setting of the Council Tax Base and Council Tax.
3. To agree the annual budget for income and expenditure including the overall Capital Investment Strategy, the Housing Revenue Account estimates and rents and, subject to decision by exception, the fixing of an annual maximum percentage increase in charges and the allocation of budgets to departments, recommending these to Council where appropriate.
4. To determine and oversee the authority's strategies and programmes in relation to the policy and budget framework set by the Council, including the priority, co-ordination and implementation of those policies. In particular to agree the Camden Plan.
5. To agree the Council's corporate approach and framework for best value including the role of Members and to oversee and promote other Council-wide initiatives to improve the quality, efficiency and effectiveness of the Council's services to the public.
6. To recommend any corporate cross cutting plans to Council.
7. To agree the Council's corporate procurement policies.
8. To agree the Council's policies on equalities, discrimination and harassment, recommending them to Council where appropriate and to monitor them.
9. To approve plans and strategies in relation to the provision of services, and regular monitoring of service performance with particular reference to value for money, efficiency, service implementation and development; client/customer service and performance and the performance and achievement of equalities objectives.
10. To consider external reviews of the performance of services.
11. To agree joint work with partner agencies and to monitor the effectiveness of those arrangements.
12. To receive reports on significant issues arising from the Council's role as corporate parent.
13. To agree the reduction or cessation of any service and any major changes in service levels or method of delivery.
14. To agree the award of grants of over £100,000 in any one year, the award of any grant up to £25,000 per year being delegated to the relevant Executive Director and Director of Public Health and between £25,000 and £100,000 per

year being delegated to the relevant Executive Director and Director of Public Health in consultation with the relevant Cabinet Member.

15. To agree to any single award to a voluntary or community sector organisation above the cap agreed by Cabinet for such awards as part of the VCS investment programme. The power to withdraw grant within the original grant term originally awarded by the Cabinet or in consultation with Cabinet Members, shall be delegated to the relevant Executive Director and Director of Public Health in consulted with the relevant Cabinet Member.
16. To agree the establishment of new schools or other education establishments and the expansion of any existing schools and establishments, in particular where this includes the publication of any statutory notices or approval.
17. To approve matters relating to the Greater London Authority (GLA) and other regional bodies as they affect Cabinet functions relating to environment matters.
18. To consider responses to external authorities where they relate to strategic highways improvements or traffic or parking management having a major impact on transportation within the borough.
19. To take decisions on the Council's finances; such functions include, but are not limited to, the following:
  - a) significant issues arising from budgetary control;
  - b) establishment of long and short term capital and revenue programmes and allocations of both capital and revenue expenditure to all services;
  - c) financial planning;
  - d) significant changes to insurance arrangements;
  - e) the Council's borrowing and investment policy (for recommendation to Council);
  - f) presentation of final accounts;
  - g) budget revisions; and
  - h) recovery of debt
20. To receive the annual external audit management letter.
21. To agree major changes to existing and new employment policies.
22. To agree acquisitions of property (both freeholds, and leaseholds at a premium) or to determine whether to declare a property surplus to requirements and to be disposed of at open market value, where, in both cases either:
  - a) the property is valued at £2.5m and above; or
  - b) where there are politically sensitive, controversial or cross-cutting implications whatever the value, in consultation with ward councilors; or

- c) where the property is valued at under £2.5M and there has been an objection from the Cabinet Member for Finance and Transformation or ward councillors
- 23. To approve all disposals at less than best consideration save for disposals of residential properties and sites to Registered Social Landlords, in accordance with the policy and financial framework prepared by Executive Director Supporting Communities in consultation with the Executive Director Corporate Services and Director of Property Management.
- 24. To approve the Housing Strategy statement and Community Safety strategy recommending these to Council where appropriate.
- 25. To agree the Children and Young People's Plan, recommending it to Council for approval where necessary.
- 26. To determine the procurement strategy for all revenue contracts as set out in Council's Contract Standing Orders. Such determination to include decisions on the criteria and methodology to be adopted in the tendering process.
- 27. Further for contracts falling within the said parameters in paragraph 26 to waive Contract Standing Orders.
- 28. For capital and revenue contracts in excess of the values set out in the Council's Contract Standing Orders or those with PFI content or involving the in-sourcing or outsourcing of more than 20 employees (not including those employed in community schools) to agree the key stages of the procurement and award of the contract and any novation of the contract.
- 29. To delegate to appropriate sub-committees of the Cabinet or to Chief Officers and to receive information reports from them as agreed by the Cabinet from time to time.
- 30. To affiliate to and appoint representatives to outside bodies, where appropriate
- 31. For the purposes of neighbourhood planning, to decide whether to agree the boundaries of a new neighbourhood, amend the boundaries of an existing neighbourhood or designate the neighbourhood as a 'business area' in cases where the consultation exercise has revealed significant opposition to the proposals.
- 32. For the purposes of neighbourhood planning, to decide whether to designate a neighbourhood forum for a neighbourhood designated by the Council in cases where the consultation exercise has revealed significant opposition to the proposed forum.
- 33. To decide whether to accept, reject or accept with modification a legally compliant expression of interest submitted under the Community Right to

Challenge provisions of the Localism Act 2011 in relation to service(s) employing 20 or more staff and/or with a cost of service of over £2m annually.

## **MATTERS DELEGATED TO CABINET SUB-GROUPS**

### **CABINET (ENVIRONMENT) SUB-GROUP**

The Sub-Group comprises 4 members of the Cabinet as may be agreed from time to time by the Leader. The Leader shall also agree the terms of reference and delegations of the sub-group as required.

## **MATTERS DELEGATED TO INDIVIDUAL MEMBERS**

To follow

### **Disability Oversight Panel Membership and Terms of Reference**

#### **Membership**

The Disability Oversight Panel's membership shall consist of the of the following Champion Leads appointed by the Leader of the Council each year after annual meeting of the Council and nominated to the working group by him or her

1. Disability Champion (Chair)
2. Carers Champion and Older People's Champion (Vice-Chair)
3. Mental Health Champion
4. Learning Disability, Deaf and Hard-of-Hearing Champion
5. Visually Impaired Champion

#### **Chair and Vice Chair**

To be appointed by the Leader on an annual basis

### **Terms of Reference and Role of the Disability Oversight Panel**

#### **Role of the Disability Oversight Panel**

The purpose of the Panel which will meet up to three times a year to:

- Discuss key issues for different groups of disabled residents that the Equality Champions have identified through their individual roles following engagement and networking across Camden during the preceding year.
- Hear directly from service users as to their experiences and any recommendations

- Hear from appropriate experts including but not limited to the Centre for Independent Living
- To support councillor Champions to be effective in their role
- Identify issues and areas of exploration to pass to the Joint Chairs of Scrutiny meeting so that key issues for those groups can be considered for regular inclusion on the agendas of the Council's formal scrutiny committees and consideration of such issues forming the basis for relevant panel work by the committees.
- Consider further individual liaison with the Chairs of the relevant Scrutiny Committee to ensure that disabled residents are involved in the scrutiny of relevant issues on the agendas to the Council's scrutiny committees.
- Consider whether other recommendations should be made to other parts of the Council, in particular concerning decision making which impacts disabled residents
- Review progress and work undertaken during the year

Note that the Panel will seek to ensure that it provides oversight on all disabilities and not just those listed under the responsibility of the champions identified above'

### Resources

The Council will service up to three meetings a year. This agreement relates to the preparation of an agreed agenda, formal minute taking and facilitating the Panels links to the rest of the Council as appropriate.

Note: The Panel will be in addition to the work the Equality Champions undertake during the year with regard to their particular areas.

### **Governors Appeal Panel**

1. To hear and make a recommendation to the Cabinet Member for Best Start for Children and Families, or should they decline to act the Leader or Deputy Leader regarding whether a school governor should be removed.
2. That the Membership of the Governors Appeal Panel be 3 Cabinet Members excluding the Cabinet Member who made the decision to remove the school governor.
3. That the quorum of the Panel be 3.

### **Other Portfolios**

From time to time, "Lead Members" may be appointed either by the Cabinet as a whole or by individual Cabinet members, who do not have decision making powers and are not members of the Cabinet, but are members of the Council or members of the public, but who are the focus for the activities in particular areas. The length of the term of any such appointment and the terms of reference will be set be either the

Cabinet or Cabinet Member as applicable when appointed. Such Members may be given an appropriate title such as “Champion for...”.

### **Deputising Arrangements**

Where a portfolio holder is absent for a month or less, the Leader or Deputy Leader will deputise for him or her; where a portfolio holder is absent for more than a month, the Leader will nominate a Cabinet Member to deputise in relation to all or part of the portfolio, and will report, for information, orally the arrangements to the next meeting of the Cabinet

### **Officer Delegations - General**

All other matters within the terms of reference of the Cabinet are deemed to be delegated to the relevant Executive Director/Director of Public Health unless separately delegated elsewhere to another Chief Officer.

The Chief Executive shall have all the powers delegated to the other Chief Officers and shall be able to exercise those powers in the place of that Chief Officer. Further, in the event of any dispute or doubt as to the delegated powers of any other chief officer, the Chief Executive shall have the authority to determine which chief officer is to exercise that power should he/she not exercise it herself/himself.

This delegation is in addition to and without prejudice to the powers of a Leader to arrange for the discharge of any functions by a single Cabinet Member or an officer.

Chief Officers may as a result of delegations to them either by virtue of Part 3 of by way of specific delegations by Cabinet or Cabinet Member authorise in writing other officers under their managerial control to exercise some or all of their delegated powers either indefinitely or for a period of time subject to:

- (i) such powers being exercised in the name of/or upon behalf the relevant Chief Officer to whom the delegations were made
- (ii) responsibility in law for any actions taken by a substitute officer shall remain with the officer to who authority was delegated

Where a matter of extreme urgency occurs which requires an instant decision to protect the interests of the Council or the residents of the borough there shall be delegated to the Chief Executive the authority to act in respect of any functions of the Executive (as could have been exercised by the Leader) on a matter which, in his/her opinion, does not admit of delay. This delegated authority shall only be exercised after efforts have been made to consult with the Leader and/or Deputy Leader and when appropriate the relevant Cabinet Member - recognising the extremely urgent nature of the matter. Each exercise of delegated authority under this rule shall be reported for information to the Leader and relevant Scrutiny Committee as soon as practicable thereafter.

**Information regarding these how these sub delegations operate in each directorate is available by following this [link](#).**

## **Decision making by officers**

Officers make a significant number of decisions upon behalf of the Council as a result of delegation to them by the Council. The vast majority of these decisions are “day to day” and part of the management of the relevant directorate. These are administrative or operational decisions on how officers go about their day-to-day work. Given the number and relatively trivial nature of these decisions records are not publically available.

Officers will also sometimes make significant decisions beyond the day-to-day running of their departments. This will often include matters that have been to Cabinet or Committee and when a specific delegation is given to officers to make a further decision.

These decisions (although this is rare) may be so significant as to be said to be “key”. Key decisions are executive decisions which are likely to

- a. to result in the relevant local authority incurring expenditure which is or the making of savings which are significant having regard to the relevant local authorities budget for the service or function to which the decision relates; and
- b. to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority

If officers are to make a key decision then they will appear on the forward plan and can be the subject to call in by the relevant scrutiny committee. A copy of the report upon which the decision will be taken will be published and subject to parts of it being confidential (for example if it contains commercially sensitive material) it will be available to the public.

For decisions taken by officers which are not key but nonetheless significant (whether they are related to executive or non-executive functions (such as planning or licensing)) the record of the decision which will be published will include the following information:

- Date the decision was taken
- Record of the decision along with reasons
- Details of alternatives options if any considered and rejected
- Whether any conflict of interest was declared.

## **Officer Delegations - Specific**

### **School Appeals**

The establishment of school admissions and exclusions appeal bodies is delegated to the Borough Solicitor.

## **Social Services Files**

The determination of requests for access to personal Social Services files is delegated to the Executive Director Supporting People in respect of access to files relating to children and to the Director of Adult Social Care in relation to all other social care files in consultation with the Cabinet Member for Best Start for Children and Families in relation to children and the Cabinet Member for A Healthy and Caring Camden for other files.

## **Property Disposals and Acquisitions at Open Market Value**

The agreement to acquisitions of property and the determination of whether to declare a property surplus to requirements and to be disposed of at open market value, both where the property is valued under £250k, is delegated, subject to consultation with the relevant lead member, and the Cabinet Member for Finance and Transformation and ward councillors to:

- a) In the case of properties held for the purposes of the Housing Revenue Account Executive Director of Supporting Communities and for housing the homeless the Director of Housing Support Services
- b) In the case of properties held for the purposes of schools (including playing fields and nurseries) the Executive Director of Supporting People
- c) In the case of parks and open spaces the Executive Director of Supporting Communities
- d) In all other cases to the Director of Property Management (“the appropriate Officer”)

Any objection within the Constitution to the decision by any of these individuals would require a referral to the full Cabinet.

The conduct and completion of all acquisitions agreed in principle by the Cabinet or relevant Cabinet Member and sales where the asset has been declared surplus to requirements and for disposal at open market value (including acquisitions or disposals pursuant to compulsory purchase legislation) to be delegated to the Director of Property Management, and referred back to the Cabinet for a decision only if potentially sensitive, controversial or crosscutting issues arise during the marketing stage, which have not previously been anticipated and reported to the Cabinet.

The granting of all leases of 20 years or less at a market rent is delegated in respect of the Commercial Property Portfolio (meaning any commercial properties managed by the Director of Property Management) to the appropriate Executive Director.

The granting and taking of all leases of all other properties (excluding Commercial property) for 20 years or less at market rent is delegated, subject to consultation with the Cabinet Member for Finance and Transformation, to the appropriate Executive Director provided that if there are potentially sensitive, controversial or cross-cutting issues the decision will be referred to the Cabinet.

The granting of any lease at less than market value for a period of 6 months or less is delegated to the appropriate Executive Director for disposals of parcels of land where the land is to be used for any purpose incidental to the use of a dwelling house and where the value of the disposal will be less than £30,000 is delegated, without any requirement for Member consultation, to the Executive Director Supporting Communities.

Disposals of residential buildings where all units have been sold under the right to buy and at least 5 years have elapsed since the last such sale at market value is delegated, without any requirement for Member consultation, to the Executive Director Supporting Communities.

### **Area Regeneration Projects/Neighbourhood Planning proposals**

Councillors in whose wards Area Regeneration Projects are planned and or where Neighbourhood Planning proposals (about which the Council has had notice) are extant will be consulted at regular intervals by officers. This will be as necessary during the projects including, but not limited to, during the formulation of the proposals at key decision-making stages and should the proposals be subject to significant change. The results of that consultation will be reported to the relevant decision maker for consideration as part of any decision making required for the project

### **Government Consultations**

Responses to National and Regional (e.g. Government Office for London and the Mayor of London) Government Consultations shall be determined by officers in consultation with the relevant Cabinet Member(s), being referred to the Cabinet only where the Cabinet Member thinks this is appropriate. Consultations relating to the alteration or review of the London Plan will be referred to the Cabinet. These Chief Officer responses may be key decisions and if so should appear in the Forward Plan.

### **Grant Awards**

Executive Directors and the Director of Public Health to agree the award of any grant up to £25,000 per year and between £25,000 and £100,000 per year being delegated to the relevant Executive Director and Director of Public Health in consultation with the relevant Cabinet Member. Further to agree to any single award to a voluntary or community sector organisation above the cap agreed by Cabinet for such awards as part of the VCS investment programme.

Executive Directors and the Director of Public Health to agree any withdrawal of grant within the original grant term originally awarded by the Cabinet or in consultation with the relevant Cabinet Members, this shall be undertaken in consultation with the relevant Cabinet Member.

Executive Directors and the Director of Public Health to decide on temporary suspensions (of up to six months) of grant where officers are of the view that an organisation is not fulfilling the conditions of grant aid, provided the relevant Cabinet Member and ward councillors are informed.

Executive Directors and the Director of Public Health may also reinstate any grant awarded and then suspended where an organisation demonstrates that it is capable of meeting grant conditions, providing that the relevant Cabinet Member is informed.

Officers to determine Forward Funding in line with the criteria previously agreed by former Policy and Resources Committee. Officers to undertake the administration of funds on behalf of another organisation (usually the Government).

### **Outside Body Appointments**

Uncontested nominations to outside bodies have been delegated to the Borough Solicitor

## **TERMS OF REFERENCE OF COUNCIL COMMITTEES**

### **Scrutiny Committees**

#### **Children, Schools and Families Scrutiny Committee**

1. To scrutinise the Council's policies relating to children and the provision, planning, financing, management and performance of children's services, provided by the Supporting People Directorate and other service providers.

#### **Culture and Environment Scrutiny Committee**

1. To scrutinise the Council's cultural and environmental policies and the provision, planning, financing, management and performance of services relating to culture, environment, regeneration, community safety, parking strategy and operations, and the voluntary sector provided by the Supporting Communities and Corporate Services Directorates and other service providers.
2. To be the Council's Crime and Disorder Committee.

#### **Housing Scrutiny Committee**

1. To scrutinise the Council's policies and the provision, planning, financing, management and performance of services relating to housing provided by the Supporting Communities and Supporting People Directorates and other service providers.

#### **Resources and Corporate Performance Scrutiny Committee**

1. To scrutinise the strategic and corporate policies and performance of the Council.
2. To assist the Cabinet in the development of the Council's annual budget (capital and revenue) and to review and scrutinise the Council's performance in relation to overall budgetary management.
3. To scrutinise the provision, planning, financing, management and performance of the Corporate Services Directorate (excluding parking operations), and any other Council functions not otherwise addressed by any other Scrutiny Committee.

#### **Health and Adult Social Care Scrutiny Committee**

1. To scrutinise matters relating to health, public health and adult social care and to hear the views of local residents, with a view to improving health/care services, reducing health inequalities and improving the health/care of local residents.
2. To scrutinise the impact of the Council's own services and of key partnerships (including the Health and Wellbeing Board) on the health of its population.

3. To respond to consultations by local health trusts and by the Department of Health.
4. To consider whether changes proposed by local health trusts amount to a substantial variation or development and, if so, to take appropriate action including appointing members to any joint committee where the proposals cover more than one local authority's area.
5. To undertake all statutory health scrutiny functions.
6. To receive and respond to referrals and reports from Healthwatch relating to health services in the area of Camden.
7. To receive and respond to referrals and reports from the Local Involvement Network relating to adult social care services in the area of Camden, in accordance with the Local Government and Public Involvement in Health Act, 2007 regulations and guidance.

#### **North Central London Joint Health Overview and Scrutiny Committee (JHOSC)**

1. To engage with relevant NHS bodies on strategic area wide issues in respect of the co-ordination, commissioning and provision of NHS health services across the whole of the area of Barnet, Camden, Enfield, Haringey and Islington;
2. To respond, where appropriate, to any proposals for change to specialised NHS services that are commissioned on a cross borough basis and where there are comparatively small numbers of patients in each of the participating boroughs;
3. To respond to any formal consultations on proposals for substantial developments or variations in health services affecting the area of Barnet, Camden, Enfield, Haringey and Islington and to decide whether to use the power of referral to the Secretary of State for Health on behalf of Councils who have formally agreed to delegate this power to it when responding to formal consultations involving all the five boroughs participating in the JHOSC;
4. The joint committee will work independently of both the Cabinet and health overview and scrutiny committees (HOSCs) of its parent authorities, although evidence collected by individual HOSCs may be submitted as evidence to the joint committee and considered at its discretion;
5. The joint committee will seek to promote joint working where it may provide more effective use of health scrutiny and NHS resources and will endeavour to avoid duplicating the work of individual HOSCs. As part of this, the joint committee may establish sub and working groups as appropriate to consider issues of mutual concern provided that this does not duplicate work by individual HOSCs; and
6. The joint committee will aim work together in a spirit of co-operation, striving to work to a consensual view to the benefit of local people.

### **Joint Chairs of Scrutiny Committee**

1. To consider the Leader's Annual Statement and any other relevant cross-cutting business of the Cabinet, or business deemed relevant by the advice of the Chief Executive;
2. To consider, in particular, areas and a programme of joint working by the scrutiny committees (see Part 3 of the Constitution) with the power, for the purposes of individual projects, of agreeing to vary terms of reference between the committees (subject always to statutory provisions) to facilitate joint and cross-cutting scrutiny working; and
3. To agree the allocation of scrutiny panels between scrutiny committees for the forthcoming year based on the Council's agreed priorities within existing resources.

## **Audit and Corporate Governance Committee**

The Audit and Corporate Governance Committee shall have responsibility for non-executive matters specified under the relevant legislation save for those within the remit of Licensing, Planning, Pension and Standards Committees.

### **Matters reserved for the Audit and Corporate Governance Committee**

#### **General functions**

1. Responsibility for the appointment of all relevant sub-committees, including approval of their terms of reference and membership if not already appointed by Council.
2. To determine matters relating to the organisation and conduct of elections, including the following:
  - i) appointment of an Electoral Registration Officer, should the Chief Executive not be able to fulfil the role;
  - ii) appointment of a Returning Officer for local government elections, should the Chief Executive not be able to fulfil this role;
  - iii) provision of assistance at European Parliamentary Elections;
  - iv) division of constituencies into polling districts; and
  - v) division of the borough into polling districts.
3. To regulate matters affecting members, including remuneration and expenditure.
4. To monitor and review the Constitution, in accordance with Article 14, including the making of recommendations to Council on the revocation, alteration or making of new Standing Orders, Contract and Financial Standing Orders.
5. To recommend to Council the introduction, amendment or revocation of by-laws.
6. Responsibility for making arrangements for the proper administration of the Council's financial affairs.
7. Responsibility for the designation of statutory posts where the ordinary post holder is unable to fulfil the role (and where this does not form part of the appointments process and is therefore delegated to the appropriate Appointments Sub-Committee) as follows:
  - a) Head of Paid Service, should the Chief Executive or the Deputy Chief Executive not be able to fulfil the role;
  - b) Chief Financial Officer (known as the Section 151 officer) should the Executive Director Corporate Services or their nominated deputy not be able to fulfil this role;
  - c) Monitoring Officer, should the Borough Solicitor or their nominated deputy not be able to fulfil this role;

- d) Data Protection Officer, should the Borough Solicitor not be able to fulfil this role;
  - e) Director of Children's Services, should the Executive Director Supporting People not be able to fulfil this role;
  - f) Director of Public Health, should the Joint Director of Public Health not be able to fulfil this role;
  - g) Director of Adult Social Services, should the Director of Adult Social Care not be able to fulfil this role; and
  - h) Lead Scrutiny Officer, should the Director of Policy, Participation and Communications not be able to fulfil this role.
8. To determine the terms and conditions on which officers hold office (including procedures for their dismissal).
9. Responsibility for agreeing to make payments or provide other kinds of benefits in cases of maladministration.
10. To establish, set the terms of reference and procedures of and appoint to an Accessible Transport Appeals Panel or Panels.

#### Audit Activities

11. To consider the Head of Internal Audit' and Risk's Annual Report and Opinion, and a summary of internal audit activities (actual and proposed) and the level of assurance given within the Annual Governance Statement incorporated in the Annual Accounts.
12. To consider summaries of specific internal audit reports as requested.
13. To consider bi-annual reports on the activities and outcomes of the council's anti-fraud functions.
14. To consider reports dealing with the management and performance of internal audit.
15. To consider a report from the Head of Internal Audit and Risk regarding recommendations contained in Internal and External Audit reports that have not been implemented within agreed timescales.
16. To consider the external auditor's annual letter, annual audit plans, and other relevant reports reporting to those charged with governance.
17. To consider specific reports as agreed with the external auditor.

#### Regulatory Framework

18. To maintain an overview of the Council's Constitution in respect of contract procedure rules and financial regulations.

19. To review any relevant issue referred to it by the Chief Executive or the Executive Director Corporate Services or Monitoring Officer.
20. To monitor and receive assurance that the Council's risk management framework is effective.
21. To monitor Council policies on 'whistle-blowing' and the anti-fraud and anti-corruption strategy.
22. To both consider and propose any amendments to the draft Annual Governance Statement and thereafter to approve the final Annual Governance Statement.
23. To consider the Council's compliance with its own and other published financial standards and controls.
24. To receive an annual report on the Council's usage of its powers under the Regulation of Investigatory Powers Act (RIPA).
25. To review the treasury management policy statement and the risks within the debt and investment portfolios and make recommendations to full Council.
26. To receive the Council's Pay Policy Statement annually and recommend to Council its adoption.

#### Accounts

27. To review and approve the Annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concern arising from the financial statements or from the audit that need to be brought to the attention of the Council.
28. To review and approve any proposed changes to accounting policies produced within CIPFA guidelines.
29. To consider the external auditor's report to those charged with governance on issues arising from the audit of the Accounts.
30. To report and make recommendations to the Cabinet and/or Council as necessary on relevant issues arising from the exercise of these functions.

#### **Matters delegated to the Staff Appeals Sub-Committees**

1. To hear and determine appeals under the Council's Disciplinary Procedure.
2. To hear and determine appeals under the Council's Absence Management Procedure.

### **Matters delegated to the Performance Review Sub-Committee**

1. To review the performance of the Chief Executive's overall contribution and recommend targets for the Chief Executive to the Leader of the Council.
2. To take decisions on disciplinary matters including termination (but excluding termination for reasons of redundancy, permanent ill-health or infirmity of mind or body or the failure to renew a fixed term contract unless an undertaking to renew had already been given) of the contract of employment of the Chief Executive, Monitoring Officer or Executive Director Corporate Services ('the relevant officers') including to refer the matter to the Statutory Panel should it recommend dismissal for one or more of the relevant officers. If it does recommend dismissal the Sub-Committee will also ensure that the statutory objections procedure is followed.
3. The Sub-Committee will in dealing with all matters relating to disciplinary issues for the relevant officers:
  - Consider whether the matter requires investigation;
  - Decide whether the relevant officer should be suspended;
  - Organise any investigation, including appointing an investigator, and reviewing the results of the investigation (having heard the views of the relevant officer and/ or his representative); and
  - Consider what disciplinary action, if any, is appropriate following consideration of the investigation results and views of the officer and/or their representative;
  - Should it recommend dismissal arrange for the referral of the matter to the statutory panel
  - Put in place, as appropriate, arrangements for action where it concludes that action short of dismissal is required.

For all matters not involving the Chief Executive, the Sub-Committee may delegate the investigation and for action short of dismissal and the arrangements for action to the Chief Executive.

4. Before undertaking consideration of any disciplinary matter the Sub-Committee will agree upon a form of procedure having taken appropriate professional advice, including for matters not involving the Chief Executive, from the Chief Executive. The procedure will follow, with appropriate amendments, the procedures which apply to all staff in Camden.
5. To take the appropriate action for termination of employment of the relevant officers as agreed and referred by full Council.
6. To consider and determine grievances by and against the Chief Executive.

### **Matters delegated to the Statutory Officers' Appeal Sub-Committee**

1. To consider and determine an appeal by the Chief Executive, Executive Director Corporate Services or Borough Solicitor from any decision of the Performance

Review Sub-Committee excluding recommendations to Council to terminate the contract of employment.

### **Matters delegated to the Executive Directors' Appeal Sub-Committee**

1. To hear and decide an appeal by any Chief Officer, other than the Chief Executive, Executive Director Corporate Services or Borough Solicitor, in accordance with the contract of employment for chief officers.

### **Matters delegated to the Appointments Sub-Committee<sup>1</sup>**

The Appointments Sub-Committee shall interview and offer permanent appointments to all posts at Chief Officer level within the Council (including the Chief Executive) and upon being called by the Chief Executive<sup>2</sup> the sub-committee shall provide a steer upon the termination payments to Chief Officers leaving the organisation.

#### Appointment function

1. The Appointments Sub-Committee shall interview and offer permanent appointments to all posts at Chief Officer level within the Council. It will also interview and recommend the permanent appointment of the Chief Executive to the full Council. The Sub-Committee may also nominate an Executive Director as the Deputy Chief Executive in addition to their substantive post, noting that the Chief Executive also holds the power to nominate to this position.
2. Agreement of a "longlist" of candidates is delegated to the Chief Executive in the case of Executive Director and the Borough Solicitor appointments, and the Executive Directors in the cases of Directors and the Chief Digital Information Officer or appointments within his/her department.
3. When sitting to appoint the sub-committee shall agree the shortlist of any candidates although this may also be delegated to officers. The sub-committee shall also undertake such other duties as form an appropriate part of the selection process as advised by the Director of People and Inclusion.
4. Temporary appointments of Executive Directors and the Borough Solicitor of up to six months' duration exclusively from among the Council's existing staff are delegated to the Chief Executive, in consultation with the Director of People and Inclusion.
5. Temporary appointments of Directors and the Chief Digital Information Officer of up to six months duration exclusively from among the Council's existing staff

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<sup>1</sup> (see also Part 4, Section D, Committee Rules, Paragraph 20, Specific Committee and Sub-Committee Arrangements for the makeup of sub-committee and quorum)

<sup>2</sup> When the Chief Executive is personally affected then this role shall be taken by the Borough Solicitor.

**Note:** The Council at its meeting on 29<sup>th</sup> January 2014, determined that all Members of the Appointments Sub-Committee should be required to have undertaken relevant training before being able to consider either chief officer appointments or severance cases.

are delegated to the relevant Executive Director in consultation with the Director of People and Inclusion.

6. Temporary appointments in excess of 6 months are to be made by the relevant appointments sub-committee.

#### Termination payment function

7. It is recognised that in situations where the employment of a Chief Officer is being terminated by the Council, it is normally in the best interests of the Council to quickly reach a mutual agreement with the Chief Officer regarding the terms of the termination. The procedure below enables Members to be involved in determining the parameters of such an agreement.
8. Upon being called by the Chief Executive, the sub-committee shall provide a steer regarding the termination payments to Chief Officers leaving the organisation. The sub-committee will provide the Chief Executive with their opinion/direction as to the terms to be contained within any overall termination package and while each meeting will be assessed on its merits, this is likely to be dealt with in private.
9. The Chief Executive and Director of People and Inclusion will advise the sub-committee as to how any proposed payment has been calculated and in particular detail which parts of that package are contractual and which discretionary. In addition, when appropriate, the Borough Solicitor will supply supporting legal advice.
10. In giving advice to the Chief Executive the sub-committee will advise within payment bands and will delegate sufficient authority to the Chief Executive to allow for appropriate negotiation to be undertaken and concluded.
11. The Chief Executive shall privately inform the Members who sat on a severance case of the details of the eventual settlement that was reached.

#### **Matters delegated to the Accessible Transport Appeals Panels**

1. To hear and determine appeals under the Council's accessible transport appeals procedure.

## **Pension Committee**

### **General**

1. To act as Trustees of the Council's Pension Fund within the terms of the Superannuation Act 1972 and to administer all matters concerning the Council's pension investments in accordance with any applicable law and policy.
2. To make arrangement for the appointment of and appoint suitably qualified investment managers and custodians and to periodically review those arrangements.
3. To ensure that appropriate and sufficient training has been undertaken by all members of the Committee in order to discharge their functions.
4. To take proper advice from officers, investment consultants, independent investment adviser, pension board and actuary.

### **Investment**

5. Set and review Investment strategy for the Fund
6. To formulate and publish an Investment Strategy Statement.
7. At least once every three months, to review the investments made by the investment managers and from time to time consider the desirability of continuing or terminating the appointment of the investment managers.
8. To determine the strategic asset allocation policy, the mandates to be given to the investment managers, the performance measures to be set for them and review investment management performance against targets.
9. To monitor the performance and effectiveness of the investment managers and their compliance with the Investment Strategy Statement.
10. Ensure the Fund's voting rights are exercised in line with the Fund's voting policy to ensure the best outcome for the Fund's investment purposes and ensure engagement supports the investment strategy and Fund's performance, except co-filing requests put forward by the LAPFF; and support for resolutions in respect of companies that the Fund does not have a direct shareholding in, which remains a matter for the Executive Director Corporate Services in consultation with the Chair of the Pension Committee unless time allows for the matter to be reported to the Committee for decision.
11. To receive and approve an Annual Report on the activities of the Fund prior to publication.
12. To keep members of the Pension Fund informed of performance and developments relating to the Pension Fund on an annual basis.

### Liabilities

13. To review the risks inherent in the management of the Pension Fund
14. To review the strength of admitted bodies and ability to honour their liabilities.
15. To agree and keep under review a Contribution Strategy and agree the Triennial Valuation.
16. Admit new and exit ceasing employers as and when these arise.
17. To monitor liabilities and ensure progress towards full funded status of all employers.
18. To understand the maturity of the Fund and keep cash flow considerations under review

## **Planning Committee**

### **Matters delegated and reserved to the Planning Committee**

1. Authorisation of service of any notice relating to planning, listed building, conservation area and advertisement control which in the view of the Director of Economy, Regeneration and Investment should be considered by the Committee.
2. Authorisation of any legal or other action or proceedings relating to planning, listed building conservation area and advertisement control which in the view of the Director of Economy, Regeneration and Investment should be considered by the Committee.
3. Consideration of the following categories of application recommended for approval:
  - i) major development where this involves the construction, extension or conversion of floorspace for 10 or more new dwellings or more than 1000 sq. mtrs of non-residential floorspace;
  - ii) minor development where this involves the construction of either 5 or more five single dwelling houses or upwards of 500 sq. mtrs of non-residential floorspace;
  - iii) involving any demolition (other than minor demolition) of any listed building (including locally listed buildings) and buildings considered to make a positive contribution to a conservation area;
  - iv) which involve the making of an obligation or agreement under Section 106 of the Town and Country Planning Act 1990 or other legislation (“the obligation”) that secures more than £50,000 of financial contributions or other public benefits of estimated capital value unless;
    - The terms of the obligation are not materially different from any previous obligation approved by the committee in relation to the same site;
    - The obligation is required in connection with the presentation of the Council’s case in a planning appeal.
    - The obligation is in respect of a standard financial contribution calculated in line with policy.
  - v) involving a significant departure from policy;
  - vi) submitted by or on behalf of a member of the Council (or their spouse or partner) or any Council employee (or their spouse or partner);

- vii) where the Director of Economy, Regeneration and Investment has referred the application for consideration after briefing members; and
  - viii) applications submitted by or on behalf of a Council department for Council's own development save for applications for minor development.
4. Consideration of any other application which, in the view of the Director of Economy, Regeneration and Investment, should be considered by the Committee.
  5. Decisions on any matter relating to the functions of this Committee referred by the Director of Economy, Regeneration and Investment.
  6. Responses to consultation by adjoining authorities on applications with significant cross borough impacts.
  7. Consideration and the submission of recommendations to the Cabinet on the Council's Development Plan review of planning policies, draft Supplementary Guidance, and on proposed responses to consultation on proposed changes to Government Planning Policy affecting development control.
  8. To receive performance monitoring information on matters within the remit of the Committee.
  9. Reviewing and agreeing changes to the Planning Protocol

#### **Delegation in respect of conditions and reasons**

Authority is delegated to the Head of Development Management to, subsequent to any meeting and in line with the Committee's general decision and direction, finalise the wording and reasons of:

- Conditions added or amended;
- Approvals or refusals contrary to the officer's recommendation;
- Additional reasons for refusal or approval where not set out in the officer's report.

The delegation will apply unless the Committee specifies otherwise as part of its decision.

## Licensing Committee

### Matters reserved for the Licensing Committee in respect of the Licensing Act 2003

1. Responsibility for the setting of fees in accordance with Section 197A.

### The Licensing Committee shall also have responsibility for the discharge of the following functions as specified under the Licensing Act 2003

2. Any subsequent amendments or additions to this legislation will be reflected in the Constitution.
3. Development of the Council's overall objectives and policy in relation to licensing.

### Other matters for the Committee's consideration

4. Requesting and arranging appropriate training to enable all members of the Committee to fulfil their statutory role on behalf of the licensing authority
5. Receipt of Information reports, where appropriate, on the following matters insofar as they directly relate to the promotion of the licensing objectives under the Licensing Act 2003:
  - i) local amenity;
  - ii) crime and disorder;
  - iii) economic considerations including employment, tourism and regeneration
  - iv) cultural diversity and customer choice;
  - v) liaison with other public bodies and stakeholders;
  - vi) operation of and enforcement of Council licensing policy/licensing requirements;
  - vii) any other matter that directly relates to promotion of the licensing objectives.

### Matters reserved for the Licensing Committee in respect of the Gambling Act 2005

6. Responsibility for the setting of fees in accordance with Section 154 and any regulations for applications.

### Licensing functions as specified under the Gambling Act 2005

7. Any subsequent amendments or additions to this legislation will be reflected in the Constitution.

### Matters reserved to the Licensing Committee in respect of residual functions and miscellaneous licensing applications outside the Licensing Act 2003

8. The determination of applications for new licenses, renewals, transfers, material variations of existing licenses, the revocation of licenses or the cancellation of a registration where the Executive Director Supporting

Communities considers the matter should be decided by Committee in the public interest. This may be due to the nature of an application, applications that go against a relevant policy, the number of relevant objections, or nature of the concerns raised in relevant objections. Such licenses and applications may include (without prejudice to the generality)

- i) Street trading licenses
  - ii) Sex establishments
  - iii) Special treatment licenses
  - iv) Licenses for tables and chairs on the highway
  - v) Registration of motor salvage operators
9. Where a right of appeal exists from officer decisions and the Executive Director Supporting Communities considers that it would be in the public interest for the appeal to be determined by the Committee.
10. The designation of streets for licensing purposes; such purposes may include:
- i) Street trading
  - ii) Distribution of free literature

#### Residual licensing functions

11. Any subsequent amendments or additions to this legislation will be reflected in the Constitution.

#### **Matters delegated to the Licensing Sub-Committees (Panels)**

##### Functions in respect of the Licensing Act 2003

1. The determination of applications where the Executive Director has received a relevant representation under the following matters:
- i) determination of application for premises licence
  - ii) determination of application for provisional statement
  - iii) determination of application for variation of premises licence
  - iv) determination of application to vary designated premises supervisor following police objection
  - v) determination of application for transfer of premises licence following police objection
  - vi) consideration of police objection made to interim authority notice
  - vii) determination of application for club premises certificate,
  - viii) determination of application to vary club premises certificate,
  - ix) decision to give counter notice following police objection to temporary event notice,
  - x) determination of application for grant of personal licence following police objection,
  - xi) determination of application for renewal of personal licence following police objection,
  - xii) revocation of licence where convictions come to light after grant etc.

2. The determination of reviews under the following matters:
  - i) determination of application for review of premises licence in a case where relevant representations have been made;
  - ii) determination of application for review of club premises certificate in a case where relevant representations have been made;
  - iii) review following closure order, in a case where relevant representations have been made.

All other matters are delegated to the Executive Director Supporting Communities

#### Functions in respect of the Gambling Act 2005

3. To make decisions on the following matters:
  - i) determination of an application for a premises licence in respect of which representations have been made under section 161 (and not withdrawn)
  - ii) determination of an application for the variation of a premises licence in respect of which representations have been made under section 161 as applied by section 187 (and not withdrawn),
  - iii) determination of an application for transfer following representations by the Commission,
  - iv) determination of an application for a provisional statement under section 204 in respect of which representations have been made under section 161 as applied by section 204 (and not withdrawn)
  - v) a review of a premises licence under section 201,
  - vi) decision to give a counter notice under section 224,
  - vii) in relation to permits under Schedule 12, determination of an application for a club gaming permit or club machine permit in respect of which objections have been made and not withdrawn
  - viii) in relation to permits under Schedule 12, the cancellations of a club gaming or club machine permit.

#### Functions in respect of duties in relation to residual functions and the determination of miscellaneous licensing applications

4. Any matters which in the view of the Executive Director Supporting Communities should be considered by the Sub-Committee.

All other matters are delegated to the Executive Director Supporting Communities

#### **Matters delegated to the Licensing (Sexual Entertainment Venues<sup>3</sup>) Sub-Committee in respect of powers under the Policing and Crime Act 2009 that**

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<sup>3</sup> “**Sexual entertainment venue**” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

“**Relevant entertainment**” means any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means). An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

**amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act  
1982 in relation to Sexual Entertainment Venues**

1. To determine matters relating to:

- i) application for the grant of a sex establishment licence;
- ii) application for the renewal of a sex establishment licence;
- iii) application for the transfer of a sex establishment licence;
- iv) application for the variation of a sex establishment licence;
- v) revocation of a sex establishment licence.

All other matters are delegated to the Executive Director Supporting Communities

### **Standards Committee**<sup>4</sup>

1. Promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
2. Assisting the councillors, co-opted members and church and parent governor representatives to observe the Code of Conduct;
3. Advising the Council on the adoption or revision of the Code of Conduct;
4. Monitoring the operation of the Code of Conduct;
5. Advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Code of Conduct;
6. Agreeing guidance for councillors on matters related to conduct to be distributed to them and when they deem it appropriate included as part of the constitutional guidance;
7. When matters are referred by the Borough Solicitor granting dispensations to Councillors, co-opted members and church; and parent governor representatives from requirements relating to interests set out in the Code of Conduct;
8. On matters being referred by the Borough Solicitor deciding whether complaints concerning members should be investigated;
9. Hearing complaints that have been referred to them by the Monitoring Officer pursuant to the Complaints Procedure;
10. Being responsible for the function of the local consideration, investigation and determination of complaints;
11. The agreement of relevant procedures for the undertaking of its functions such when appropriate to be included within the Constitution; and
12. Preparing a report on the work of the Committee during the year and work priorities for the next year should it consider this necessary.
13. To make recommendations on the following protocols and procedures to Council:
  - i) Members' Code of Conduct;
  - ii) Procedure for dealing with complaints against Members;
  - iii) Member/Officer Protocol.

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<sup>4</sup> The Standards Committee will follow the Committee Procedure Rules set out in Part 4. The Standards Committee's procedure for considering local decisions is set out in Part 5.

14. To approve the following protocols and procures:

- i) Gifts and Hospitality Protocol for Members;
- ii) Use of Information technology – Guidance on the Members' Code of Conduct;
- iii) Social Media Guidelines for councillors;
- iv) Ministerial and Political visits guidance;
- v) Any other minor guidance they consider helpful subject to it not making any material difference to the reserved policies.

## **Health and Wellbeing Board**

The Board's vision is to work in partnership for a healthier Camden, to address health inequalities and ensure that everyone benefits from prevention of illness and improvements in health and wellbeing.

The Health and Wellbeing Board will be responsible for:

1. Carrying out all duties imposed by the Health and Social Care Act 2012 on a Health and Wellbeing Board for Camden, among which are included:
  - i) To provide collective leadership for the general advancement of the health and wellbeing of the Camden population by promoting the integration of health and social care services; and
  - ii) To identify key priorities for health and local government commissioning, including the preparation of the Joint Strategic Needs Assessment and the production of a Joint Health and Wellbeing Strategy;
  - iii) These duties should be carried out in accordance with the provisions of the HSCA 2012 concerning the requirement to consult the public and to have regard to guidance issued by the Secretary of State.
2. Mobilising, co-ordinating and sharing resources needed for the discharge of its statutory functions, from its membership and from others which may be bound by its decisions; and appointing such sub committees or informal working panels as are considered necessary for the better performance of its duties.

## **Pension Board of the London Borough of Camden Pension Fund**

The Pension Board as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013 will be responsible for:

- Assisting the London Borough (LB) Camden Administering Authority as Scheme Manager to:
  - secure compliance with the Local Government Pension Scheme (LGPS) regulations and any other legislation relating to the governance and administration of the LGPS
  - secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator
  - carry out such other matters as the LGPS regulations may specify
- Securing the effective and efficient governance and administration of the LGPS for the LB Camden Pension Fund

The role is one of providing oversight of assurance in and governance of the scheme administration and not decision making

The Pension Board will ensure that the LB Camden Pension Fund is managed and administered effectively and efficiently and complies with any code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

The Pension Board shall have the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

### **Core functions**

The core role of the Pension Board is set out as above.

1. The first core function of the Board is to assist<sup>5</sup> the Administering Authority in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme. Within the extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:
  - i) Review regular compliance monitoring reports which shall include reports to and decisions made under the Regulations by the Committee.
  - ii) Assist with the development of and continually review such documentation as is required by the Regulations including Governance Compliance Statement, Funding Strategy Statement and Statement of Investment Principles.

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<sup>5</sup> Please see paragraph 3.28 of the Guidance for more information on what assisting the Administering Authority means.

- iii) Review the implementation of revised policies and procedures following changes to the Scheme.
  - iv) Review the arrangements for the training of Board members and those elected members and officers with delegated responsibilities for the management and administration of the Scheme.
  - v) Review the outcome of external audit reports.
  - vi) Review draft accounts and Fund annual report.
2. The second core function of the Board is to ensure the effective and efficient governance and administration of the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:
- i) Review the effectiveness of processes for the appointment of advisors and suppliers to the Administering Authority.
  - ii) Monitor investment costs including custodian and transaction costs.
  - iii) Review the risk register as it relates to the scheme manager function of the authority.
  - iv) Review the outcome of actuarial reporting and valuations.
  - v) Monitor in the development of asset voting and engagement processes and compliance with the UK Stewardship Code.
3. In support of its core functions the Board may make a request for information to the Pension Committee with regard to any aspect of the Administering Authority's function. Any such request should be reasonably complied with in both scope and timing.
4. In support of its core functions the Board may make recommendations to the Pension Committee which should be considered and a response made to the Board on the outcome within a reasonable period of time.

*The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committee or to sub-committee or officers under the Constitution, standing orders or scheme of delegation of the Administering Authority apply to the Pension Board unless expressly included within these terms of reference or Article 11 in Part 2 of the Constitution.*

### **Statutory Panel for Statutory Officer Dismissal**

The Statutory Panel (formed pursuant to The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) will be called upon a referral from the Audit and Corporate Governance (Performance Review) Sub-Committee.

The Panel will be comprised of three Independent Persons (IPs) who will ordinarily be the two IPs appointed by Camden plus one appointed from another London Authority. However if the Camden IPs are not able to participate an IP or IPs appointed by another authority/ies will be invited to ensure three IP members on the panel;

The Panel must be formed at least 20 working days before the day of the Council meeting to which a reference may be made, and will be formed upon the Performance Review Sub-Committee recommending dismissal for one or more of the relevant officers.

The Panel will:

1. Consider the referral and report from the Audit and Corporate Governance (Performance Review) Sub-Committee recommending dismissal of one of the relevant officers;
2. Consider whether or not to recommend dismissal of the relevant officer to the Council and make a report to Council so recommending together with any advice or views along with supplying the report from the Performance Review Sub-Committee.

### **Council Meeting**

Should the Council be asked to vote on whether or not to approve a dismissal of the Chief Executive, Executive Director Corporate Services or Borough Solicitor they must in particular take into account:

1. Any advice, views or recommendations of the Statutory Panel for Statutory Officer Dismissal;
2. The conclusions of any investigation into the proposed dismissal;
3. Any representations from the relevant officer who will be able to make such representations both in writing and orally should they so choose;
4. Any further advice as to process to ensure compliance with the contractual and statutory rights of the relevant officer

Should Council approve dismissal they will refer the matter back to the Audit and Corporate Governance (Performance Review) Sub-Committee, who will take the appropriate action to put the decision into effect.

## **Camden Standing Advisory Council on Religious Education (SACRE)**

### **1. The Legislation**

- 1.1. The legislation is set out in Sections 390 to 397 of the Education Act 1996. Guidance is provided within Department for Education Circular 1/94 (Religious Education and Collective Worship) and the non-statutory guidance for Religious Education in English schools published in 2010.
- 1.2. The Act requires each Local Authority (LA) to set up a Standing Advisory Council on Religious Education (known as SACRE). This is a statutory body in its own right and is not a sub-committee of the Council.

### **2. Duties**

- 2.1. To advise the LA on matters concerned with school worship and with Religious Education according to an Agreed Syllabus, either referred to SACRE by the LA or as SACRE may see fit. These matters might include, for example, the provision of INSET, methods of teaching and choice of materials and the consideration of complaints, if the LA so requires.
- 2.2. To receive and decide whether Determinations (applications from headteachers to vary the requirement for worship to be broadly or mainly Christian character for the whole school or for groups of pupils) are appropriate.
- 2.3. To publish an annual report outlining the advice given by SACRE to the LA and whether a Statutory Conference was requested. The report should broadly describe the nature of advice provided and, if such advice was in relation to matters not referred to SACRE by the LA, giving the reasons for offering such advice. A copy of the report should be sent by SACRE to the Qualifications and Curriculum Development Agency (QCDA).
- 2.4. To require the LA to set up a Statutory Conference to review the Agreed Syllabus if, in the opinion of SACRE, this becomes necessary.

### **3. Membership**

#### Members

- 3.1. SACRE consists of 4 groups of Members ('the Representative Groups'), which are:

#### **Group A**

Persons representing such Christian and other religious denominations reflecting, in the opinion of the Authority, the principal religious traditions of the Borough. So far as possible the membership of this group should reflect broadly the proportionate strength of each denomination or religion within the Borough.

This group shall not include persons appointed to represent the Church of England.

**Group B**

Persons representing the Church of England

**Group C**

Persons representing teacher associations in the Borough

**Group D**

Persons representing the Local Authority

- 3.2. Members of groups A and B must be representative of their faith or denominational group.
- 3.3. Members of group C should have experience of religious education and worship and knowledge of good current practice.

Appointment, Removal and Resignation

- 3.4. The LA appoints the members of groups A-D, having ascertained that they are representative of their denomination, faith or association. Members may resign at any time, or, if appointed by the LA, may be removed by the LA if they are no longer representative of the religion, denomination or association which they were appointed to represent or (as the case may be) they cease to be representative of the LA. The LA may remove any member if they are absent for more than three consecutive meetings. If a member is unable to attend, a substitute may attend in his/her absence (see paragraph 4.8).

Co-options

- 3.5. Additional members may be co-opted by SACRE or by a group within it. Co-opted members may not themselves co-opt. Persons co-opted shall hold office on such terms as may be determined by the members co-opting them.

Sub-groups

- 3.6. Any sub-group set up by SACRE shall include at least one member from each of groups A-D. Each group and sub-group will elect its own chair, and may convene its own meetings.

**4. Procedures**

Dates

- 4.1. The dates of the main meetings will be decided in advance.

### Agenda

- 4.2. Matters for the agenda of any meeting shall be sent to the clerk at least 21 days in advance of the meeting.
- 4.3. The agenda shall be distributed to reach members at least 7 working days in advance of a meeting.

### Notice of Meetings

- 4.4. At least five clear days before a meeting of SACRE, notice of the time and place of such meeting shall be given by posting it at the offices of the LA. If the meeting is convened sooner, then notice to be given as soon as the meeting is convened.
- 4.5. At least five clear days before a meeting of SACRE, copies of the agenda and copies of any report for the meeting (except reports under paragraph 5.10 below) shall be available for inspection. However, where the meeting is convened, or an item added to the agenda, on shorter notice the requirement to provide inspection shall apply from the time the meeting was convened, or item added to the agenda, respectively.
- 4.6. No business shall be transacted at any meeting of SACRE unless:
  - iv) A copy of the agenda including the item has been available for inspection from the time set out within paragraph 4.5 above.
  - v) By reason of special circumstances, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. The special circumstances should be recorded within the minutes of the meeting.

### Minutes

- 4.7. The draft minutes of meetings shall be circulated to Members within one month of the meeting.

### Substitutes

- 4.8. Members may arrange for substitutes to attend meetings and have full voting rights. Such substitutions should be notified to the Clerk before the meeting.

### Pre-meetings

- 4.9. Facilities will be made available for groups to arrange pre-meetings before the main meetings of SACRE.

## **5. Conduct of meetings**

### Voting

- 5.1. The decision to request the authority to set up a Statutory Conference to review the Agreed Syllabus is made by Groups A-C only and with regard to this matter Group D does not have a vote. On all other matters, each representative group has one vote.

### Chair and Vice-Chair

- 5.2. SACRE shall appoint a Chair and Vice-Chair for one year at its first meeting in the academic year. The Chair does not have a casting vote.

### Quorum

- 5.3. No formal decisions shall be taken unless there is a quorum of 1 or more representatives from 3 or more representative groups present.

### Clerk

- 5.4. The Chief Executive or his/her delegate will act as clerk to SACRE.

### Meetings

- 5.5. The full SACRE will meet at least 3 times in each school year. The Annual Report will be received at the meeting in the autumn term.

### Access to the press and public

- 5.6. Members of the public and duly accredited representatives of the news media shall be permitted to attend all meetings of SACRE subject to paragraphs 5.9 – 5.11 below.
- 5.7. Members of the public and representatives of the news media may be excluded from any meeting for the purpose of suppressing or preventing disorderly conduct or other misbehaviour at any meeting.
- 5.8. At all meetings which are open to the public there shall be made available for use by members of the public present a reasonable number of copies of the agenda and all reports, save for those reports referred to within paragraph 5.10.

### Confidentiality

- 5.9. Nothing within these terms of reference shall be taken to authorise or require the disclosure of confidential information.
- 5.10. Where any report contains, in the opinion of the Chair, confidential information the Chair may exclude such reports from those made available for inspection under paragraph 4.5 above or made available at the meeting under paragraph 5.8.

5.11. Members of the public and representatives of the news media may be excluded from any meeting during an item of business whenever it is likely that, if members of the public were present, confidential information would be disclosed.

Advisers

5.12. The Executive Director Supporting People or their delegate will act as Professional Adviser to SACRE.

Validity of Proceedings

5.13. The validity of the proceedings of SACRE, or those of any group within it, shall not be affected by a vacancy in the office of any member required under 3.1 or 3.4 above or on the grounds that any member appointed as a representative of their denomination, faith or association does not, in fact do so.

## **Admission Forum**

The Admission Forum is established in line with Section 85A of the School Standards and Framework Act 1998 and is a statutory body in its own right, not a committee of the Council.

### **Terms of Reference**

The role of the Admission Forum shall be to:

1. Consider how well existing and proposed admission arrangements serve the interests of children and parents within the area of the authority;
2. Promote agreement on admission issues including both co-ordinated and in-year admissions;
3. Consider the comprehensiveness and accessibility of the admission literature and information for parents, produced by each admission authority within the area of the Forum;
4. Consider the effectiveness of the authority's proposed co-ordinated admissions arrangements;
5. Consider the means by which admissions processes might be improved and how actual admissions relate to the admission numbers published;
6. Monitor the admission of children who arrive within the authority area outside a normal admission round with a view to promoting arrangements for the fair distribution of such children among local schools, taking account of any preference expressed in accordance with arrangements made under section 89(1) Schools Standards and Framework Act 1998;
7. Promote the arrangements for children with special education need, looked after children including those who were adopted after being looked after (England and Wales Only) and children who have been excluded from school;
8. Monitor the impact of faith criteria on admissions;
9. Insofar as not included within sub-paragraphs (1) to (8) consider any admission issues arising.

### **Membership**

1. Members will be elected for a term of three years. However the Local Authority and Schools Representatives however may change as a result of personnel changes.
2. The Forum has 18 members made up of the following representative groups:
  - Local Authority Elected Member Representatives (2 places)

- Community Secondary School Representatives (3)
  - Community Primary School Representatives (3)
  - Voluntary Aided School Representatives (4)
  - Academy / Free School Representative (1)
  - Diocesan Representatives (2)
  - Parent Council Representatives (3)
3. The Local Authority Elected Member representatives will be the Cabinet Member for Best Start in Life and the Chair of Children, Schools and Families Scrutiny Committee. The two substitute members will be nominated by the Cabinet Member and the Chair of the Scrutiny Committee. In the event of a change of personnel the new Cabinet Member and/or Chair of the Scrutiny will take over as representative(s).
  4. School representatives will be either head teachers or chairs of governors. Where the member cannot attend they will nominate a substitute. In the event of change in personnel the Head of Admissions will consult with the appropriate heads forum or with the Chair of Chairs of Governors to fill the post(s).

#### **Procedure Rules**

1. The Chair will be the Cabinet Member for Best Start in Life. In the event the Chair is unable to attend the group will nominate a chair for the meeting.
2. There needs to be a minimum of five representatives to ensure the meeting is quorate.
3. Members of the Admission Forum will declare pecuniary, non-pecuniary and any other interests in respect of items on the agenda at the beginning of the meeting.
4. In the event of a tied vote, the Chair will have the casting vote.

## **Delegations to Joint Committees and Other Bodies**

### **Functions discharged by London Councils<sup>6</sup> Joint Committees**

#### **London Councils Leaders' Committee**

The Leaders' Committee comprises one member of each of the London local authorities who is designated the authority's Leader for the purposes of carrying out these functions.

The Leaders' Committee's functions are:

1. To consult on the common interests of the London Local Authorities and to discuss matters relating to local government.
2. To represent the interests of the London Local Authorities to national and local government, to Parliament, to the European Union and other international organisations and to other bodies and individuals, and to negotiate as appropriate on behalf of member authorities.
3. To formulate policies for the development of democratic and effectively managed local government including matters relating to Transport, the Environment and Grants.
4. To provide forums for the discussion of matters of common concern to the London Local Authorities and a means by which their views may be formulated and expressed.
5. To appoint representatives or staff to serve on any other body.
6. To represent the interests of the London Local Authorities as employers.
7. To provide services to the London Local Authorities including the dissemination of information on local government and on other relevant issues.
8. To provide information to the public, individuals and other organisations on the policies of the London Councils and local government issues relevant to London.
9. To act as the regional body of the Local Government Association.

#### **London Councils Transport and Environment Committee**

The Transport and Environment Committee (TEC) comprises one member from each London local authority and a member from Transport for London (which is part of the Greater London Authority). Its functions are:

1. TEC is an associated joint committee of London Councils. When the Transport Committee for London (TCfL) became part of the then new Association of London

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<sup>6</sup> Formerly the Association of London Government

Government in April 2000, there was a need to retain a separate identity because of the statutory involvement of Transport for London in the Committee's work for certain functions. Leaders' Committee agreed that TCfL should also undertake the role of the old ALG Transport and Environment panel and so the new Committee was renamed Transport and Environment Committee (TEC).

2. TEC is a statutory committee with specific responsibility for:
  - Functions under the Road Traffic Act 1991 – including appointment of parking adjudicators and determining penalty charge levels and fees for declamping, vehicle recovery storage and disposal
  - The provision of an independent appeals service for Parking on Private Land in England and Wales (POPLA)
  - Operation of the TRACE service for locating towed-away vehicles
  - Operation of the Health Emergency Badge scheme for medical practitioners
  - Implementation and enforcement of the Greater London (Restriction of Goods Vehicles) Traffic Order 1985 (“The London Lorry Control scheme”)
  - Travel concession arrangements under section 244 of the Greater London Authority Act 1999 – including negotiation of settlements with Transport for London, the Association of Train Operating Companies (ATOC) and independent bus operators
  - Setting of fixed penalties, issuing of Codes of Practice and other functions under the London Local Authorities Acts 2004 and 2007
  - Operation of the London Taxicard scheme
3. TEC also initiates and develops policies across a range of areas:
  - Transport policy issues (including road, rail and airports)
  - Environment issues (including air quality and biodiversity)
  - Trading standards and public protection issues
  - Waste issues
4. In considering transport and environment matters which have implications and relevance to Londoners, TEC aims to ensure that:
  - The transport and environment needs of London are recognised and promoted
  - The allocation of resources and the development of policies and legislation influenced to the best effect for London; and
  - Borough interests (financial and otherwise) are represented and protected.
5. The Council has agreed to delegate to TEC the power to make a byelaw (the byelaw to be made under the enabling power (section 235, Local Government Act 1972)) for the specific purpose only of enacting a byelaw for the control of the parking of dockless vehicles across the borough, along with all other London local authorities, to enable one uniform byelaw to be enacted across the whole of London.

## **London Councils Grants Committee**

The Grants Committee comprises one member from each London local authority. Its functions are to:

1. To ensure the proper operation of the Grants Scheme;
2. To make recommendations to Leaders' Committee on overall policies, strategy and priorities;
3. To make recommendations to Leaders' Committee on the annual budget for the Grants Scheme; and
4. To consider grant applications and make grants to eligible voluntary organisations.

In particular:

5. The constituent councils have resolved to delegate the function specified in section 48(10) Local Government Act 1985 (review of needs of Greater London) to London Councils from 1 April 2000 and shall submit, via the Grants Committee, a proposal for reviewing the needs of Greater London to London Councils for approval annually.

## **Matters Delegated to Officers**

### **Specific delegations**

#### **Audit matters**

The following have been delegated to the Executive Director Corporate Services:

1. To comment on the scope and depth of external audit work and to ensure that it gives value for money;
2. To liaise with Public Sector Audit Appointments over the appointment of the Council's external auditor;
3. To commission work from internal and external audit; and
4. To oversee the production of the Authority's Annual Governance Statement.

### **Non-specific delegations**

All matters not specifically referred to above shall be functions exercisable by the appropriate Executive Director.

The Chief Executive shall have all the powers delegated to the other Executive Directors and shall be able to exercise those powers in the place of that Executive Director. Further, in the event of any dispute or doubt as to the delegated powers of any other Executive Director, the Chief Executive shall have the authority to determine which Executive Director is to exercise that power.

Executive Directors may, as a result of delegations to them either by virtue of Part 3 of the Constitution or by way of specific delegations by Cabinet or Cabinet Member, authorise in writing other officers under their managerial control to exercise some or all of their delegated powers either indefinitely or for a period of time subject to:

- i) such powers being exercised in the name of/or upon behalf of the relevant Executive Director to whom the delegations were made;
- ii) responsibility in law for any actions taken by a substitute officer shall remain with the officer to whom authority was delegated.

### **Decision-making by Officers**

Officers make a significant number of decisions upon behalf of the Council as a result of delegation to them by the Council. The vast majority of these decisions are "day to day" and part of the management of the relevant directorate. These are administrative or operational decisions on how officers go about their day to day work. Given the number and relatively trivial nature of these decisions records are not publically available.

Officers will also sometimes make significant decisions beyond the day to day running of their departments. This will often include matters that have been to Cabinet or Committee and when a specific delegation is given to officers to make a further decision.

These decisions (although this is rare) may be so significant as to be said to be “key”. Key decisions are executive decisions which are likely to:

- i) to result in the relevant local authority incurring expenditure which is or the making of savings which are significant having regard to the relevant local authorities budget for the service or function to which the decision relates; and
- ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

If officers are to make a key decision then they will appear on the Forward Plan and can be the subject to call in by the relevant scrutiny committee. A copy of the report upon which the decision will be taken will be published and subject to parts of it being confidential (for example if it contains commercially sensitive material) it will be available to the public.

For decisions taken by officers which are not key but nonetheless significant (whether they are related to executive or non-executive functions (such as planning or licensing)) the record of the decision which will be published will include the following information:

- Date the decision was taken
- Record of the decision along with reasons
- Details of alternatives options if any considered and rejected
- Whether any conflict of interest was declared.



## **A. COUNCIL PROCEDURE RULES**

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## **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 May.

- (a) The annual meeting will:
- (i) elect a person to preside if the Mayor is not present;
  - (ii) elect the Mayor;
  - (iii) note the appointment of the Deputy Mayor;
  - (iv) receive any announcements from the Chair and/or Head of Paid Service;
  - (iv) receive any announcements from the Mayor, Chief Executive or other relevant officers such as the Borough Solicitor, and any other Members who the Mayor has agreed can make an announcement;
  - (v) note the decision of the Leader as to the number of members of the Cabinet, who he or she has appointed to those roles, the scope of their respective portfolios, and the terms of delegation to them and officers. This may also include any other executive appointments such as Cabinet Advisors. The call-in process shall not apply to these decisions;
  - (v) agree the size, terms of reference of and elect members and substitute members to the Scrutiny Committees;
  - (vi) agree the size, terms of reference of and elect members and substitute members to the Audit and Corporate Governance Committee, the Planning Committee, the Licensing Committee, the Pension Committee, the Standards Committee, or such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Article 8);
  - (vii) 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 the Constitution);
  - (viii) approve a programme of ordinary meetings of the Council for the year; and;
  - (ix) consider any business set out in the notice convening the meeting.

**The role of the Annual Council when there has been an ordinary election of councillors**

- (b) When the first annual meeting after an ordinary election of Councillors is held the following shall apply in addition to the above:
  - (i) elect the Leader of the Council to serve for the term of the Council until the next annual meeting after the next ordinary whole council elections;
  - (ii) note the appointment by the Leader of his or her Deputy to serve for the term.

**1.2. Appointment of members to Scrutiny Committees, the Audit and Corporate Governance Committee and other committees**

- (a) All nominations to serve on Scrutiny Committees, the Audit and Corporate Governance Committee, the Planning Committee, the Licensing Committee, the Pension Committee and other committees must be sent in writing to the Chief Executive not later than the day previous to the annual meeting of the Council.
- (b) If the number of candidates nominated and standing does not exceed the number of vacancies to be filled, those candidates shall be declared to be members of Committee.
- (c) If the number of candidates nominated and standing exceeds the number of vacancies to be filled, the election shall be conducted by ballot.
- (d) All appointments to Committees and Sub-Committees will be made in accordance with legislation relating to the political balance on committees.

**2. ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting or otherwise as decided by the Mayor who may after consultation with the group leaders and whips, cancel or arrange further meetings

Ordinary meetings will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Mayor, the Chief Executive or other relevant officers such as the Borough Solicitor, and any other Members who the Mayor has agreed can make an announcement;
- (v) hear any deputations and petitions (up to a maximum of 3 per meeting) relating to a function of the authority, subject to agreement by the Mayor;

- (vi) receive petitions for debate which accord with the provisions of the Council's Petition Scheme;
- (vii) undertake a themed debate (unless the meeting is the Council Tax setting meeting or the Mayor otherwise directs) and receive follow up reports to the themed debates;
- (viii) hear a speech from the Leader, responses from the leaders of the opposition group(s) and a response from the Leader;
- (ix) deal with any business from the last Council meeting and deal with any business expressly required by statute to be done;
- (x) receive reports from the Council's committees and reports from the Standards Committee;
- (xi) receive requests from scrutiny committees for consultation with all Members;
- (xii) receive reports about the business of joint arrangements, boards and partnership bodies and external organisations;
- (xiii) consider any proposals from the Cabinet in relation to the Council's budget and policy framework;
- (xiv) receive a combined annual report from the Chairs of Scrutiny
- (xv) consider motions and amendments to motions on notice
- (xvi) open session;
- (xvii) other business (if any) specified in the summons: and
- (xviii) consider any matters of urgency brought forward by leave of the Chair whose decision shall be final and who shall upon agreeing a matter as urgent shall instruct the Proper Officer to distribute the item to all members.

### **3. EXTRAORDINARY MEETINGS**

#### **3.1 Calling extraordinary meetings**

Those listed below may request the Head of the Paid Service to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) the Monitoring Officer;

- (iv) 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.

### **3.2 Business**

Business at extraordinary meetings of the Council shall be restricted to:

- (i) the item(s) of business for which the meeting has been called; and
- (ii) any deputations relating to the item or items of business on that agenda which the Chair agrees to hear.

## **4. APPOINTMENT OF SUBSTITUTE MEMBERS OF THE SCRUTINY COMMITTEES, OTHER COMMITTEES AND SUB-COMMITTEES**

### **4.1 Allocation**

As well as allocating seats on Scrutiny Committees, committees and sub-committees, the Council will allocate seats in accordance with the legislation relating to political balance for substitute members, provided that the substitute member is not himself/herself already a member of the body concerned.

### **4.2 Number**

For each body, the Council may appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee or sub-committee.

In the case of the Licensing Committee, substitute members are not permitted but each member of Licensing Committee shall be deemed to be named substitute for any member of a licensing sub-committee (panel) regardless of political balance.

Substitutes will not ordinarily be appointed to Planning Committee.

### **4.3 Powers and duties**

Substitute members will have all the powers and duties of any ordinary member of the body but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

### **4.4 Substitution**

Substitute members may attend meetings as substitutes:

to take the place of an ordinary member of the same political group;

where the ordinary member will be absent for the whole of the meeting.

## **5. TIME AND PLACE OF MEETINGS**

Meetings of the Council will take place in the Council Chamber at the Town Hall, or at such other venue as the Proper Officer shall nominate unless otherwise specified in the summons. The time of meetings will be determined by the Proper Officer and notified in the summons.

## **6. NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Executive (or in his or her absence the Borough Solicitor) 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 the Chief Executive (or in their absence the Borough Solicitor) by post to every Member of the Council or leave it at their usual place of residence, except for where a Member has requested receipt of the summons and papers by electronic means in which case notification will be sent via email. The summons will give the date, time and place of the meeting and specify the business to be transacted and will be accompanied by such reports as are available.

## **7. CHAIR OF MEETING**

References in these rules to the Mayor also include the Deputy Mayor and any person elected to preside at a meeting of the Council in the absence of the Mayor. The person presiding at the meeting may exercise any power or duty of the Mayor.

## **8. QUORUM**

The quorum of a meeting will be 15.

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. The Mayor may decide to adjourn the meeting for a short period (not more than 30 minutes) in order to see whether a quorum can be found and, should this prove impossible or the Mayor decide to not take this course of action, the remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a time and date, the remaining business will be considered at the next ordinary meeting.

## **9. DURATION OF MEETING**

### **9.1. Interruption of the meeting**

If the business of the meeting has not been concluded by 10.00 p.m. or by the time of any extension to proceedings previously agreed by the meeting, the member speaking must immediately sit down. The Mayor must interrupt the meeting and call for the vote immediately on the item under discussion. The vote will then be taken in the usual way (or by recorded vote should one have been called for) without any further discussion.

## **9.2 Motions and recommendations not dealt with**

If there is business of any sort on the agenda that has not been dealt with by 10.00.p.m. it will fall without discussion and be passed to the relevant Cabinet Member or Committee Chair who will report back to the next meeting of the Council.

## **9.3 Recorded vote**

If a recorded vote under 20.4 is called for during this process it will be taken immediately and will be entered into the minutes. A recorded vote will be taken at the Council's budget decision-making meeting on any decision relating to the making of the Council Tax calculation and setting the Council Tax in order to give effect to Mandatory Standing Orders.

## **9.4 Motions which may be moved**

During the process set out in Rules 9.1 – 9.3 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

## **10. LEADERS' SPEECHES**

- 10.1 The Leader of the Council may make a speech to the Council of up to three minutes. The leader(s) of the opposition group(s) may each make a speech in response of up to three minutes. The Leader of the Council may respond with a speech of up to three minutes. There will then be a period of up to 15 minutes for questions to and answers from the Leader and Members of the Cabinet. There will be 1 minute for each question and 2 minutes for each response. Each questioner will be permitted one supplementary question with the same time limits for question and response applying. Notice of the general subject matter of the questions must be submitted in writing to the Proper Officer by 10am, two working days before the meeting.
- 10.2 In the absence of any of the Leaders, the relevant Deputy Leader or other member nominated by the Leader or Deputy Leader may speak instead of the relevant Leader of the Council and the groups.
- 10.3 On an annual basis the Leader shall in addition present their annual statement to a meeting of the Joint Chairs of Scrutiny Committee.

## **11. REPORTS FROM MEMBERS OF THE CABINET**

- 11.1 Each Member of the Cabinet will on an annual basis submit a written report covering their portfolio to the relevant Scrutiny Committee (or a joint meeting of more than one Scrutiny Committee should that be applicable) which will be circulated with the main agenda for the Scrutiny Committee, and which the Cabinet Member will introduce to the meeting. The statutory Scrutiny Officer will, in consultation with the Cabinet Members and the Scrutiny Chairs, organise the yearly program of meetings for scrutinising all Cabinet Members. All members of the Council will be invited to attend and contribute at the

discretion of the Chair, recognising that the Cabinet Member's portfolio may cover a wider area than the particular Scrutiny Committee.

- 11.2 Up to 60 minutes will be allowed in total for consideration of the Cabinet Member's report. Following a short introduction by the Cabinet Member, there will then be contributions and questions led by members of the committee, with all other councillors also able to attend and ask questions under the overall direction of the chair.
- 11.3 The Cabinet Member's report will include activity over the previous twelve months, including a summary of decisions taken during that period by the Cabinet Member themselves or taken to Cabinet for decision by them in that period. In addition, as far as practicable, the report will outline decisions which are considered will be required in the forthcoming twelve months.
- 11.4 Cabinet Member reports to Scrutiny Committees will be circulated to all Members of the Council for information and as part of the invitation to all to attend.

## **12. REPORT FROM THE CHAIRS OF SCRUTINY COMMITTEES**

- 12.1 The Chairs of Scrutiny Committees will on an annual basis (at the budget setting meeting, unless the Mayor directs otherwise) submit a joint written report to a meeting of the Council, which will be circulated in the agenda of the Council meeting.
- 12.2 The Chairs of the Scrutiny Committees may take up to 10 minutes in total to introduce the report.
- 12.3 Other members of the Council may ask questions or make comments, each Member taking no more than one minute. In addition, there will, as appropriate, be an opportunity for the public to ask questions.
- 12.4 Up to 30 minutes in total will be allowed for consideration of the report of the Chairs of the Scrutiny Committees and for questions.

## **13. REPORTS FROM OTHER BODIES**

- 13.1 Written reports from other Council bodies may be submitted and circulated with the main agenda for the Council meeting.
- 13.2 The relevant member may take up to 3 minutes to introduce their report.
- 13.3 There will then be contributions and questions from other members of the Council, each member taking no more than three minutes.
- 13.4 The relevant member may have up to 3 minutes to sum up.
- 13.5 15 minutes will be allowed in total for consideration of each report.

## **14. THEMED DEBATES**

- 14.1 At each ordinary meeting except the Council Tax meeting (and unless the Mayor directs otherwise) there shall be a themed debate with the theme being nominated to the Mayor by the Leader after consultation with other groups, individual members, the whips and the Chief Executive. While there are no restrictions on the subjects, they will focus on links to Our Camden Plan, public interest and, when possible, future decision-making and otherwise be within the agreed framework for the choosing of the themes as published from time to time. In addition, in making a nomination the Leader will consider any suggestions for debates, which may have been made by the public.
- 14.2 The agenda will include a summary report, which will include some background information on the subject of the debate, and may include some possible lines of enquiry/subject topics for the debate.
- 14.3 The relevant Cabinet Member or other relevant Member nominated by the Mayor will open the debate with a statement of no more than 3 minutes.
- 14.4 The Mayor will have previously contacted and invited guest speakers. The guest speakers will be nominated to the Mayor by the Leader, who will have consulted with the whips and otherwise as appropriate. The lead officer nominated by the Chief Executive for the debate will be responsible for co-ordinating the invitations to those speakers. In deciding which speakers to invite the aim will be that the speakers represent a diversity of views and demographics. The Mayor will decide on an order for those speakers and invite contributions to the debate from them accordingly, including inviting them to ask questions of the relevant Cabinet Member(s) or Leader. The Mayor will specify the time allocated to each public speaker for this.
- 14.5. The Mayor will then open the debate to all Members (seeking to include a wide variety of Members in the debate) who will also be able to ask questions of the relevant Cabinet Member(s) or Leader or speakers or make comments.
- 14.6 Speeches and contributions by the public will be for up to three minutes each, questions and contributions from members two minutes each, and answers to questions two minutes.
- 14.7 The Mayor will then invite the relevant lead and/or nominated Cabinet Member to sum up the debate in no more than three minutes.
- 14.8 This item to last no longer than 60 minutes.
- 14.9 At the next ordinary Council meeting following a Themed Debate the relevant Cabinet Member or the Leader will present a short summary report following up from the outcome of the debate introducing it to Council in no more than three minutes.

## **15. QUESTIONS BY MEMBERS**

### **15.1 Questions on notice for publication on the day of full Council**

- (a) Before each Council meeting, there shall be a maximum of 10 questions submitted, divided amongst the groups represented on the Council in proportion to their group membership on the Council.
- (b) Subject to (a) and Rule 15.2, a member of the Council may ask:
  - (i) the Mayor;
  - (ii) a member of the Cabinet;
  - (iii) or the chair of any committee or sub-committee;

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

### **15.2 Notice of questions**

A member may only ask a written question via the whips under Rule 15.1 if either:

- (a) they have given notice in writing of the question to the proper officer by 10.00am seven working days prior to the meeting (i.e. the day prior to the dispatch of the Council agenda); or
- (b) the question relates to urgent matters, they have the consent of the member to whom the question is to be put and the text of the question is given to the proper officer by 10.00 a.m. on the day of the meeting.

### **15.3 Response**

An answer will take the form of a written response, which will be published on the Council's website before the start of the Council meeting with copies circulated at the meeting. A report will be presented to the next meeting for information only, which details the questions and answers circulated at the preceding meeting.

## **16. MOTIONS ON NOTICE**

### **16.1 Notice**

- (a) Except for motions which can be moved without notice under Rule 17, written notice of every motion, signed by at least two members (except a motion of no confidence in the Leader and the nomination of a new Leader as per (b)), must be delivered to the proper officer not later than 10.00 a.m. the day before the agenda dispatch – seven working days before the meeting.
- (b) Motions proposing that a vote of no confidence be taken in respect of any officer holder must have proper notice in accordance with this rule, with motions of no confidence in the Leader being required to be signed by 8 members and required to be delivered seven days before the agenda dispatch for the meeting. Such motions may not be treated as an urgent matter by the Mayor under Rule 2(xviii).

## **16.2 Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order agreed by the Mayor (having consulted the whips) unless the Member giving notice states, in writing, that he/she proposes to move it to a later meeting or withdraw it.

## **16.3 Scope**

Motions must be about matters for which the Council has a responsibility or which affect the borough.

## **17. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a chair 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 on 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 Cabinet, the Scrutiny Committees, 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 24.1 or to exclude them from the meeting under Rule 24.2;
- (p) to move an urgent motion where the Mayor has given consent under Rule 2(xviii);
- (q) to give the consent of the Council where its consent is required by this Constitution;
- (r) to nominate a new Leader (following a vote by the majority of the member of the Council to remove the Leader).

## **18. PREVIOUS DECISIONS AND MOTIONS**

### **18.1 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.

## **18.2 Motion similar to one previously rejected**

A motion or amendment (other than one relating to the removal of the Leader) 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.

A motion relating to the removal of the Leader if having been brought and rejected within the previous six months, would require to be signed by 18 members and should be delivered seven days before the dispatch of the Council agenda. Such further motions would continue to require 18 members until six months had elapsed from the date of the last such motion, when it would return to requiring 8 members.

## **19. RULES OF DEBATE**

### **19.1 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.

### **19.2 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.

### **19.3 Secunder's speech**

When seconding a motion or amendment, a member may reserve their speech until later in the debate, subject to Rule 9.1.

### **19.4 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 2 minutes without the consent of the Mayor except that the proposer of any motion shall have 3 minutes to reply.

### **19.5 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.

## **19.6 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

Amendments that achieve nothing more than would be achieved by voting against a motion will be refused on the grounds that they merely negate

- (b) Notice of any amendments to motions must be received in writing by the proper officer not later than 10:00 a.m. two working days (usually a Thursday) before the Council meeting. Any amendments proposed after that time may only be accepted if they relate to accuracy and by the consent of the meeting.
- (c) Amendments to motions will be moved after the motion has been proposed and seconded and will be considered in debate together with the main motion, subject to (d) below. At the end of the debate, the amendments will be voted on in the order in which they were received by the Mayor.
- (d) An amendment may be accepted as part of the original motion if proposed by the proposer of the motion and accepted by the meeting without debate.
- (e) If an amendment is not carried, other amendments to the original motion may be moved, subject to (b) above.
- (a) 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. The substantive motion will continue to be proposed by the proposer of the original motion.
- (g) After an amendment has been carried the Mayor will put the amended motion to the vote.

## **19.7 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 seconder and the meeting. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

### **19.8 Withdrawal of motion**

A member may withdraw a motion which he/she has moved with the consent of both the seconder and the meeting. 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.

### **19.9 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.

### **19.10 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 the 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 24.1 or to exclude them from the meeting under Rule 24.2.

### **19.11 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.
- (d) 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.
- (e) 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.

#### **19.12 Amendments to recommendations from council decision making bodies**

- (a) Proposed amendments to recommendations from other Council decision making bodies (other than for the Cabinet for circumstances described in 19.12 (e)), must be received in writing by the proper officer signed by two members no later than 10:00am two working days (usually a Thursday) before the Council meeting. They will be circulated on the day of the meeting with comments from officers if advised.
- (b) A proposed amendment to a recommendation must be relevant to the recommendation.
- (c) Amendments to recommendations will be moved after the substantive item has been introduced by the relevant member and has been proposed and seconded, and will then be considered in debate with the recommendation. At the end of the debate, the amendments will be voted on in the order they were received by the proper officer.
- (d) If the amendment is agreed, it will take the place of the recommendation and will then be put to the meeting. If the amendment is not agreed by Council, the original recommendation will then be put to Council.
- (e) When the recommendation is from Cabinet and is for the making of the Council Tax calculation and the setting of the Council Tax, amendments to that recommendation from Cabinet can be made on behalf of Groups by way of the lodging of those amendments in writing with the proper officer by no later than 5.00pm on the day of the Council meeting. The proper officer will then distribute those amendments to all Members. All such proposed amendments must have been shared in advance with the Executive Director Corporate Services, who will confirm whether or not such amendments balance. Amendments to those tabled amendments will not be permitted. Such amendments will then be debated as part of the main debate upon the recommendation as per C in the order agreed by the Mayor.

#### **19.13 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

Procedure Rules 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.

#### **19.14 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.

#### **19.15 Time limit for motions**

- (a) Regardless of how many motions are received, all motions will collectively share up to 30 minutes for debate at the meeting, including on any amendments.
- (b) After 30 minutes have elapsed from the start of the consideration of the first motion, the Mayor will interrupt the current speaker. The Mayor will then call for a vote on that motion and if appropriate on any amendments to the motion.

### **20. VOTING**

#### **20.1 Majority**

Unless this Constitution provides otherwise, 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.

Votes on a motion of no confidence in a member or members of the Cabinet must be passed by a majority of the members of the Council.

#### **20.2 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.

#### **20.3 Method of voting**

Unless a recorded vote is demanded or required under Rule 20.4 the Mayor will decide whether the vote shall be by show of hands or by electronic vote, or if there is no dissent, by the affirmation of the meeting.

#### **20.4 Recorded Vote**

If six members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. This will ordinarily be achieved through transcribing the results of an electronic vote, unless the Mayor directs otherwise.

A recorded vote will also be taken at the Council's budget decision making meeting on any decision relating to the making of the Council Tax calculation and setting the Council Tax in order to give effect to Mandatory Standing Orders.

### **20.5 Right to require individual vote to be recorded<sup>1</sup>**

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. This will apply automatically regarding any decision relating to the making of the Council Tax calculation and setting the Council Tax

### **20.6 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.

## **21. MINUTES**

### **21.1 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.

### **21.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting<sup>2</sup>**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is 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.

### **21.3 Form of Minutes**

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

The Minutes of any budget decision meeting of the Council must record the names of persons who cast a vote for the decision or against the decision or who abstained

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<sup>1</sup> This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and cannot therefore be waived.

<sup>2</sup> This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

from voting on any vote on any decision related to the making of the Council Tax calculation and setting of the Council Tax.<sup>3</sup>

## **22. RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting must sign their names in the attendance book before the conclusion of every meeting to assist with the record of attendance.

## **23. 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 25 (Disturbance by Public).

## **24. MEMBERS' CONDUCT**

### **24.1 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.

### **24.2 Member to Leave the Meeting**

If the member continues to behave improperly after such a motion 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.

### **24.3 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.<sup>4</sup>

## **25. DISTURBANCE BY PUBLIC**

### **25.1 Removal of 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 may order their removal from the meeting room.

### **25.2 Clearance of Part of Meeting Room**

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<sup>3</sup> This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2014 and cannot therefore be waived.

<sup>4</sup> *Borough Solicitor's Note: Local authorities have a common law power to exclude those whose disorderly conduct or misbehaviour disrupts or threatens to disrupt the business of the meeting (see Laporte and Christian v Metropolitan Police Queen's Bench Division (Turner J) 31 October 2014).*

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.

## **26. PETITIONS FOR DEBATE**

- 26.1 The Council has agreed a scheme for petitions, which is recorded in Part 5 of the Constitution.
- 26.2 Where a petition reaches the threshold to be classed as 'petition for debate' by the Council because it has required number of signatures and is not otherwise exempt, the Petition Organiser will be invited to address the meeting for up to 3 minutes on the subject of the petition.
- 26.3 Councillors can then pose questions to the Petition Organiser(s) for up to 3 minutes.
- 26.4 The Council will then debate the subject matter of the petition for up to 12 minutes.
- 26.5 After the petition has been debated the appropriate Cabinet Member or Committee Chair may respond in a speech of no longer than three minutes and will put to the meeting a suggested course of action.
- 26.6 At the end of the debate the Council will be able to:
- (a) Refer the matter to be considered by the relevant decision-making body of the Council (e.g. the Cabinet) or Chief Officer with its recommendation for action;
  - (b) Refer the matter to the relevant scrutiny committee for further consideration within its powers;
  - (c) Refer the matter to a relevant partner organisation; and
  - (d) Where the matter is one which is not an executive function, call for a report from the relevant Chief Officer to be brought to a future meeting of the Council

## **27. DEPUTATIONS AND PETITIONS**

- 27.1 Anyone likely to be affected by a matter in which the authority has functions, or which affects that area of the authority, or some of it, or the inhabitants of that area, or some of them may ask that a deputation or a petition should be received by a meeting of the Council.
- 27.2 A deputation request should be made in writing to the Chief Executive setting out the reason why the deputation should be received, by no later than 12noon, three working days before the meeting to which it relates.
- 27.3 The person making the deputation request shall indicate what the deputation is about, the number (no more than seven), names and addresses of the

persons who will form the deputation, and the member of the deputation who will address the Council.

- 27.4 Request's to present petitions to Council will be considered in line with the Council's Petition Scheme.
- 27.5 The Mayor will decide whether the deputation or the petition is to be received or not, or whether the deputation or the petition should be heard by another body. In deciding whether or not to redirect a deputation or the petition to another body the Mayor will amongst other things consider whether the matter could benefit from an in-depth analysis which could not be provided at Council, whether it is of wide interest to the Borough and whether the deputation or the petition has already been aired recently at another Council body. A maximum of three deputations or petitions will be taken at each Council meeting with the Mayor deciding which to accept with an overall maximum time allocated to deputations and petitions of 30 minutes.
- 27.6 When called, the spokesperson or Petition Organiser may speak for three minutes. The Mayor will ensure that the remarks are relevant and that the speaker refrains from personal attacks.
- 27.7 Members may then ask questions of the deputation. Six minutes per deputation or petition is allowed for this, to include responses from the depute(e)s/petitioner(s).
- 27.8 After the deputation or petition has been heard the appropriate Cabinet Member or committee chair may respond in a speech no longer than three minutes.
- 27.9 No deputation or petition may appear before the Council again within the next three months on the same or a similar subject.

## **28. OPEN SESSION**

- 28.1 Members of the Council may make contributions of up to 2 minutes primarily on any matter, which affects their ward.
- 28.2 At the invitation of the Mayor, the relevant member of the Cabinet must have the opportunity to respond to points made in the open session where that member of the Cabinet is of the view that information given by another member is inaccurate.
- 28.3 The open session will last for no more than 20 minutes.

## **29. EATING DURING COUNCIL MEETINGS**

No food shall be eaten nor any alcohol drunk in the chamber during meetings of the Council.

## **30. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **30.1 Suspension**

All of these Council Rules of Procedure except Rule 20.5, 21.2 and 21.3 (which are mandatory) may be suspended by motion on notice or without notice if at least 30 members of the Council are present. Suspension can only be for the duration of the meeting.

### **30.2 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.

## **31. INTERPRETATION OF STANDING ORDERS**

The ruling of the Mayor as to the construction or application of any of these Rules shall not be challenged at any meeting of the Council.

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**B CABINET PROCEDURE RULES**

**CONTENTS**

1. Discharge of Cabinet functions
2. Cabinet meetings
3. Individual member meetings
4. Implementing Cabinet decisions

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### 1. DISCHARGE OF CABINET FUNCTIONS

The arrangements for the discharge of Cabinet functions are set out in Part 3.

All executive authority flows through the Leader who retains the authority to make any executive decisions and subject to this may delegate decision making (subject to conditions as to further delegation) to;

- (a) the Cabinet as a whole;
- (b) a committee of the Cabinet;
- (c) an individual member of the Cabinet;
- (d) an officer;
- (e) joint arrangements, partnership boards and other such bodies; or
- (f) another local authority.

#### 1.1 Delegation by the Leader

At the annual meeting of the Council the Leader will inform the Council of the delegations he or she has made (to be set out in part 3 of this constitution) for the Council to note. Changes to the portfolios and other delegations during the year may be made by the Leader by single member decision, and these will be reported to the next Council meeting for noting. The call in process shall not apply to these decisions and those at sub-delegation level.

#### 1.2 Sub-delegation of Cabinet functions

- (a) Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may unless the Leader otherwise directs delegate further to joint arrangements or to an officer.
- (b) Unless the Leader directs otherwise, a committee of the Cabinet or a single member of the Cabinet to whom functions have been delegated may delegate further to an officer.
- (c) Where Cabinet functions have been delegated, that does not prevent the discharge of the delegated functions by the person or body who delegated or by the Leader themselves who retains the authority to make any executive decision.
- (d) All executive functions not expressed to be within the remit of the Leader or otherwise delegated by him or her to the Cabinet, single member of the Cabinet or a committee of the Cabinet are delegated by the Leader to officers.

#### 1.3 The Council's scheme of delegation and Cabinet functions

- (a) If the Leader, Cabinet, a committee of the Cabinet or a single member of the Cabinet is able to decide whether to delegate executive functions, that body may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the relevant body must give written notice to the proper officer and to the person, body or committee concerned. The

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

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 Cabinet as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made.

- (b) Where the Leader withdraws delegation from a committee of the Cabinet, notice will be deemed to be served on that committee when he/she has served it on its chair.

### **1.4 Conflicts of Interest**

- (a) Where the Leader has a conflict of interest or a prejudicial interest as defined in the Council's Code of Conduct, in any matter, this should be dealt with as set out in that Code of Conduct for Members in Part 5 of this Constitution.
- (b) If the exercise of an executive function has been delegated to a committee of the Cabinet, 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 or by the Leader and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If every member of the Cabinet including the Leader and Deputy Leader has a conflict of interest in a matter, any decision will be taken by the Head of Paid Service or his or her nominee.

## **2. CABINET MEETINGS**

### **2.1 Time and place**

- (a) The Cabinet will meet as often as is necessary for the proper performance of its functions, at times to be agreed by the leader.
- (b) The ordinary place of meeting for the Cabinet shall be Camden Town Hall, but it may meet elsewhere when it thinks fit.
- (c) Where any one of the Head of Paid Service, Executive Director Corporate Services and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision for reasons related to finance, legality or probity, they may call a meeting of the Cabinet.

### **2.2 Public or private meetings of the Cabinet**

- (a) Cabinet meetings will be held in public whenever the Cabinet is taking decisions or is discussing a matter which is due to be decided within the next 28 days and there is an officer present. These meetings will be governed by the Access to Information Rules in Part 4 of the Constitution.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- (b) Cabinet Members may meet in private in order to have early collective discussions on a wide range of options in relation to policy and/or budget matters. It will be for the Cabinet to determine on each occasion who may attend these meetings. Where officers attend these meetings a formal record will be kept and will be available under the Access to Information Rules.

### **2.3 Quorum**

The quorum for a meeting of the Cabinet shall be 4. If the Cabinet intends to appoint an executive committee, it shall at the same time determine the quorum of that committee.

### **2.4 Procedure**

- (a) Cabinet decisions 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 Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.
- (c) If the leader is present, he/she will preside. In his/her absence, then the deputy leader shall preside.
- (d) Voting at meetings of the Cabinet or any committees of the Cabinet will be by show of hands or by electronic vote as decided by the Chair. The Chair of the meeting may have a casting vote which may be exercised if there is an equal number of votes for and against a recommendation.

### **2.5 Deputations and Petitions referred under the Council's Petitions Scheme**

- (a) Deputations and petitioners may attend Cabinet meetings provided that the matter on which the deputation or petition relates is on the agenda for that meeting.
- (b) Requests for deputations must be in writing and received by the proper officer no later than 5.00 p.m. two working days before the meeting. Petitions will be referred to Cabinet in line with the Council's Petition Scheme.
- (c) The Leader will decide whether to receive the deputation or petition.
- (d) One representative of the deputation or the Petition Organiser will be entitled to address the meeting and shall speak for no longer than 3 minutes unless the Cabinet decides otherwise.
- (e) There will be three minutes for members of the Cabinet to ask questions of the deputation or Petition Organiser and three minutes for the relevant Cabinet Member to respond to the deputation or petition.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### **2.6 Order of business**

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

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) deputations or petitions, if any;
- (d) matters referred to the Cabinet (whether by Scrutiny Committees or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the call-in procedure/Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution, or the Council's Petitions Scheme;
- (e) issues arising from overview and scrutiny;
- (f) consideration of decisions as set out in the agenda for the meeting; and
- (g) consideration of policy, budget and other issues prior to making decisions on them.

### **2.7 Who may speak**

When the Cabinet meetings are held in public, any member of the Council may attend.

A member of the Council who is not a Cabinet Member may only speak if invited to do so by the leader and with the agreement of the Cabinet.

### **2.8 Cabinet agenda**

- (a) The proper officer in consultation with the leader will decide upon the schedule for the meetings of the Cabinet.
- (b) The leader may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.
- (c) Any member of the Cabinet may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the proper officer will comply.
- (d) The proper officer will ensure that an item is placed on the agenda of the next available meeting of the Cabinet where a Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- (e) The Chief Executive, Monitoring Officer and/or the Executive Director Corporate Services may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief financial officer and monitoring officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

### **3. INDIVIDUAL MEMBER DECISIONS**

#### **3.1 How individual Members of the Cabinet take decisions (also see the process outlined in Section 19 of the access to information procedure rules)**

- (a) When an individual member of the Cabinet is responsible for an executive function, any decision to be taken by that member will be taken according to the following rules except when the member is taking decisions as part of a wider body with a membership from outside the London Borough of Camden. In that case, an individual member will take decisions in accordance with the rules of that body.
- (b) All public decisions to be taken by an individual member will be taken in public and will follow the Access to Information Rules in Part 4 of this Constitution concerning meetings, and all decisions will comply with the rules regarding the publication of a report.
- (c) Deputations and petitioners may attend proceedings at which the individual member will take decisions provided that the matter on which the deputation or petition relates is on the agenda for those proceedings. Requests for deputations must be in writing and received by the proper officer no later than 5.00pm two working days before the meeting. Petitions will be considered in line with the Council's Petition Scheme. The Cabinet Member will decide whether to receive the deputation or petition. One representative of the deputation or the Petition Organiser will be entitled to address the Cabinet Member and shall speak for no longer than 3 minutes unless the Cabinet Member decides otherwise.
- (d) The Cabinet Member will agree the agenda for the meeting with the proper officer.
- (e) At each session the following business will be conducted:
  - (i) consideration of the minutes of the last proceedings;
  - (ii) declarations of any exemptions granted by the Standards Committee, if any;

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- (iii) deputations or petitions, if any;
- (iv) matters referred to the Cabinet Member (whether by Scrutiny Committees or by the Council) for reconsideration in accordance with the provisions contained in the call-in procedure/Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (v) issues arising from overview and scrutiny;
- (vi) consideration of decisions as set out in the agenda for the proceedings.

### **3.2 Who may speak**

Any member of the Council may attend but may only speak if invited to do so by the Cabinet Member.

## **4. IMPLEMENTING CABINET DECISIONS**

In order to allow for call-in, no Cabinet, individual Cabinet Member (whether they were taken at a public meeting or not) or key executive decision by an officer, can be implemented until 5 working days after the decision (whether taken in public or in private) has been published unless it is urgent under Rule 21 of the call-in procedure.

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**C. SCRUTINY PROCEDURE RULES**

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3. **Co-optees**
4. **Education representatives**
5. **Meetings of the Scrutiny Committees**
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PART 4 – PROCEDURE RULES AND STANDING ORDERS

- 23. Annual Reports from Members of the Cabinet**
- 24. Appendix A - Councillor Call for Action protocol**
- 25. Appendix B - Responsibility arising out of Police and Justice Act 2006**

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### **1. THE ARRANGEMENTS FOR SCRUTINY COMMITTEES AND THE JOINT CHAIRS OF SCRUTINY COMMITTEE**

The Council will have five Scrutiny Committees, which will have responsibility for all overview and scrutiny functions on behalf of the Council.

#### **Terms of reference**

The Council will appoint five Scrutiny Committees to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000.

The terms of reference for the Scrutiny Committees are detailed in Part 3 of this Constitution and in Article Six (Part 2 of the Constitution).

The Council will constitute a Joint Chairs of Scrutiny Committee with its terms of reference being set out in Part 3 of the Constitution.

The Joint Chairs of Scrutiny Committee shall meet twice a year with one meeting being held to discuss the Leader's Annual Statement, which the Leader and Deputy Leader of the Council shall attend. The remaining Procedure Rules listed below will not apply to this Committee. For rules governing the conduct of the meeting of the Joint Chairs of Scrutiny Committee see Part 4D of the Constitution.

### **2. MEMBERSHIP OF THE SCRUTINY COMMITTEES**

- (a) All Councillors except members of the Cabinet may be members of the Scrutiny Committees. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.
- (b) Councillors' membership of the Scrutiny Committees will be in proportion to the representation of different political groups on the Council.

### **3. CO-OPTEEES**

Each scrutiny committee shall be entitled to appoint a number of people as non-voting co-optees. Non-Voting co-optees are members of the committees and as such count towards the quorum as part of the 'elected membership' (as per paragraph 6 below).

### **4. EDUCATION REPRESENTATIVES**

The Children Schools and Families Scrutiny Committee shall also include in its membership the following voting representatives:

- (i) at least one Church of England diocese representative;
- (ii) at least one Roman Catholic diocese representative;
- (iii) up to 3 parent governor representatives;

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

These representatives will be entitled to vote when the Committee is considering matters, which relate to relevant education functions. If the Committee is dealing with other matters, these representatives shall not vote on those matters though they may stay in the meeting and speak at the discretion of the Chair. The Committee will attempt to organise its meetings so that relevant education matters are grouped together.

### **5. MEETINGS OF THE SCRUTINY COMMITTEES**

- (a) Each Scrutiny Committee may have up to 7 ordinary meetings in each municipal year. In addition to ordinary meetings of the Scrutiny Committees, extraordinary meetings may be called from time to time in exceptional circumstances. An extraordinarily meeting of the Committee may be requested by the chair of the Committee, by any two members of the Committee or by the Proper Officer if he/she considers it necessary or appropriate. The decision on whether the circumstances are exceptional rests with the Proper Officer.
- (b) The ordinary place of meeting for the Scrutiny Committees shall be Camden Town Hall, but they may arrange to meet elsewhere when they think fit.

### **6. QUORUM**

The quorum for the Scrutiny Committees shall be 50% of the elected membership of the committee (except for the Children's, Schools and Families and the Housing Scrutiny Committees). Where a part number results, this is rounded up to the next whole number.

The quorum for the Children's Schools and Families and the Housing Scrutiny Committees shall be four members, at least three of whom must be Councillor members.

### **7. CHAIRS OF THE SCRUTINY COMMITTEES**

- (a) The Chair of each Scrutiny Committee will be appointed by the Committee or by the Council at its annual meeting.
- (b) The Chair of a Scrutiny Committee shall resign with immediate effect if a vote of no confidence is passed by the Committee.

### **8. SUB COMMITTEES**

Scrutiny Committees shall not establish sub committees.

### **9. WORK PROGRAMME**

The Scrutiny Committees shall be responsible for setting their own work programmes within the terms of reference laid down by the Constitution. In doing so they shall take into account the wishes of all committee members and endeavor to

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

reach decisions by consensus, while on cross-cutting scrutiny matters being directed by the Joint Chairs of Scrutiny Committee.

### **10. AGENDA ITEMS FOR THE SCRUTINY COMMITTEES**

- (a) Any member of a Scrutiny Committee 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 available 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) Any member of the Council shall be entitled to give notice to the proper officer that he/she wishes an item relating to a Councillor Call for Action to be included on the agenda for discussions at the next available meeting of the Committee. On receipt of such a request and subject to it falling within the statutory definition the proper officer will ensure that it is included on the next available agenda of the relevant Committee. All Councillor Call for Action requests will need to follow the procedure outlined in the Councillor Call for Action Protocol as set out in Appendix A of the Scrutiny Procedure Rules.
- (c) The Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, from the Cabinet to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council.

### **11. POLICY REVIEW AND DEVELOPMENT**

The specific functions relating to policy development and review functions of Scrutiny Committees are detailed in Article 6 in Part Two of this Constitution. In addition, the terms of reference of the Resources and Corporate Performance Scrutiny Committee are listed in Part 3.

### **12. REPORTS FROM THE SCRUTINY COMMITTEES**

- (a) The Scrutiny Committee may develop a protocol for the production of reports.
- (b) Reports from the Scrutiny Committees shall be submitted within a reasonable time of their completion to the Proper Officer for consideration by the Cabinet and/or the Council as appropriate.
- (c) The Cabinet and/or Council shall send a written response to the Scrutiny Committee within a reasonable time of considering a report, with a copy to the Proper Officer<sup>1</sup>.

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<sup>1</sup>Section 21 B of the Local Government Act 2000 now imposes a time of limit of two months for the Cabinet/Council to reply.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### **13. MAKING SURE THAT SCRUTINY REPORTS ARE CONSIDERED BY THE CABINET**

- (a) The agenda for Cabinet meetings (including any meetings of single members and the Cabinet (Environment) Sub-Group) shall include an item entitled 'Issues arising from scrutiny'. Reports of the Scrutiny Committees referred to the Cabinet shall be included at this point in the agenda within one month of it being submitted, unless either they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda or the Cabinet gives reasons why they cannot be included and states when they will be considered. The Cabinet shall send a written response to the Scrutiny Committee within a reasonable time of considering a report, as set out in Rule 11 above.
- (b) Where the Scrutiny Committee prepares a report for consideration by the Cabinet in relation to a matter where decision making power has been delegated to an individual Cabinet Member, then the Scrutiny Committee will also submit a copy of their report to that individual for consideration, and a copy to the Proper Officer. If the member with delegated decision making power does not accept the recommendations of the Scrutiny Committee, then he/she must then refer the matter to the next appropriate meeting of the Cabinet for debate before making a decision as to how to respond and exercising his/her decision-making power by sending a written reply to the Scrutiny Committee within a reasonable time of receiving it, with a copy to the Proper Officer.

### **14. RIGHTS AND POWERS OF SCRUTINY COMMITTEE MEMBERS**

#### **(a) Rights to documents**

- (i) In addition to their rights as Councillors, members of the 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.
- (ii) Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committees.

#### **(b) Powers to conduct enquiries**

- (i) The Scrutiny Committees may hold enquiries into past performance and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in these processes. They may go on site visits, conduct public surveys, commission research and do all other things that they reasonably consider necessary to inform their deliberations, within available resources. They may ask witnesses to attend to address them on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### **(c) Power to require members and officers to give account**

- (i) The Scrutiny Committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions that fall within their terms of reference. As well as reviewing documentation, in fulfilling the scrutiny role they may require any member of the Cabinet, the head of paid service and/or any senior officer (at second or third tier), and health service chief officers to attend before them to explain in relation to matters within their remit:
- (1). any particular decision or series of decisions;
  - (2). the extent to which the actions taken implement Council policy; and/or
  - (3). their performance.

and it is the duty of those persons to attend if so required. At the discretion of their chief officer, Council officers below third tier may attend, usually accompanied by a senior manager.

- (ii) When a petition meeting the required threshold is referred to the scrutiny committee under the Council's Petitions Scheme, the relevant Chief Officer shall initially be required to attend a meeting of the committee. The relevant Cabinet Member or Committee Chair may also, in appropriate cases, be present.
- (iii) Where any member or officer or health service chief officer is required to attend a Scrutiny Committee under this provision, the chair of that body will inform the member or Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least 10 working days' notice, where practicable, of the meeting at which he/she is required to attend. 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 Scrutiny Committee. Where it relates to a petition, then that petition will be shared with the relevant Chief Officer. Where the account to be given to the Scrutiny Committee will require the production of a report - which will include all petitions that have met the required threshold - then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation. The notice may also set out specific questions, which the Committee would like the individual to answer.
- (iii) Where, in exceptional circumstances, the relevant Chief Officer is unable to attend on the required date, the Scrutiny Committee shall in consultation with them arrange an alternative date for attendance.

### **15. ATTENDANCE BY OTHERS**

The Scrutiny Committees 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 and members and officers in other parts of the public sector and shall invite such people to attend. Attendance is optional.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### **16. CALL-IN**

The call-in procedure is dealt with separately in this part of the constitution, immediately following the Scrutiny Procedure Rules.

### **17. PROCEDURE AT SCRUTINY COMMITTEE MEETINGS**

- (a) Each Scrutiny Committee shall consider the following business as appropriate:
- (i) minutes of the last meeting;
  - (ii) declarations of interest;
  - (iii) requests for deputations or petitions to be presented;
  - (iv) receipt of petitions in accordance with the Petition Scheme;
  - (v) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision;
  - (vi) responses of the Cabinet to reports of the Committee;
  - (vii) the business otherwise set out on the agenda for the meeting.
- (b) Where a Scrutiny Committee has asked people to attend to give evidence at meetings, these are to be conducted in accordance with the following principles:
- (i) that any 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 Committees by giving evidence be treated with respect and courtesy;
  - (iii) that any investigation be conducted so as to maximise the efficiency of the investigation or analysis; and
  - (iv) that appropriate assistance with translation or alternative methods of communication be provided to assist those giving evidence.
- (c) Following any investigation or review, the Scrutiny Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate, and shall make its report and findings public.
- (d) In the event of a procedural matter arising, which is not covered by these Rules, preference should be made to the relevant Committee Rule.

### **18. MATTERS WITHIN THE REMIT OF MORE THAN ONE SCRUTINY COMMITTEE**

If there is a matter for consideration, which falls or appears to fall substantively within the remit of more than one scrutiny committee, the report shall be considered by all relevant committees at their next meetings, with the final determination of the matter being made by the last committee to meet.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

If it is considered the matter falls within the remit of more than one scrutiny committee but not substantively in all cases, then, with the agreement of the relevant chairs, either informally or as part of the Joint Chairs of Scrutiny Committee, the matter will only be considered by the committee(s) with the substantive interest.

The decision on which committee or committees shall deal with any particular item within this paragraph rests with the Proper Officer should the matter not have been determined by the Joint Chairs of Scrutiny Committee.

### **19. CALL-IN PROCEDURE**

1. When a decision is made by the Cabinet, an individual member of the Cabinet or a committee of the Cabinet, or a key decision is made by an officer, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the Town Hall normally within 2 working days of being made.
2. The notice will be dated and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless a valid call-in has been received.
3. Copies of the notice will be sent to all members.
4. During that period, the Proper Officer shall call in a decision for scrutiny by the appropriate Scrutiny Committee if a valid request is received.
5. A valid request is one which:
  - (a) is submitted by any four members of the Council; and
  - (b) gives reasons in writing for the call-in and outlines an alternative course of action. In particular, the request must state whether or not those members believe that the decision is outside the policy or budget framework; and
  - (c) is submitted to the Proper Officer within 5 working days of the date of the publication of the decision.
6. If no request is received, the decision is effective immediately after a period of 5 working days has expired since the date upon which it was published.
7. When a valid request for call-in is received, all action to implement the decision is suspended until the appropriate Scrutiny Committee has met to decide what action to take.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

8. On receipt of a valid request for call-in, the Proper Officer will:
  - (a) notify the decision taker and the relevant Chief Officer; and
  - (b) if the request for call-in states that the reason for call-in is that the decision is outside the policy or budget framework, refer it to the monitoring officer/chief financial officer for a report to be prepared for the appropriate Scrutiny Committee; and
  - (c) refer the matter to the next meeting of the appropriate Scrutiny Committee if that is within 7 working days of the receipt of the request for call-in; or
  - (d) if the meeting is not within seven working days, refer the matter to the next available meeting of the appropriate Scrutiny Committee with the consent of the decision taker (or the Leader if the Cabinet took the decision) and the Chair of the appropriate Scrutiny Committee and in consultation with the members requesting the call in; or
  - (e) in exceptional circumstances convene an extraordinary meeting of the appropriate Scrutiny Committee to take place as soon as possible.
9. The Proper Officer shall have responsibility for determining which is the appropriate Scrutiny Committee to consider any call in request.
10. A called in decision will be the first substantive item on the agenda of the appropriate Scrutiny Committee. Any report of the monitoring officer/chief financial officer shall be part of that agenda.
11. If the monitoring officer/chief financial officer report (if any) confirms that the decision is within the policy/budget framework, (or if no monitoring officer or chief financial officer report was required or if the Scrutiny Committee is of the view that the decision is within the policy and budget framework, notwithstanding any advice to the contrary by the monitoring officer/chief financial officer) having discussed the item, the Scrutiny Committee may:
  - (a) approve the original decision (by a simple majority of votes cast if a vote is called for) in which case the decision shall take effect on the date of the meeting and shall be made public no later than 5 clear working days after the date of the meeting; or
  - (b) recommend a different decision, which does not accord with the original decision of the Cabinet, Cabinet Single Member, Sub-Group or officer (by a simple majority of those present and voting if a vote is called for); or
  - (c) refer the decision to Council for debate; or
  - (d) decide to look at the decision in more depth.
12. Where a Scrutiny Committee decides to look at the decision in more depth, the Scrutiny Committee must complete this within the period to be set by the Committee when it takes that decision. That period shall be set in consultation with the leader where the decision was taken collectively by the Cabinet, the Chair of the Cabinet Sub-Group where the decision was taken by the Sub-Group or with the relevant single member where it was taken by that member or by the relevant Chief Officer where it is an officer decision. The period

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

shall be no longer than 10 working days, unless a longer period is agreed with the Chair of the Scrutiny Committee and the decision taker.

13. In setting the deadline, the Scrutiny Committee together with the Proper Officer must ensure that a meeting of the Scrutiny Committee is also arranged to look at the decision by the date set. If the Scrutiny Committee does not meet by the date set or does meet but does not look at the decision and decide what to do, the called-in decision shall come into effect on that date. When the Scrutiny Committee does meet, it may decide to do one of a) to c) above but not (d).
14. Where the Scrutiny Committee refers the decision to Council, the decision shall be considered at the next available meeting of Council with the consent of the decision taker and the Chair of the appropriate Scrutiny Committee or where the decision has become urgent and cannot wait until the next available council meeting then an extraordinary meeting of the council shall be called within 10 working days of the decision of the Scrutiny Committee meeting.

Council may either:

- (a) Approve the original decision (by a simple majority of votes cast if a vote is called for) in which case the decision shall take effect on the date of the meeting and shall be made public no later than 5 clear working days after the date of the meeting; or
  - (b) recommend a different decision, which does not accord with the original decision of the Cabinet, Cabinet Single Member, Cabinet Sub-Group or officer (by a simple majority of those present and voting if a vote is called for).
15. Where the Council or the Scrutiny Committee recommends a different decision then it must refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. If referred to the decision maker, that body or individual shall then reconsider within a further 5 working days of the date of the meeting, amending the decision or not, before adopting a final decision. Where the decision taker is the Cabinet collectively, the Cabinet shall invite the Chair of the appropriate Scrutiny Committee to attend the meeting and the Chair of the Scrutiny Committee shall have speaking rights at that meeting.
  16. Once the decision maker has made a final decision, there is no further right for reconsideration of this decision through the call-in mechanism. That decision or a decision to the same effect may not be called in again by members for a further period of six months after the decision was reached.
  17. If the monitoring officer's/chief financial officer's report confirms that the decision is outside the policy/budget framework, having discussed the item, the Scrutiny Committee shall refer the decision to the decision maker (by a simple majority of votes cast if a vote is called for) and ask the decision maker to reconsider the matter on the grounds that the original decision is a

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

departure from the policy framework or not wholly in accordance with the budget.

18. The decision maker shall then reconsider the decision within a further 5 working days of the date of the Scrutiny Committee meeting. If the Cabinet collectively is the decision maker, the Cabinet shall invite the Chair of the Scrutiny Committee to attend the meeting and the Chair of the Scrutiny Committee shall have speaking rights at that meeting.
19. The decision maker shall either amend the original decision so that it is in accordance with the framework and as advised by the Monitoring Officer/Chief Financial Officer or the decision will be referred to Council for debate and decision.
20. The decision maker amends the decision, that decision shall take effect immediately and no further call-in is permitted.
21. If the decision maker does not amend the decision, the Council must consider the decision at their next meeting. The decision maker must prepare a report to Council asking Council to amend the relevant policy or the budget framework. That report, together with the Monitoring/Chief Finance Officer's report and any report from the Scrutiny Committee shall be available for that meeting under the Access to Information Rules.
22. The Council may either:
  - (a) amend the budget framework 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 Councillors in the normal way; or
  - (b) 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 decision maker to reconsider the matter in accordance with the advice of either the monitoring officer/chief financial officer and refer it back to the Cabinet or its sub-groups. This decision must be reconsidered at the next meeting of the Cabinet or its sub-groups whatever decision the Cabinet or its subgroups take at that meeting is final.
23. If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
24. The establishment of the Cabinet or any changes to its Members (including the appointment of the Deputy Leader), Cabinet Member portfolios and responsibilities, the scheme of matters reserved to the Cabinet, and the delegation scheme to officers by the Leader of the Council and at sub-

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

delegation level shall be **exempt from call-in**. This exemption shall also apply to any other executive appointments made by the Leader of the Council including but not limited to Cabinet Advisors, to London Councils, and to the North London Waste Authority.

Should the Chief Executive make an urgent key decision in the case of an emergency this will be also be exempt from call in, though subject, if requested, to post-decision scrutiny.

### **20. ABUSE OF CALL-IN**

Members are expected to ensure that call-in is not abused, or causes unreasonable delay to the generality of the Cabinet's business. If it appears that such abuse has occurred, the Constitution may be amended to include limitations on members' power of call-in.

### **21. CALL- IN AND URGENCY**

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet, a sub-group, single member or officer 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 interest.
- (b) 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, and therefore not subject to call-in.
- (c) The Chair of the appropriate Scrutiny Committee must agree both that the decision taken was reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair of the Scrutiny Committee, the head of paid service or his/her nominee's consent shall be required. The Proper Officer will decide which is the appropriate Scrutiny Committee.
- (d) The consent to the decision being taken as a matter of urgency must be recorded by the Chair of the Scrutiny Committee and copied to the Leader, the Proper Officer and all Members.
- (e) Decisions taken, as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency. This will include any key decisions taken in an emergency by the Chief Executive.

### **22. DEPUTATIONS AND PETITIONS TO SCRUTINY COMMITTEES**

#### **(a) Request in writing 2 days before the Meeting**

A request for a deputation shall be in writing and shall be delivered so as to be received by the Proper Officer no later than 5.00 p.m. two working days before the meeting. Petitions shall be considered in line with the Council's Petitions Scheme.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

(b) **Chair to be consulted on deputation or petition**

Upon receipt of the deputation request/request to present a petition, the Proper Officer shall consult the Chair of the body, who shall indicate whether the deputation or petition should be received.

(c) **Receipt of requests for deputations and petitions to be reported to committee**

The Proper Officer shall report the receipt of requests for deputations received in accordance with (a) above to the meeting.

(d) **One speaker not more than 5 minutes**

If the deputation or petition is to be received, one representative shall be entitled to address the meeting and shall not speak for longer than five minutes without the leave of the meeting. Members of the committee may then ask questions of the deputation or Petition Organiser for a further five minutes.

### **23. ANNUAL REPORTS FROM MEMBERS OF THE CABINET**

- 23.1 Each Member of the Cabinet will on an annual basis submit a written report covering their portfolio to the relevant Scrutiny Committee (or a joint meeting of more than one Scrutiny Committee should that be applicable) which will be circulated with the main agenda for the Scrutiny Committee, and which the Cabinet Member will introduce to the meeting. The statutory Scrutiny Officer will, in consultation with the Cabinet Members and the Scrutiny Chairs, organise the yearly program of meetings for scrutinising all Cabinet Members. All members of the Council will be invited to attend and contribute at the discretion of the Chair, recognising that the Cabinet Member's portfolio may cover a wider area than the particular Scrutiny Committee.
- 23.2 Up to 60 minutes will be allowed in total for consideration of the Cabinet Member's report. Following a short introduction by the Cabinet Member, there will then be contributions and questions led by members of the committee, with all other councillors also able to attend and ask questions under the overall direction of the chair.
- 23.3 The Cabinet Member's report will include activity over the previous twelve months, including a summary of decisions taken during that period by the Cabinet Member themselves or taken to Cabinet for decision by them in that period. In addition, as far as practicable, the report will outline decisions which are considered will be required in the forthcoming twelve months.
- 23.4 Cabinet Member reports to Scrutiny Committees will be circulated to all Members of the Council for information and as part of the invitation to all to attend.

## APPENDIX A

### Councillor Call for Action Protocol

#### Introduction

1. The Councillor Call for Action (CCfA) Protocol is a formal mechanism through which Councillors can refer to a scrutiny committee any local government matter in their ward which is of significant community concern. Such a referral to a scrutiny committee is a measure of last resort to be used only once other approaches have been exhausted.
2. A local government matter is defined in legislation<sup>2</sup> as one which:
  - (a) Relates to the discharge of any function of the authority;
  - (b) Affects all or part of the electoral area for which the referring member is elected or any person who lives or works in the area; and
  - (c) Is not an excluded matter. Excluded matters are matters (as defined in Regulations<sup>3</sup>) relating to:
    - (i) a planning decision;
    - (ii) a licensing decision;
    - (iii) an individual or entity, where that individual or entity has a statutory right to a review or appeal other than to the ombudsman;or which are:
    - (iv) vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Scrutiny Committee.unless the matter consists of an allegation that a function of the Council has not been discharged at all or that its discharge has failed or is failing on a systematic basis.
3. As well as referring a local government matter, a councillor may refer a crime and disorder matter for scrutinising. A crime and disorder matter is defined in legislation<sup>4</sup> as one which concerns:
  - (a) crime and disorder (including anti-social behaviour or other behaviour adversely affecting the local environment; or
  - (b) misuse of drugs, alcohol and other substances.

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<sup>2</sup> Section 119 of the Local Government and Public Involvement in Health Act 2007.

<sup>3</sup> Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008

<sup>4</sup> Section 19 Police and Justice Act 2006.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

4. The referred matter must directly affect all or part of the ward for which the Councillor is elected, or any person who lives or works in that ward.
5. Crime and disorder matters must be referred to the Council's "crime and disorder committee". In Camden the Culture and Environment Scrutiny Committee (C&E) has been designated the crime and disorder committee. Where a Councillor is asked to consider a local crime and disorder matter by a person who lives or works in the Councillor's ward, the Councillor shall consider the matter and respond to the person indicating what action s/he proposes to take. That matter can ultimately be referred as a CCfA. Where the Councillor declines to refer the matter to C&E, the person who made the request may refer it to the Cabinet of the authority (in Camden this would be to the Cabinet Member for Community Safety).
6. The CCfA – whether regarding a local government matter or a crime and disorder matter - is not an appropriate route for:
  - (a) Raising individual complaints, for which the Council's corporate complaints procedure should be followed;
  - (b) Scrutinising matters of wider Council policy;
  - (c) Questioning decisions which have been taken but not yet implemented by the Cabinet; or
  - (d) Seeking to resolve urgent matters, in view of the time which may be needed for the relevant scrutiny committee to assess the initial referral and then investigate the matter if it agrees to do so
7. Councillors should seek assistance from Member Services both in operating this procedure and in seeking ways to resolve the matter without the need for the matter to be referred to the Scrutiny Committee.

### **CCfA Referral Procedure**

8. Matters referred under the CCfA Protocol will be submitted to the relevant Scrutiny Committee. Should there be an issue as to which is the appropriate Scrutiny Committee, the Borough Solicitor will advise. Prior to referring a matter as a CCfA, a Councillor must have tried to resolve the matter themselves using the other mechanisms and resources available to them at ward level. Councillors must have regard to any government guidance issued and should **prior** to making a CCfA referral:
  - (a) Ensure that the relevant Council department and/or any partner organisation has been informed of the issue and been given enough time to resolve it<sup>5</sup>.
  - (b) Ensure that the issue that is not currently being (or should be pursued) via the Camden Council's complaints process.

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<sup>5</sup> What is a reasonable time will depend upon the particular facts of each case and needs to be judged against such factors as the complexity of the issues, the number of other organisations involved etc

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- (c) Ascertain whether or not the matter is being investigated through any other local mechanism such as liaison groups, area forums etc.
9. Having gone through these steps, if the matter is still not resolved the Councillor can seek to refer it to the relevant Scrutiny Committee as a 'Councillor Call for Action'. To avoid delays in the referral process, all referrals will be made on the CCfA Request Form (attached as Appendix 1). This will ensure that the necessary information to enable the applicability of the Protocol to be confirmed and to enable the matter to be put before a Scrutiny Committee will be provided at the outset.
10. The Request Form must be sent to Councillor Services who will log it to track its progress and then seek the advice of the Borough Solicitor as to whether the matter is covered by this Protocol. The Borough Solicitor is responsible for determining whether a matter is required to be referred to the Scrutiny Committee under this Protocol and the legislation.
11. Referrals approved by the Borough Solicitor will then be included on the next available agenda of the relevant Scrutiny Committee. It will up to the members of that Committee to decide whether or not to take the matter further. Reports will be prepared by the relevant Scrutiny Policy Officer.

### **Considering the CCfA**

12. The referring Councillor and other Councillors representing the same ward will be invited to attend the meeting at which the CCfA is discussed, in order to make representations and answer questions. The relevant Cabinet Member and partner agency/senior Council officer representing the service under discussion will also be invited if appropriate.
13. In deciding whether or not to take the matter further the Scrutiny Committee will consider:
  - (a) Actions already taken by the Councillor in relation to the matter; and
  - (b) Representations made by the Councillor as to why the Committee should take the matter up.
14. The criteria the Committee will use to decide whether or not to take the matter further include:
  - (a) Is the Committee satisfied that reasonable attempts at a resolution have been made by the ward councillor?
  - (b) Has the Committee considered a similar issue recently and, if so, have the circumstances or evidence changed.
  - (c) Has the relevant service or partner agency been informed and been given enough time to resolve the issue and, if so, what response has the Councillor received.
  - (d) Is the matter currently being looked at by another form of local scrutiny?

#### PART 4 – PROCEDURE RULES AND STANDING ORDERS

15. If the Committee decides not to take further action in respect of the referral it must inform the Councillor and explain why.
16. If the Committee decides to accept the referral it must decide how it intends to take the matter further. The Committee may:
  - (a) Make an immediate report or recommendations to:
    - (i) the Cabinet or other relevant Council body;
    - (ii) the Director of the relevant Council department; or
  - (b) Request further information or evidence from the ward councillor;
  - (c) Ask officers to look into the matter and report back;
  - (d) Invite other local stakeholders to give evidence to a future meeting
  - (e) establish a working group to look at the issue.
17. If the matter is referred under paragraph 16, the relevant body or person shall report back to the Committee indicating any action that has been or is intended to be taken in respect of the recommendation, normally within 2 months, and in the case of a crime and disorder matter shall take the report or recommendation into account in exercising their functions.
18. Once the Committee has completed its work on the referral the Ward Councillor who made the referral will receive a copy of any report or recommendations made in relation to it.
19. In the case of a crime and disorder matter:
  - (a) A copy of any report or recommendations under 16(a)(i) or (ii) above shall also be provided to the chief officer of police, the police and fire authorities, the probation board and the primary care trust (“the Council’s crime and disorder partners”) as is thought appropriate.
  - (b) That partner will be notified should they be sent a copy that they are required to;
    - i. consider the report or recommendations and to respond to the Committee indicating what action, if any, it propose to take, normally within one month; and
    - ii. have regard to the report or recommendations in exercising their functions.

APPENDIX 1

**LONDON BOROUGH OF CAMDEN  
SUMMARY OF THE PROPOSED PROCEDURE FOR COUNCILLOR  
CALL FOR ACTION (CCfA)**

Matter is raised by the public with ward councillor and informs other ward councillors

Councillor pursues other routes to resolving the matter including:

- (a) Discussing matter with relevant Council department and/or any relevant partner organisation.
- (b) Considering whether the issue is currently being or should be pursued via the council's complaints process.
- (c) Ascertaining whether or not the matter is being investigated through any other local scrutiny mechanism

Councillor allows sufficient time for these alternative mechanisms to be effective

Councillor decides to refer matter to Scrutiny Committee and completes CCfA Request Form

Request Form is logged by Member Services/Democratic Services. Borough Solicitor (Monitoring Officer) considers whether the matter is required to be referred to a Scrutiny Committee, and identifies a relevant Scrutiny Committee.

Scrutiny Committee meets and decides whether to review the issue and may make recommendations or a referral.

Recommendation for action issued to Cabinet/Service Dept/partner agency

Investigates further

Working group

Scrutiny resolves not to review matter

Response by Cabinet/Service Dept/partner agency is reported back to with 1-2 months

Carries out its own scrutiny, out of which recommendations may arise

Review Committee considers and may make recommendations

Councillor is informed of reasons

PART 4 – PROCEDURE RULES AND STANDING ORDERS

**Councillor Call for Action Request Form**

**If you wish a Scrutiny Committee to consider a Call for Action regarding a local government matter or crime and disorder matter which has arisen in your ward, you should complete this form and submit it to the Head of Member Services.**

Before submitting this form Members must:

- (a) Ensure that the relevant Council department and/or any partner organisation has been informed of the issue and been given enough time to resolve it.
- (b) Ensure that this is not an issue that is currently being or should be pursued via the council's complaints process.
- (c) Ascertain whether or not the matter is being investigated through any other local scrutiny mechanism.

**Your Contact details:**

Councillor's Name:

Ward:

Title of your Call for Action:

Date of Submission:

Would you like the opportunity to speak to the Committee? Yes/No

Please give a brief synopsis of your Call for Action:

PART 4 – PROCEDURE RULES AND STANDING ORDERS

What evidence do you have in support of your Call for Action:

Which areas or community groups are affected by your Call for Action?

The CCfA is a formal mechanism through which ward councillors can refer to a scrutiny committee any local government matter in their ward which is of significant community concern. Such a referral to a scrutiny committee is a measure of last resort to be used only once other approaches have been exhausted. Bearing this in mind:

How have you already tried to resolve the issue?

Who is already aware of the issue? As a minimum the matter should have been brought to the attention of a Camden Council officer at Chief Officer level.

Is the Call for Action currently the subject of legal action by any party (to your knowledge) or is being examined by a formal complaints' process?

Are there any deadlines associated with the Call for Action of which the Scrutiny Committee needs to be aware?

PART 4 – PROCEDURE RULES AND STANDING ORDERS

Are there any deadlines associated with the Call for Action of which the Scrutiny Committee needs to be aware?

Received by.....on.....

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### Appendix B – Responsibility arising out of Police and Justice Act 2006

1. In accordance with Part 3 of the Police and Justice Act 2006, Camden Council has the power to scrutinise the decisions made or the actions undertaken in connection with the discharge by the responsible authorities<sup>6</sup> of their crime and disorder functions. The crime and disorder functions for this purpose are limited to functions conferred by or under Section 6 of the Crime and Disorder Act 1998 being the formulation and implementation of crime and disorder strategies. In other words the scrutiny relates to the work of the community safety partnership and the partners who comprise it insofar as their activities relate to the partnership itself.
2. The Committee can make reports and recommendations to the local authority with regard to those functions. In Camden, this role is undertaken by the Culture and Environment Scrutiny Committee which has been designated the 'Crime and Disorder Committee' under Paragraph 1, Section 19 of Part 3 of the Police and Justice Act 2006.
3. The committee will scrutinise the development and implementation of the statutory community safety strategy.
4. The Culture and Environment Scrutiny Committee will make reports or recommendations to the local authority (being directed according to responsibility to either the Cabinet, Cabinet Member or delegated officer) with regard to the above functions. The committee will review the responses to any reports or recommendations submitted and monitor action (if any) taken in accordance with its powers under section 19(1) of the Police and Justice Act 2006.
5. Copies of any reports and recommendations will be sent to the responsible authorities in accordance with section 19(2) of the Police and Justice Act 2006. The relevant partner (or partners) will submit a response within a period of 28 days from the date of the report or recommendations are submitted (or if this is not possible as soon as reasonably possible thereafter). They will be reminded of their obligations to consider the report or recommendation, respond indicating what action if any it proposes to take, and to have regard to the report or recommendations in exercising its functions. Following the receipt of the response, the Culture and Environment Scrutiny Committee will need to agree with the relevant partner(s) how progress in implementing the recommendations will be monitored.
6. The Culture and Environment Scrutiny Committee shall carry out these functions throughout the year as and when the need arises and to complement the work programme that it adopts at the beginning of each scrutiny year.

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<sup>6</sup> Being the local authority, police force, the police authority, fire and rescue authority, primary care trust and probation authority [subject to statute]

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

7. In addition, the committee shall set aside time at least once a year to formally scrutinise the work of the community safety partnership.
8. The Culture and Environment Scrutiny Committee, when carrying out the functions of a crime and disorder committee, may (upon reasonable notice) require the attendance of an appropriately senior officer or employee of a responsible authority in order to seek answers to questions.
9. The Culture and Environment Scrutiny Committee, when carrying out the functions of a crime and disorder committee will from time to time request further information from the Community Safety Partnership. When asked, the partnership will be under a duty to provide this information within 28 days from the receipt of the request (or if this is not possible as soon as reasonably possible thereafter).
10. It is required that any crime and disorder information provided by responsible authorities and co-operating bodies must be depersonalised, unless the identification of an individual is necessary or appropriate in order for the committee to properly exercise its powers. The information should also not include information that would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authority or co-operating body.
11. Schedule 12A of the Local Government Act 1972 cannot be used as a method to bypass the requirement to depersonalise information by placing reports which are not depersonalised onto Part II of a committee agenda, as an item to be heard without the press or public present.
12. In undertaking its crime and disorder scrutiny responsibilities, matters may be within the remit of more than one scrutiny committees, e.g. in respect of matters relating to children, and licensing policy. In these circumstances, the Culture and Environment Scrutiny Committee will invite participation and attendance of other members from the relevant scrutiny committee(s).
13. All dates and times of meetings of the scrutiny committee, agendas, minutes and reports relating to the scrutiny of crime and disorder will be circulated to the Community Safety Partnership in accordance with the Local Government Act 2000 or subsequent legislation.
14. The Community Safety Partnership will be consulted on the committee's annual work programme and informed in advance of scrutiny work that relates to the partnership and will be given adequate notice of invitations to attend meetings of the scrutiny committee and any required information.

**D. COMMITTEE RULES**

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## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### 1. SCOPE

The following rules govern the operation of the Audit and Corporate Governance Committee, its sub-committees and panels, the Pension Committee, the Planning Committee, the Licensing Committee, its panels, and the Standards Committee and other committees which may be created except where the Constitution gives different advice. They also apply to other Council Bodies such as Scrutiny Committees in areas where the Constitution does not give guidance.

### 2. INTERPRETATION AND APPLICATION OF COMMITTEE RULES

#### (a) Ruling of the Chair

The ruling of the Chair as to the construction or application of these rules and Standing Orders shall not be challenged at any meeting of a committee or sub-committee.

#### (b) Application to co-opted/non-voting members

Where the Council has appointed co-opted or non-voting members to committees and sub-committees, Standing Orders shall apply to them as if they were members of the Council.

### 3. POWERS AND DUTIES OF COMMITTEES

#### (a) Committee

The Council shall delegate to its committees full power to exercise and perform on behalf of the Council all its powers and duties in relation to the matters specified in their terms of reference.

There are separate Protocols in Part 5 governing the procedures to be followed in respect of some of the matters before the Licensing Committee and where these apply, the protocols override those rules referred to in Part 4 of the Constitution.

#### (b) Discharge of functions

At the first meeting of any committee after the annual meeting, it shall consider its terms of reference and determine the matters it wishes to reserve to itself for decision and those it wishes to delegate to any sub-committee. All other matters shall be functions exercisable by the appropriate chief officer as set out in Part 3.

#### (c) Substitute Members on Committees

- (i) Where a substitute member is attending a committee meeting, they will be expected to state at the outset of the meeting which ordinary member of the committee they are substituting for. Where they do not specify which ordinary

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

member they are substituting for and there is more than one ordinary member from the same political group absent, they will be deemed as substituting for the ordinary member of the same political group whose surname comes first alphabetically.

- (ii) At each meeting of a Committee, the Chair shall establish at the outset the name of any member acting as a substitute member and that member shall continue to act as a substitute member for the duration of the meeting to the exclusion of the ordinary member of the Committee.

### **4. APPOINTMENT OF SUB-COMMITTEES**

#### **(a) Appointment at the First Meeting**

The first meeting of a Committee after the annual meeting of the Council, it shall appoint its sub-committees (known as panels for sub-committees of the Licensing Committee), if any, for the remainder of the municipal year. The Committee may appoint such sub-committees, as it deems necessary during the municipal year.

#### **(b) Substitute members**

- (i) A Committee may appoint a substitute member to attend, speak and vote in the absence of each member of a sub-committee provided that the substitute member is not himself/herself already a member of the sub-committee and is from the same political group as the ordinary member.
- (ii) If a member would otherwise be entitled to act at the same time as a substitute member for more than one ordinary member of the sub-committee who is in the same political group, that member shall be deemed to be the substitute member for the member whose surname has alphabetical priority.
- (iii) At each meeting of a sub-committee, the Chair shall establish at the outset the name of any member acting as a substitute member and that member shall continue to act as a substitute member for the duration of the meeting to the exclusion of the primary member of the sub-committee.

### **5. CHAIRS AND VICE-CHAIRS OF THE AUDIT AND CORPORATE GOVERNANCE COMMITTEE, ITS SUB-COMMITTEES INCLUDING APPOINTMENTS PANELS AND PENSIONS COMMITTEE**

#### **(a) Chair and Vice-Chair of Audit and Corporate Governance and Pension Committees**

At its first meeting following the annual meeting of the Council the Audit and Corporate Governance and Pension Committees shall appoint Chairs and Vice-Chair(s) for the municipal year.

At its first meeting following the annual meeting of the Council, the Licensing Committee shall appoint its Chair and Vice Chair for the municipal year. The

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

Licensing Committee shall appoint the Chair and Vice Chair of each sub-committee.

(b) **Chairs and vice-chairs of sub-committees of the Audit and Corporate Governance Committee**

At the first meeting of a Sub-Committee of the Audit and Corporate Governance Committee after its establishment a Chair and Vice-Chair(s) shall be appointed for the municipal year.

(c) **Resignation of chair or vice-chair**

A Chair or Vice-Chair may resign by notice in writing to the Chief Executive, who shall report the resignation to the next meeting of the body concerned to enable a replacement to be appointed, except in the case of the Appointments Sub-Committee where the decision will be made at the next meeting of the Council.

### 6. NOTICE OF MEETINGS

(a) **Despatch of notice**

Five clear days at least before a meeting of any committee or sub-committee of the Council, notice of the time and place of such meeting shall be left at or sent by post to every Member of the committee/sub-committee, except for where a Member has requested receipt of summons and papers by electronic means in which case notification will be sent via email. Failure to receive any such notice shall not affect the validity of a meeting.

(b) **Notice where a motion has been referred to a committee or sub-committee**

A member of the Council who has moved a motion which has been referred to any committee or sub-committee shall have notice of the meeting of the committee or sub-committee at which it is proposed to consider the motion.

(c) **Business specified in the agenda**

No business shall be transacted at any meeting of a committee or sub-committee other than that specified in the agenda, except, in accordance with current legislation, matters of urgency brought forward by leave of the Chair.

(d) **No meetings when the Council is sitting**

No committee or sub-committee shall meet during the sitting of the Council, except by special authority of the Council.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### **7. DAY AND PLACE OF MEETINGS**

#### **(a) Dates of meetings**

Committees shall fix the days of their meetings and those of their sub-committees where appropriate and in so doing shall endeavor as far as possible to suit the convenience of members.

#### **(b) Place of Meetings**

The ordinary place of meeting for committees and sub-committees shall be Camden Town Hall, but they may arrange to meet elsewhere when they think fit.

### **8. CANCELLATION OF MEETINGS**

(a) The Chair may cancel meetings.

(b) The Chair of a committee or sub-committee may direct that any ordinary meeting of that committee or sub-committee be not called.

### **9. SPECIAL MEETINGS OF COMMITTEES**

#### **(a) Calling of Special Meetings**

The chair of a committee or sub-committee may direct the Chief Executive to call a special meeting of the committee or sub-committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the committee, delivered in writing to the Chief Executive, but in no case shall less than three members requisition a special meeting.

#### **(b) Business to be conducted at a Special Meeting**

The summons to the special meeting shall set out the business to be considered at the meeting. No business other than that set out in the summons shall be considered at that meeting.

### **10. ORDER OF BUSINESS AT COMMITTEE AND SUB-COMMITTEE MEETINGS**

The order of business at every meeting of a committee shall be:

- (i) to choose a person to preside if the chair and vice-chair(s) are absent;
- (ii) to approve the minutes of the previous meeting, which shall then be signed by the person presiding;
- (iii) to receive reports of the officers;
- (iv) any other business specified in the summons.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

The order of business under (i)-(iv) may be varied by a motion which shall be moved and seconded and put without discussion.

### **11. CONFIDENTIAL OR EXEMPT MATTERS**

Proceedings of committees and sub-committees are subject to the Access to Information Rules.

### **12. COMMITTEE/SUB-COMMITTEE MINUTES**

#### **(a) Minutes to be kept**

Minutes shall be kept of the proceedings of each meeting of a committee, or sub-committee.

#### **(b) Submission of Minutes for Approval**

Minutes shall be submitted for approval at the next ordinary meeting of the committee/sub-committee.

### **13. QUORUM OF COMMITTEES AND SUB-COMMITTEES**

#### **(a) Committees**

Business shall not be transacted at a meeting of any committee and the provisions of 13(d) shall apply unless a quorum of voting members of the committee (as detailed in 13(e)) is present. Where a part number results, this is rounded up to the next whole number.

#### **(b) Sub-committees**

Business shall not (and the provisions of 13(d) shall apply) be transacted at a sub-committee unless at least two voting members of the sub-committee are present.

#### **(c) Standards Committee**

Where the Standards Committee is considering complaints that Councillors may have broken the Code of Conduct, there are different quorum arrangements which are set out in the Procedure for Considering Local Decisions in Part 5.

#### **(d) Inquorate meetings**

Should at any time there not be a quorum of members present the meeting shall stand adjourned for fifteen minutes. During this time a quorum will be

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sought. If after fifteen minutes (or should the Proper Officer believe that a quorum may be possible within the time up to a maximum of thirty minutes) a quorum is still not present, the meeting shall stand adjourned and the remaining business carried forward to the next meeting of the body.

### **(e) Quorum of Council Meeting**

The quorums for Councils Committees will be as follows:

- i. Planning Committee – four members
- ii. Standards Committee – three members unless the Committee is considering a specific allegation against a member/s when the quorum will be 50% of the Membership of the Committee.
- iii. Audit and Corporate Governance – three members
- iv. Licensing Committee – four members
- v. Pension Committee – two members
- vi. Children’s Schools and Families and the Housing Scrutiny Committees – four members at least three of whom must be Councillor members
- vii. Other Scrutiny committees – one half of the membership

## **14. ATTENDANCE AT COMMITTEES AND SUB-COMMITTEES**

### **(a) Right of members of the Council to attend meeting**

Subject to the provisions of Rule 14b, members of the Council may attend the meetings of any Committee or Sub-Committee; no member who is not a member of the Committee or Sub-Committee may vote; the member cannot take part in the proceedings unless invited to do so by the Chair, and with the agreement of the Committee or Sub-Committee.

### **(b) Attendance at Licensing Committee and Licensing Panels**

Any member who is not a member of the Licensing Committee or any member of the Committee who has not heard the evidence submitted regarding a licensing application at the hearing must withdraw from the meeting before the application is discussed and a decision is reached.

Any member who is not a member of a Licensing Panel or any member of the Panel who has not heard the evidence submitted regarding a licensing application at the hearing must withdraw from the meeting before the application is discussed and a decision is reached.

### **(c) Legal Right to Attend Meetings**

Rules 14 (a) and (b) shall not prejudice the legal rights of a member when attendance at any such meeting is necessary in order that the member may have access to information reasonably necessary to enable the performance of the member's duties.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### 15. VOTING

#### (a) Method of voting

Voting at meetings of committees and sub-committees shall be by a show of hands or electronic vote as decided by the Chair of the meeting.

#### (b) Casting vote of the chair

The Chair of a meeting who is a voting member shall have a second or casting vote which may be exercised if there is an equality of votes. The Chair may exercise his/her casting vote even if they abstained or did not take part in the first vote.

#### (c) Named votes

Any two members of the committee or sub-committee present and voting may require the names of members voting, and the vote given, to be entered in the minutes. A member shall not be entitled to vote if entering the meeting room whilst the names are being called.

#### (d) Recording of abstention/dissent

Where immediately after a vote is taken at a meeting if any member so requires, there shall be recorded in the minutes of the proceedings of the meeting whether the person cast his or her vote for or against the question or whether he or she abstained from voting or requested his or her dissent be recorded.

#### (e) Voting where more than 2 persons nominated

Where there are more than two persons nominated for any position to be filled by a Committee or Sub-Committee and of the votes given there is not an overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

#### (f) Casting Vote where the chair is a non-voting member

If the Chair is a non-voting member and there is an equality of votes, he/she may vacate the chair in favour of the Vice-Chair or, in the absence of the Vice-Chair, may call for nominations to take the chair in the place of the Chair. In the event of the Vice-Chair taking the chair or of an election being made to the Chair, the motion shall immediately be put to the vote without further debate and thereafter the Chair shall resume chairing the meeting.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### 16. RULES OF DEBATE IN COMMITTEE AND SUB-COMMITTEE MEETINGS

#### (a) **Motions**

A motion accepted by the Chair as being in order shall be put in writing if the Chair so requires.

#### (b) **Amendments**

An amendment shall be relevant to the motion and shall be either:

- (i) to leave out, insert or add words; or
- (ii) to refer a subject under discussion to a sub-committee for consideration or reconsideration.

An amendment must not have the effect of negating the motion.

Only one amendment may be moved and discussed at a time.

#### (c) **Alteration of motion**

The mover of a motion may alter the motion if the alteration is one which could be made as an amendment.

#### (d) **Withdrawal of motion or amendment**

The mover of a motion or amendment may seek leave for its withdrawal.

#### (e) **Right of reply**

The mover of a motion shall have the right of reply to a debate immediately before the motion is put to the vote. The mover of an amendment shall have the right of reply to a debate on the amendment. The mover of the original motion shall also have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. This right of reply shall be exercised immediately before the reply by the mover of the amendment.

#### (f) **Motions during debate**

When a motion or amendment is under debate, only the following motions may be moved:

- (i) to amend the motion;
- (ii) to adjourn a meeting or debate;
- (iii) to proceed to the next business;

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- (iv) that the question be now put;
- (v) that a member be not further heard or that a member does leave the meeting;
- (vi) to exclude the press and public.

### (g) **Next business, adjournment, question be put**

A member who has not spoken in the debate may move but without comment at the conclusion of any speech:

- (i) that the committee proceed to the next business;
- (ii) that the question be now put;
- (iii) that the committee do now adjourn or that the debate be adjourned.

Provided that the motion is seconded, that all political groups have had the opportunity to speak and that the Chair is satisfied that there has been sufficient debate, the following procedures shall apply:

- (iv) on a motion to proceed to the next business, the mover of the original motion and/or amendment under discussion will be given the right to reply and a vote will then be taken;
- (v) on a motion that the question be now put, a vote will be taken immediately and if it is passed, the mover of the original motion and/or amendment will then be given the right of reply under Rule 16 (e) (Right of Reply) before a vote on the motion or amendment;
- (vi) on a motion to adjourn the meeting or a debate, a vote will be taken immediately.

### (h) **Point of order/personal explanation**

A member may raise a point of order or personal explanation and is entitled to be heard.

A point of order must relate to a breach of a standing order or statutory provision and the member shall specify the breach in question.

A personal explanation shall be confined to the member's speech earlier in a debate and clarification of a point, which may appear to have been misunderstood.

### (i) **Ruling of Chair**

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

### **17. PROCEEDINGS OF COMMITTEES AND SUB-COMMITTEES**

#### **Admission of press and public**

The press and public shall be admitted to all meetings of Committees, Sub-Committees, subject to the Access to Information Rules.

#### **Documents to be treated as confidential**

All agenda, reports and other documents and all proceedings of committees and sub-committees shall be treated as confidential unless and until they have been made public in the ordinary course of the Council's business or shall have been communicated to the press by the Council, a committee or sub-committee.

### **18. DEPUTATIONS AND PETITIONS TO COMMITTEES AND SUB-COMMITTEES**

#### **a) Request in writing 2 days before the Meeting**

Except in the case of Licensing Panels where no deputations are permitted except in accordance with the agreed protocols (see part five of the Constitution) and that the Planning Committee shall determine its own process (to allow for a written statement or a deputation request, not both) to be submitted no later than 9.00 a.m. on the day before the meeting<sup>1</sup>, a request for a deputation shall be in writing and shall be delivered so as to be received by the proper officer no later than 5.00 p.m. two working days before the meeting. Petitions shall be considered in line with the Council's Petition Scheme.

<sup>1</sup> Development Control Committee – 25<sup>th</sup> June 2009

#### **b) Chair to be consulted on deputation or petition**

Upon receipt of the request, the proper officer shall consult the Chair of the committee or sub-committee, who shall indicate whether the deputation or petition should be received.

#### **c) Receipt of requests for deputations or petitions to be reported to committee/sub committee**

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

The proper officer shall report the receipt of requests for deputations or petitions received in accordance with (a) above to the committee or sub-committee.

d) **One speaker not more than 5 minutes**

If the deputation or petition is to be received, one representative or the Petition Organiser shall be entitled to address the meeting and shall not speak for longer than five minutes without the leave of the meeting. Members of the committee or sub-committee may then ask questions of the deputation or Petition Organiser for a further five minutes.

### 19. COMPLETION OF BUSINESS AT COMMITTEES, SUB-COMMITTEES ETC

- (a) In order to ensure that all business is considered within a reasonable time, the Chair of each committee or sub-committee shall draw attention to the time three hours after the commencement of the meeting, and unless the Committee agrees to a maximum of a further 30 minutes for discussion, will call an end to debate on the item then under consideration, and move to a decision upon it.
- (b) The Chair shall then, or at the end of the extra time agreed by the committee/sub-committee, call over each remaining item of business sequentially, and either move to a formal decision on the recommendations (if any) contained within each agenda report or item, or move that a report or item be deferred to the next available meeting of the committee.

Rule 19 shall not apply to the proceedings of the Staff Appeals Sub-Committees, nor to meetings of Licensing Panels. The latter may continue for a maximum of four hours in total.

### 20. SPECIFIC COMMITTEE AND SUB-COMMITTEE ARRANGEMENTS

#### Licensing Panels and Planning Committee

There are separate Protocols in Part 5 governing the procedures to be followed in respect of some of the matters before the Licensing Panels and Planning Committee and where these apply, the protocols override those rules referred to in Part 4 of the Constitution.

#### Appointments Sub-Committee

It is inappropriate for the Appointments Sub-Committee to meet to interview in the evening and members of those sub-committees should agree to be available during the day. Meetings to advise on termination payments can be held in the evening. Members of these sub-committees should receive compulsory training in recruitment/termination procedures.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

There shall be an Appointments Sub-Committee for all Chief Officer level appointments and terminations. The sub-committee will consist of the Members of the Cabinet, the Chairs of the Scrutiny Committees and each group then to make up the balance of their total membership from other Members.

The sub-committee for the appointment of the Chief Executive, Executive Director for Supporting People, Executive Director Supporting Communities and the Executive Director Corporate Services will comprise: the Leader of the Council, the Deputy Leader, the Chair of the relevant Scrutiny Committee, relevant Cabinet Member(s), with the rest of the members coming from the parties to ensure the proportionality referred to above is achieved. In the case of the appointment to the position of Executive Director Corporate Services, the back bench member shall be the Chair of the Audit and Corporate Governance Committee. For determining the range of termination payments in respect of holders of the above posts the subcommittee will, subject to the rules of proportionality, be formed from the same list of members.

The sub-committee for the appointment of Directors, Borough Solicitor, and the Chief Digital Information Officer will comprise: the Leader of the Council, the Deputy Leader, the Chair of the relevant Scrutiny Committee, relevant Cabinet Members, a backbench member from the majority group, with the rest of the members coming from the parties to ensure the proportionality referred to above is achieved. In the case of the appointment to the position of Borough Solicitor, the back bench member shall be the Chair of the Audit and Corporate Governance Committee. For determining the range of termination payments in respect of holders of the above posts the subcommittee will, subject to the rules of proportionality, be formed from the same list of members.

The quorum for Appointments Sub-committee shall be 2.

### *Borough Solicitor's note*

*In respect of the provisions for the establishment of the Appointments Sub-Committee, outlined in Parts 3 and 4 of the Constitution, please note the following general points which should also be taken into account when establishing an Appointments Sub-Committee:*

- *In determining the appropriate Members for the sub-committee, political balance will be the overriding principle guiding the establishment of it. The sub-committee should be no more than 8 but can be less*
- *Therefore, in creating these sub-committees the following principles should be applied in order, proportionality, availability of members against the suggested membership, the required recruitment timetable*

*(see Part 3, Responsibility for Functions, Matters delegated to Appointments Sub-Committee for the terms of reference of this body)*

## **21. DISTURBANCE AT MEETINGS**

### **(a) Members of committees and sub-committees**

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- (i) If at any meeting any member, in the opinion of the Chair, notified to the committee or sub-committee, commits an act of misconduct by persistently disregarding a ruling or behaving improperly or offensively or willfully obstructing the business of the Council, the Chair or any other member may move "that be not further heard". If seconded, this motion shall be put and determined without discussion.
  - (ii) If a member so named continues the act of misconduct after a motion under the foregoing paragraph has been carried, the Chair shall either:
    - 1. move "that ..... do leave the meeting". This will be put and determined without seconding or discussion, or
    - 2. adjourn the meeting for such period or to such other venue as deemed expedient.
- (b) **Public**
- (i) The Chair shall warn any member of the public who interrupts the proceedings that they may be excluded from the meeting if the interruption continues.
  - (ii) If that person continues the interruption, the Chair shall order the removal of that person from the meeting.
- (c) **General Disturbance**
- (i) In the event of a general disturbance, the Chair may adjourn the meeting for such period or to such other venue as deemed expedient.
  - (ii) Members of the public are not permitted to bring any banner or placard into a meeting.

*Borough Solicitor's Note: Local authorities have a common law power to exclude those whose disorderly conduct or misbehaviour disrupts or threatens to disrupt the business of the meeting (see Laporte and Christian v Metropolitan Police Queen's Bench Division (Turner J) 31 October 2014*

### 22. PHOTOGRAPHY AND AUDIO/VISUAL RECORDINGS OF MEETINGS

- (i) Anyone is welcome to record public meetings of the Council and its formal committees from the public seating areas through any hand held audio, visual or written methods they find appropriate providing they do not disturb the conduct of the meeting and subject to the below.
- (iii) While the Council will endeavour to grant permission because of the potential for additional disruption any individuals and/or organisations who wish to film meetings which will involve the use of equipment beyond small handheld devices, such as with the use of lights, or wish to place the equipment outside of the public areas will be required to provide 48 hours' notice to the

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

Committee Services Manager who will seek the approval of the Chair of the meeting.

- (iv) The Chair of the meeting will have the power to rescind permission granted either pursuant to 1 or 2 should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example through flash photography or the intrusive camera equipment.
- (v) While the meeting is being held in public those recording a meeting are requested to focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting rather than the public
- (vi) Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.
- (vii) If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

### **23. SUSPENSION OF RULES**

The following rules may be suspended by a committee or sub-committee for any business at the meeting where its suspension is moved and a motion to suspend shall require the support of at least half of the members of the committee or sub-committee present:

- 4 appointment of sub-committees
- 5(a) Election of chairs and vice-chairs of standing committees
- 5(b) Election of chairs and vice-chairs of sub-committees
- 5(c) Resignation of chair or vice-chair
- 6(b) Notice where a motion has been referred to a committee or sub-committee
- 7(a) Dates of meetings
- 7(b) Place of meetings
- 8 Chair may cancel meetings
- 10 Order of business at committee and sub-committee meetings
- 12(b) Submission of minutes for approval
- 15(e) Voting where more than 2 persons nominated
- 16(a) Rules of Debate - motions
- 16(b) Rules of Debate - amendments
- 16(c) Rules of Debate - alteration of Motion
- 16(d) Rules of Debate - withdrawal of motion or amendment
- 16(i) Rules of Debate - ruling of chair
- 18(a) Deputations - request in writing 2 days before the meeting
- 18(b) Deputations - chair to be consulted on deputation
- 18(d) Deputations - one speaker not more than 5 minutes

### **24. DELEGATION OF COMMITTEE FUNCTIONS TO CHIEF OFFICERS**

#### **Scope of Powers**

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

Every chief officer shall be authorised to act on behalf of, and in the name of the Council on those matters where powers have been delegated to him/her by the Council.

Where the matter requires a decision before a committee meeting can be called, there shall be delegated to the Chief Executive the authority to act in respect of any functions of the committee or sub-committee on a matter which, in his/her opinion, does not admit of delay. This delegated authority shall only be exercised in consultation with the Chair of the committee or sub-committee or, where unable to act, the Vice-Chair.

Each exercise of delegated authority under this rule shall be reported for information to the next meeting of the appropriate committee.

The delegation in this rule is in addition to and without prejudice to the powers of a committee to arrange for the discharge of any functions by a Committee or an officer.

### **25. DISCLOSABLE PECUNIARY INTEREST**

Any Member who has a disclosable pecuniary interest in any matter to be or being considered at a committee, sub-committee, joint committee, joint sub-committee, Council or Cabinet meeting must while any discussion or vote takes place in which by the operation of the Member Code of Conduct they cannot participate or vote must leave the room where the said meeting is taking place for the duration of both the discussion and vote.

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**E. ACCESS TO INFORMATION PROCEDURE RULES**

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## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### 1. SCOPE

These rules apply to all meetings of the Council, the Scrutiny Committees, any joint health committee set up by the Council, the Standards Committee, the Audit and Corporate Governance Committee and its sub-committees, other Council Committees and their sub-committees, public meetings of the Cabinet, and proceedings called for the purposes of individual member decision-making (all referred to as “meetings” in these Rules).

### 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 and subject to the Council's right to exclude members of the public from meetings to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

### 4. NOTICES OF MEETING

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Town Hall and on the Council website.

*Borough Solicitor's informative note.*

*The Town Hall is normally located on Judd Street, WC1H 9JE, but as from 1<sup>st</sup> September 2018 (due to its refurbishment) the designation of the Town Hall will move to its address at the Crowndale Centre, 218-220 Eversholt Street, London NW1 1BD. Upon completion of the refurbishment the Town Hall will move back to its Judd Street address. All correspondence should be revised to reflect this.*

### 5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- (a) No decision shall be taken unless it is included on the agenda for that meeting and is accompanied by a report from the appropriate officer or, in the case of meetings of the Cabinet, from either the appropriate officer or Cabinet Member. Where the report is from a Cabinet Member, it must state any advice received from officers.
- (b) All agendas and reports will be published at least five clear working days before the meeting unless they disclose exempt information under the Access to Information Rules.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- (c) If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item is added to the agenda. Where reports are prepared after the summons has been sent out, the proper officer shall make each such report available to the public as soon as the report is completed and sent to members.
- (d) In the case of items or reports which fail to meet the deadline of five clear working days, the proper officer will need to be satisfied that (a) the item/report is genuinely urgent and (b) it cannot wait until a later meeting, and the report author will be responsible for furnishing the reasons to the proper officer.

### **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, including background papers; 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 necessary 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 and records of decisions taken, together with reasons, for all meetings of the Cabinet, 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 is based; and
- (b) which have been relied on to a material extent in preparing the report

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

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

### **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**

These Rules are the written summary of the public's rights to attend meetings and to inspect and copy documents. They are kept at and are available to the public at the Council's main offices. These rules should be read in conjunction, and interpreted so as to comply, with the relevant primary and secondary legislation.

## **10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

Decision making meetings will be open to the public except whenever:

- a) It is likely that confidential information would be disclosed to them in breach of an obligation of confidence owed by the Council, when members of the public will be excluded;
- b) The decision maker passes a resolution to exclude the public during the consideration of matters where exempt information would have otherwise been disclosed; and
- c) a member or members of the public are excluded in order to maintain orderly conduct and prevent misbehavior at a meeting

Information is exempt (under (b) above) if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **10.1. Meaning of exempt information**

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).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
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-

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- b. to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

### **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 and confirmation that in all the circumstances of the case (other than when disclosure would breach confidentiality) , the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **12. APPLICATION OF RULES TO THE CABINET**

Subject to Rule 15 and 16 (and Rule 19 for single members), these Rules apply when the Cabinet, a committee of the Cabinet and if the Cabinet or a Cabinet committee meet with an officer (other than a political assistant) present to discuss a decision which is to be taken collectively, within 28 days of the date by which it is to be decided as stated on the forward plan. This requirement does not include meetings whose sole purpose is for officers to brief members.

### **13. PROCEDURE BEFORE TAKING DECISIONS**

**13.1** Subject to Rules 15, 16 and 19 a decision may not be taken by the Cabinet unless:

- (a) it has been published in the Forward Plan;
- (b) at least five clear days have elapsed since the publication of the forward plan; and
- (c) notice of the meeting has been given in accordance with Rule 4 (excluding private single member decision-making).

#### **13.2 Officer Decisions**

- a) It is the responsibility of the relevant Chief Officer to determine, in respect of executive decisions to be taken by officers, whether these may be key decisions as defined in Article 14. Where a Chief Officer decides that a decision may be a key decision s/he will notify the proper officer who will inform the Leader.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- b) Chief Officers must follow the Protocol for Key Decisions contained in this Constitution (at Part 5).
- c) In addition Officers, if necessary after advice from the Proper Officer, will decide whether any decision they take pursuant to delegated authority is required by legislation to be published.

### **14. THE FORWARD PLAN**

#### **14.1 Period of forward plan**

The forward plan will be prepared for the leader by the proper officer to cover a period of four months, beginning with the first day of any month. It will be updated on a monthly basis.

#### **14.2 Contents of forward plan**

- (a) The forward plan will contain matters which the leader has reason to believe will be the subject of a decision to be taken by the Cabinet, a committee of the Cabinet, individual members of the Cabinet, or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will also contain matters which the leader has reason to believe will be the subject of a key decision to be taken by officers. It will describe the following particulars in so far as the information is available or might reasonably be obtained:
  - (i) the matter in respect of which a decision is to be made;
  - (ii) 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;
  - (iii) the date on which, or the period within which, the decision will be taken;
  - (iv) the identity of the principal groups whom the decision taker proposes to consult formally or seek the views of before taking the decision;
  - (v) the means by which any such consultation (both formal and informal) is proposed to be undertaken;
  - (vi) the steps any person might take who wishes to make representations to the Cabinet 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
  - (vii) a list of the documents submitted to the decision taker for consideration in relation to the matter.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- (b) The forward plan must be published at least 28 days before the start of the period covered and will be published on the Council’s website;

### 15. GENERAL EXCEPTION

If a matter which is likely to be a decision (or a key decision by an officer) has not been included in the forward plan, then subject to Rule 16, 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 Chair of the relevant scrutiny 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;
- (d) at least five clear days have elapsed since the proper officer complied with (a) and (b); and any such decisions taken by the Cabinet in public.

### 16. SPECIAL URGENCY

If by virtue of the date by which a decision must be taken Rule 15 cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the Chair of the relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If the Chair of the relevant Scrutiny Committee is unable to act, then the agreement of the Chief Executive will suffice. Any urgent key decision taken by the Chief Executive in the case of an emergency will be exempt from Forward Plan requirements, though will be reported to the Chair of the relevant scrutiny committee subsequently.

### 17. REPORT TO COUNCIL

#### 17.1 When a Scrutiny Committee can require a report

If a scrutiny committee thinks that a decision has been taken by the Cabinet or a key decision has been taken by an officer 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 the Chair of a Scrutiny Committee, or the Chief Executive under Rule 16;

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

the scrutiny committee may require the Cabinet or officer to submit a report to the Council within such reasonable time as the scrutiny committee specifies (see 17.2 below). The power to require a report rests with a scrutiny committee, but is also delegated to the proper officer, who shall require such a report on behalf of a scrutiny committee when so requested by the Chair.

Alternatively the requirement may be raised by resolution passed at a meeting of a scrutiny committee.

### **17.2 Cabinet's report to Council**

The Cabinet or officer 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 a scrutiny 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 Cabinet 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 Cabinet, or single Cabinet Member or any of its committees at which decisions are taken, the proper officer 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. The record will also include any relevant interests which any of the members involved have, together with any dispensations that they have been granted.

## **19. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET**

### **19.1 Decisions to be taken in private**

Where an individual member is taking a decision, that decision will not be taken in public (unless they decide that for whatever reason a particular decision merits a public meeting) and will be subject to the following rules;

- (a) The report to the individual Cabinet Member will be published (should it not be deemed exempt by the Proper Officer) on the Council's website at least five clear days (not including the day of the publication or the day the decision is made) before the decision is to be made.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- (b) Subject to the right as described in 19.1 (c) not being exercised, the individual Cabinet Member may make the decision at any time after the five clear days as described in 19.1 (a) has elapsed. Such to be indicated by the signing by the Cabinet Member of the report. The Cabinet Member may at any stage seek advice from the author of the report.
- (c) Should the Cabinet Member indicate that they wish to take the decision in public then the Proper Officer shall arrange a meeting as soon as is practicable, five clear days' notice of which shall be given this meeting will follow the Council's procedure rules for meetings.
- (d) Once a decision has been taken, whether at a public meeting or in private, paragraph 18 above shall apply.

### **19.2 Other decisions taken in private**

Where an individual member is taking a decision as a member of an external body to which they have been appointed, such as a Partnership Board or other body whose meetings are not open to the public, such decision is necessarily taken in private. A list of the bodies to which this applies will be published at the start of each municipal year and updated throughout the year as appropriate.

### **19.3 Reports intended to be taken into account**

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

### **19.4 Provision of copies of reports to all members of the Council**

On giving of such a report to an individual decision maker, the proper officer will notify all members of the Council as soon as reasonably practicable, and make it publicly available at the same time.

### **19.5 Record of individual decision**

- (a) As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet 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.
- (b) Members taking individual decisions in private may make the decision at any time after the five clear days as described in 19.1 (a) has elapsed. Member individual decisions taken in public at a meeting will be taken in the presence of the proper officer at the appointed date and time. 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 Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant (if any).

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- (c) Officers taking key individual decisions shall record them on the appropriate pro-forma and send them to the proper officer within two working days. The proper officer shall then publish a record of all decisions taken by officers.

### **20. ACCESS TO DOCUMENTS FOR SCRUTINY**

#### **20.1 Rights to copies**

Subject to Rule 21.2 below, a Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Cabinet or its sub committees or relating to officer key decisions which contains material relating to:

- (a) any business transacted at a meeting of the Cabinet or its committees; or
- (b) any decision taken by an individual member of the Cabinet.

#### **20.2 Limit on rights**

Scrutiny Committees will not be entitled to:

- (a) any document that is in draft form;
- (b) the advice of a political advisor, if any.

Scrutiny Committees may have access to part of a document that contains exempt or confidential information, unless the proper officer is of the view that it would be inappropriate.

### **21. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

#### **21.1 Material relating to previous business**

All members will be entitled, within 24 hours of the conclusion of the meeting, to inspect any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously concluded at a meeting unless either (a), (b),(c) or (d) below applies:

- (a) it contains exempt information falling within categories 1, 2, 4, 5, or 7 of exempt information; or
- (b) it falls within category 3 in so far as it is information relating to any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract;
- (c) it contains the advice of a political advisor, if any; or
- (d) Its release would otherwise breach the Council obligations of confidence owed to a third party

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### 21.2 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 Cabinet or its committees which relates to any key decision unless paragraphs (a) to (c) above applies.

### 21.3 Nature of rights

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

## 22. THE LOCAL GOVERNMENT ACT 1972 - SCHEDULE 12A: ADVICE NOTE ON THE PUBLIC INTEREST TEST

***The following advice note (paragraph 22) is not formally part of the Constitution and so can be updated without formal agreement of the Council. It is included to help clarify the access to information rules.***

The Access to Information Rules in Schedule 12A to the Local Government Act 1972 govern what reports to meetings of the council (including the Cabinet, committee meetings etc.) can be exempt from disclosure to the public. The Schedule has been amended to bring the rules in line with access to information under the Freedom of Information Act. All these exemptions are subject to the public interest test.

### Descriptions of Exempt Information

The exempt information set out at Schedule 12A to the Local Government Act 1972 Act is as follows:

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).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
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 person; or
  - b. to make an order or direction under any enactment.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The qualifications to the list of exempt information are as follows:

- A.** Information falling within number 3 above is not exempt information by virtue of that paragraph if it is required to be registered under [the Companies Acts (as defined in section 2 of the Companies Act 2006)]; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and Provident Societies Acts 1965 [Co-operative and Community Benefit Societies and Credit Unions Acts 1965] to 1978; the Building Societies Act 1986; or (f) the Charities Act 2011.
- B.** Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- C.** Information which falls within any of numbers 1 to 7 above; and is not prevented from being exempt by virtue of number A or B above, is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **The Public Interest Test**

Exemptions pursuant to Schedule 12A are qualified exemptions. Even where the Council is satisfied that the information is within a Schedule 12A category, it can only exclude it from the public if it believes the public interest in withholding the information outweighs the public interest in disclosing it.

Something “in the public interest” is simply something that serves the interests of the public. When applying the test, the authority is simply deciding whether in any particular case it serves the interests of the public better to withhold or to disclose information.

The courts, in newspaper cases, have often considered the question of public interest where an individual or organisation attempts to prevent publication of a story. The courts have often distinguished between things which are in the public interest from things which merely interest the public. It is useful to remember this distinction.

The competing interests to be considered are the public interest favouring disclosure against the public (rather than private) interest favouring the withholding of information.

There are circumstances under which the private and public interest favours non-disclosure. For example there is often both a private and a public interest in the protection of legal professional privilege: a private interest in that disclosure of information held by a solicitor may damage the client, and a public interest, in that it is in the interests of society as a whole that there is access to justice and a fair trial.

If disclosure of information within the exempt categories would adversely affect the Authority or an individual, then it is necessary to weigh the possible adverse effect of

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

disclosure against the positive benefit of openness. There may, however, be other, additional factors to take into account once it has been established that an exemption applies. Consideration of the European Convention on Human Rights, for instance may lead to the conclusion that information should not be disclosed because it might prejudice the right to a fair trial or right to respect for private and family life.

The Convention on Human Rights must be considered when determining where the public interest lies in considering exemptions relating to individuals. For example Article 8 of the Convention rights (Right to respect for private and family life) must be applied when considering exemptions 1 to 4. Article 6 of the Convention Rights (Right to a fair trial) must be applied when considering exemption 5.

Generally speaking, the public interest is served where access to the information would;

- further the understanding of, and participation in the debate of issues of the day. This factor would come into play if disclosure would allow a more informed debate of issues under consideration by the Government or the local authority
- promote and facilitate the accountability and transparency of public authorities for decisions taken by them. By placing an obligation on authorities and officials to provide reasoned explanations for decisions made, thereby improving the quality of decisions and administration.
- promote and facilitate accountability and transparency in the spending of public money. The public interest is likely to be served, for instance in the context of private sector delivery of public services, if the disclosure of information ensures greater competition and better value for money. Disclosure of information as to gifts and expenses may also assure the public of the personal probity of elected leaders and officials.
- allow individuals and companies to understand decisions made by public authorities affecting their lives and business and, in some cases, assist individuals in challenging those decisions;
- bring to light information affecting public health and safety. The prompt disclosure of information by experts may contribute not only to the prevention of accidents or outbreaks of disease but may also increase public confidence in official scientific advice.

Information should be disclosed if the only likely harm would be embarrassment to the authority although if disclosure might discourage openness in expressing opinions, then that might be a reason for withholding it.

In considering the public interest it may also be helpful to bear in mind that certain considerations will not be relevant. For instance, if information is complex or incomplete and therefore potentially misleading these factors should not, in themselves be used to justify exemption.

The fact that the public interest may not favour disclosure of information at the time of consideration by the Cabinet, Committees or Chief Officers does not mean that it would not be disclosable if circumstances change in the future. For example, once

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

the possibility of any commercial advantage or prejudice to commercial negotiations has ended, there may be no reason to continue to label information as exempt.

### **Statement on Reports**

Part 4, paragraph 11, of the Constitution states that reports, which are excluded from the public, must specify the exemption being applied and that in the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The following are examples of statements that could be added to reports:

*The Local Government Act 1972 Access to Information:*

*Information contained in this report is exempt because it falls within Category X of Schedule 12A Local Government Act 1972 (as amended).*

The Proper Officer has considered all the circumstances of the report and is of the view that on balance the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **Exempt Information Category 1- Information relating to any individual.**

The reasons why the public interest favours withholding the information are that the release of such information discloses personal information to the public and could constitute or facilitate an interference with the individual's right to respect for private and family life, his home and his correspondence.

### **Exempt Information Category 2 - Information which is likely to reveal the identity of an individual**

The reasons why the public interest favours withholding the information are that the release of such information could constitute or facilitate an unwarranted invasion of the individual's privacy

### **Exempt Information Category 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information) and not required to be registered under various statutes**

The reasons why the public interest favours withholding the information are that the release of such information would prejudice the Council's conduct of a commercial operation.

OR

because the disclosure of the information is likely to prejudice the commercial interests of the Council and organisations engaged in commercial activities as the information relates to commercial activities that are conducted in a competitive environment.

### **Exempt Information Category 4 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.**

The reasons why the public interest favours withholding the information are that the

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

release of such information would prejudice the Council's conduct of negotiations with Trade Unions.

### **Exempt Information Category 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings**

The reasons why the public interest favours withholding the information are that the release of such information could have a significant potential to prejudice the Council's ability to defend or prosecute its legal interests either directly, by unfairly exposing its legal position to challenge, or indirectly by diminishing the reliance it could place on the advice having been fully considered and presented without risk of disclosure. It is in the public interest that the decisions taken by the Council are taken in a fully informed legal context.

### **Exempt Information Category 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 person; or (b) to make an order or direction under any enactment**

The reasons why the public interest favours withholding the information are that the release of such information would prejudice the administration of justice and interfere with a person's right to a fair trial.

### **Exempt Information Category 7 - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime**

The reasons why the public interest favours withholding the information are that the release of such information could prevent the Council from managing and operating its responsibilities to provide services to the community and would interfere with the investigatory and judicial process

Or

that legal proceedings have already been commenced and disclosure would prejudice the administration of justice.

### **Information which is subject to any obligation of confidentiality**

The reasons why the public interest favours withholding the information are that the release of such information would constitute an actionable breach of confidence against the Council.

### **Information which relates in any way to matters concerning national security.**

The reasons why the public interest favours withholding the information are that the release of such information could be detrimental to safety or well-being of the country and its citizens.

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PART 4 – PROCEDURE RULES AND STANDING ORDERS

**F. BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

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- 2. Process for developing the framework**
- 3. Decisions outside the budget or policy framework**
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## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### 1. THE FRAMEWORK FOR CABINET DECISIONS

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

### 2. PROCESS FOR DEVELOPING THE FRAMEWORK

The process by which the budget and policy framework shall be developed is as follows.

- (a) Before a plan/strategy/budget needs to be adopted, the Cabinet will publish initial proposals, having first canvassed the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration. Details of the Cabinet's consultation process shall be included in relation to each of these matters in the Forward Plan.
- (b) Before or at the same time as the proposals are published, the Cabinet may decide whether to ask a Scrutiny Committee to undertake a review of the existing policy and/or research into a new policy. The Cabinet will inform the relevant Scrutiny Committee of the time for response if the proposals are referred to it and will try to ensure that the Scrutiny Committee will have a reasonable time to respond to the initial proposals. The Scrutiny Committee will report to the Cabinet on the outcome of its deliberations.
- (c) The Cabinet will also consider whether the initial proposals require early consideration by Council. If that is the case, Council will consider the proposals prior to the referral to the Scrutiny Committee.
- (d) As Scrutiny Committees have responsibility for fixing their own work programmes, it is open to them to investigate, research or report in detail with policy recommendations before the end of the consultation period. In any event, once drawn up the proper officer will serve copies of the proposals on the chair and members of the scrutiny committees together with dates when the Cabinet will consider them further.
- (e) The Scrutiny Committees will consider whether to respond to the Cabinet's initial proposals. The scrutiny committee will decide whether any consideration needs to be given to the Cabinet's proposals and if so, how it intends to do so, and will notify the Cabinet accordingly.
- (f) If the matter is one where a Scrutiny Committee has already arranged to carry out a review of policy, then it will ensure that the outcome of that review will be reported to the Cabinet and considered in the preparation of initial proposals.
- (g) Having considered the report of the scrutiny committee, the Cabinet, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. The Cabinet will inform the Scrutiny Committee of the outcome. The Cabinet, when submitting the proposals to

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

Council, will also report on how it has taken into account any recommendations from the scrutiny committee.

- (h) The Council will consider the proposals of the Cabinet. Council may:
  - (i) adopt them; or
  - (ii) amend them; or
  - (iii) refer them back to the Cabinet for further consideration; or
  - (iv) substitute its own proposals in their place.

In considering the matter, the Council shall have before it the Cabinet's proposals and, if appropriate, any report from a Scrutiny Committee.

- (i) The Council's decision will be published within two working days and a copy shall be given to the leader.
- (j) The notice of decision shall be dated and shall state either:
  - (i) that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment); or
  - (ii) (if the Cabinet's proposals are not accepted or are amended), 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.
- (k) If the Leader objects to the decision of the Council, he/she shall give written notice of this to the proper officer before the date upon which the decision is to be effective. The written notification must state the reasons for the objection.
- (l) 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. The Council meeting must take place within 7 working days of the receipt of the leader's written objection.
- (m) 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.
- (n) The Council shall at that meeting make its final decision on the matter on the basis of a two thirds majority. The decision shall be made public and shall be implemented immediately. The Council may:
  - (i) confirm its original decision; or
  - (ii) re-instate the Cabinet recommendation as a decision; or
  - (iii) substitute a different decision.

The decision of the Council at that meeting is final and may be implemented immediately. The leader may not ask for this or any other decision to the same effect to be reconsidered for a further 6 months.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- (o) In approving the budget and policy framework, the Council will decide whether any amendment to Financial Standing Orders in respect of the extent of virement is necessary. 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 2 (o), the Cabinet, committees of the Cabinet, individual members of the Cabinet 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 the Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Cabinet, committees of the Cabinet, individual members of the Cabinet 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 financial 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. If the advice of either of those officers 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 shall apply.
- (c) Council may either:
  - (i) endorse a decision or proposal of the Cabinet 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 Councillors in the normal way; or
  - (ii) amend the budget framework or policy concerned to encompass the decision or proposal of the decision taker 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 Councillors in the normal way; or

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- (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 decision taker to reconsider the matter in accordance with the advice of either the Monitoring Officer/chief financial officer and refer it back to the Cabinet. The decision taker must reconsider within 7 working days of the Council meeting. Whatever decision the Cabinet takes at that meeting is final, bearing in mind that a decision taken outside the policy or budget framework will be unlawful.

### **4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- (a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet 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. 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 and it is not practical to convene a quorate meeting of the full Council within the Access to Information Rules.
- (b) 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, and therefore not subject to call-in.
- (c) The Chair of the relevant scrutiny committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the consent of the member nominated as deputy of the Chair of the scrutiny committee for this purpose shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required.
- (d) The reasons why it is not practical to convene a quorate meeting of full Council and the consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- (e) Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (f) 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.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### **5. VIREMENT**

- (a) Chief Officers are free to vire budget provision between budget heads within their departments subject to limitations contained in Financial Standing Orders in Part 4.
- (b) The Cabinet may at any time during the financial year and after considering a report of the Executive Director Corporate Services vary departmental cash limits in accordance with Financial Standing Orders in Part 4.

### **6. IN-YEAR CHANGES TO POLICY FRAMEWORK**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet 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 the Cabinet, a committee of the an individual member of the Cabinet or officers, or joint arrangements discharging executive functions except where Council has agreed this at the time of agreeing the budget or relevant policy or strategy.

# **FINANCIAL STANDING ORDERS**

## **G. FINANCIAL STANDING ORDERS**

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## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### FINANCIAL STANDING ORDERS

#### INTRODUCTION

These Financial Standing Orders reflect the ethos of devolved responsibility by which the Council's financial resources are to be managed. They set out the duties of the Executive Director Corporate Services and chief officers. Procedure Notes provide guidance on interpretation of the Standing Orders together with information links to relevant documents and contacts. Officers are also required to comply with Financial Regulations which cover the areas of delegation.

The Financial Standing Orders recognise the importance of the Council's Community Strategy and policy guidance from Members supported by departmental plans. Chief Officers are required to achieve the objectives, for which they are responsible in those plans, by optimising, but not overspending, the financial resources allocated to them in the budget.

The Financial Standing Orders are flexible enough to be applied to the Government's "Modernising Government" programme, which includes where appropriate, the use of e-commerce, e.g. e-procurement, digital signatures, electronic grant claims/notifications, etc.

The Council prepares both its revenue and capital accounts on an accruals basis, and monitors accounting commitments on both revenue and capital budgets. All references to income and expenditure in the Financial Standing Orders and Financial Regulations include accrued income and expenditure in addition to cash receipts and payments. A short glossary of other terms is appended to the Financial Standing Orders for ease of reference – a more detailed version may be found appended to the Financial Regulations.

References in these Standing Orders to "the Cabinet" should be taken to include decisions taken by the whole Cabinet, decisions by any sub-committee of the Cabinet and decisions by single members of the Cabinet. Delegations to the Cabinet are set out in Part 3.

#### 1. FINANCIAL ADMINISTRATION

##### (a) Executive Director Corporate Services

- (i) The Executive Director Corporate Services is the officer appointed by the Council in accordance with Section 151 of the Local Government Act 1972, the Accounts and Audit Regulations 2003, Section 114 of the Local Government Finance Act 1988 and Sections 27 of the Local Government Act 2003. The postholder must ensure that the Council's financial affairs are administered in a proper manner, in compliance with all relevant professional codes of practice, and all statutory obligations;
- (ii) All matters connected with the financial administration of the Council's affairs are the delegated responsibility of the Executive Director

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

Corporate Services, except any matters which are delegated to other officers or reserved to the committees of Council Members, the Cabinet, or to the Council itself. The Executive Director Corporate Services may authorise other officers to carry out matters delegated to him/her except the Section 151 responsibilities.

- (iii) The Executive Director Corporate Services will provide interpretation of the Finance Standing Orders when questions arise in terms of practical implementation.

### (b) **Chief officers**

Chief officers must maintain financial controls and secure the accuracy and integrity of financial information and systems operating within their departments. Chief officers must ensure compliance with procedural instructions on financial administration issued by the Executive Director Corporate Services.

### (c) **Financial regulations**

The Executive Director Corporate Services will issue Financial Regulations applicable to all or specified categories of Council staff. Chief officers will ensure that all relevant staff in their departments comply with them. Individual Council officers must familiarise themselves with Financial Regulations relevant to their work, and comply with them.

### (d) **Fees and charges**

Changes in all fees and charges and the introduction of new fees and charges, including proposals affecting rents and associated charges for Council dwellings, require Cabinet and or Council approval. The Cabinet and or Council must review the fees and charges at least annually.

### (e) **Debt write-offs**

- (i) Departmental chief officers can write off debts of £50,000 or less;
- (ii) The Executive Director Corporate Services can write off debts greater than £50,000 following a request from a departmental chief officer.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### (f) **Internal audit**

- (i) The Executive Director Corporate Services is responsible for:
  - (a) Determining the annual Internal Audit Plan subject to agreement by the Audit and Corporate Governance Committee;
  - (b) The content and distribution of Internal Audit Reports; and
  - (c) The form and frequency of reports which may be made to the Audit and Corporate Governance Committee arising from Internal Audit activity.
- (ii) It is the responsibility of all Council officers to provide, upon the request of the Executive Director Corporate Services or a person nominated by him or her for this purpose, any information, explanation or document under the control of the officer concerned or access to any premises, facilities or systems, which is required for the purposes of or in connection with an Internal Audit inquiry, project, or investigation; and
- (iii) The Executive Director Corporate Services will report to the Audit and Corporate Governance Committee any serious breach of Financial Standing Orders or of the Financial Regulations or Procedural Instructions issued in accordance with them.

### (h) **Closure of Accounts**

The Executive Director Corporate Services will issue instructions annually for achieving the statutory timetable for closure of accounts. Executive Directors will be responsible for ensuring these are followed in their respective departments.

## **2. FINANCIAL PLANNING**

### (a) **Planning process**

The Council's financial planning processes and planning horizons, for the revenue budgets (including the Housing Revenue Account) and the capital programme, will be determined by the Executive Director Corporate Services, subject to approval by the Cabinet. This will have regard to the Council's Community Strategy, Corporate Plan and departmental service plans.

## **3. PREPARATION OF THE REVENUE BUDGET**

### (a) **Executive Director Corporate Services' responsibilities**

The Executive Director Corporate Services is responsible for the overall coordination of the budget process; also for the preparation of estimates for expenditure and income not included within the resource constraints (cash limits) set by the Cabinet.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

The Executive Director Corporate Services is responsible for monitoring and reporting on the adequacy of the Council's reserves under the terms of Section 27 of the Local Government Act 2003.

### (b) **Executive Directors' responsibilities**

Executive Directors and the Director of Public Health are responsible for preparing the revenue budget for his/her departments which will have regard to the Community Strategy and policy guidance from Members, cross-cutting issues and departmental service plans. They are also responsible for securing the approval of that budget within the cash limit agreed by the Cabinet.

### (c) **Budget working papers and final estimates**

- (i) All working papers and final estimates must be prepared in accordance with issued procedural instructions. The instructions will include information in respect of inflation, capital financing costs and other variables outside the control of service departments.
- (ii) The revenue estimates must include forecast expenditure and income for the year

### (d) **Budget timetable and departmental cash limits**

As part of the Council's arrangements for medium-term financial planning and budget preparation, the Cabinet may, from time to time, give guidance on the budget timetable to be adopted and the resource constraints (cash limits) within which departmental service plans and budget estimates must be prepared.

## 4. **SETTING THE ANNUAL BUDGET AND THE COUNCIL TAX**

### (a) **Precepting authorities and the tax base**

The Council must before 31st January each year approve the Council tax base for the following financial year. Following the Council decision, the Executive Director Corporate Services will inform precepting and levying bodies of the approved Council tax base.

### (b) **Collection fund**

The Executive Director Corporate Services will determine the probable Collection Fund surplus or deficit for the year, notify precepting bodies, and report to the Cabinet.

### (c) **Decision by members**

- (i) The Cabinet will make recommendations to the Council regarding the annual budget for the following financial year and the Council tax required to finance it; and

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- (ii) The recommendation will include and specify the level of any prudential borrowing required to finance capital expenditure
- (iii) At a meeting on or before 10 March each year, the Council will approve the budget and set the Council tax for the following financial year.

### 5. MONITORING AND CONTROL OF THE REVENUE BUDGET

#### (a) Budget spending

Following approval by the Council of the annual revenue estimates, chief officers are free to spend within the agreed budget for their departments. They must ensure that the net expenditure for their departments does not exceed the approved cash limit.

#### (b) Monitoring

- (i) Chief officers must make arrangements to ensure that in each month they are aware of, and can report on, the actual expenditure and income for their departments under each budget heading, and the projected outturn for the financial year, having regard to any commitments or contingencies and identifying potential contingent liabilities for which financial provision may be required. Chief officers must present reports containing up to date summary projections to the relevant Cabinet Member each month and to the Cabinet as a whole at least twice a year.
- (ii) The Executive Director Corporate Services will report on the overall financial position of the Council to the Cabinet as required, but not less than twice a year. This report will include any concerns he or she may have about the budget projections being made by chief officers or about financial controls within departments.
- (iii) The Executive Director Corporate Services will report to the Cabinet, not later than October of each year, on the financial outturn for the previous financial year.

#### (c) Virements

Chief officers are free to vire budget provision between budget headings within their department, subject to the following:

- (i) the authority for all virements must comply with each department's scheme of delegation;
- (ii) provisions included within departmental budgets on the instructions of the Executive Director Corporate Services, e.g. insurance, capital charges, leasing costs, etc, may not be vired for other purposes without the written consent of the Executive Director Corporate Services and

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- (iii) the departmental chief officer must report virements made to the Cabinet at least twice a year, in as much detail as requested by the Cabinet.

### (d) **Budget adjustments**

The Executive Director Corporate Services will transfer resources in consultation with the relevant Executive Director or Director of Public Health. The transfer will be reported to the Cabinet at the earliest opportunity.

### (e) **Cash limit adjustments**

The Cabinet may at any time during a financial year, having considered a report of the Executive Director Corporate Services, vary the departmental cash limits either:

- (i) to require mid-year savings to compensate for a projected corporate overspend;
- (ii) to allocate to departments sums included within corporate provisions or budgets; or
- (iii) following transfer of service(s) between departments.

### (f) **Unplanned Income**

Additional, unbudgeted income exceeding 1% of the departmental cash limit for the year in question, or £500,000, whichever is the larger, shall not be applied without the authority of the Cabinet.

### (g) **Carry forward of underspends**

The Executive Director Corporate Services may, on consideration of the overall financial position of the Council at the end of a financial year, recommend to the Cabinet that underspends by departments should be made available for specific projects or carried forward to the subsequent financial year.

### (h) **Accuracy of accounts**

It is the responsibility of chief officers, having regard to any guidance which may be issued by the Executive Director Corporate Services, to ensure that all items are correctly coded and only expenditure classified as revenue expenditure in accordance with proper accounting practices or as defined as such under the Local Government and Housing Act 1989 is charged to revenue.

## 6. **PREPARATION OF THE CAPITAL PROGRAMME**

### (a) **Capital programme**

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- (i) The Executive Director Corporate Services will report at least annually to the Cabinet on the Capital programme. A report must be made at the setting of the Revenue budget. The reports from the Executive Director Corporate Services will consider the capital resources available to the Council in the context of the CIPFA Prudential Code for Capital Finance in Local Authorities and any other relevant information.
- (ii) The Cabinet will, on advice from the Executive Director Corporate Services, recommend to the Council the capital programme (the plan for control of capital expenditure), the level of prudential borrowing to be undertaken and prudential indicators to be set and monitored against.

### (b) **Financing of schemes**

Within the overall approved capital programme, the Executive Director Corporate Services will decide the method by which any particular scheme will be financed, including Prudential borrowing subject to the overall level of prudential borrowing approved by the Council.

### (c) **Budget working papers**

All working papers must be prepared in accordance with issued procedural instructions.

## 7. **MONITORING AND CONTROL OF THE CAPITAL PROGRAMME**

### (a) **Control**

Chief officers must ensure that their total departmental capital spending in any financial year does not exceed the relevant provision within the capital programme, except where approved by the Executive Director Corporate Services.

### (a) **Reporting requirements**

- (i) Chief officers must report each month to the relevant Cabinet Member on departmental capital expenditure incurred to date in the financial year and the projected outturn for the financial year compared to budget.
- (ii) The Executive Director Corporate Services must report each month to the Cabinet Member for Finance and Transformation on the overall capital expenditure incurred to date in the financial year and the projected outturn for the financial year compared to budget.
- (iii) Chief officers must report to the relevant Cabinet Member annually on the actual capital expenditure incurred in the previous financial year compared to budget together with a comparison between the approved

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

total cost and the projected total cost for each scheme.

- (iv) The Executive Director Corporate Services will report on the actual capital expenditure incurred by the Council as a whole to the Cabinet as required, but not less than twice a year. This report will include details of the projected outturn for the financial year and the total capital resources available to the Council with which to finance such expenditure.
- (v) The Executive Director Corporate Services will report to the Cabinet on the outturn position for capital expenditure for each financial year.

### (b) **Variations to the capital programme**

Chief officers may vary the budget for individual schemes or block provisions and may add schemes subject to any increase in budget being met by virements or additional resources and subject to the agreement of the Executive Director Corporate Services.

### (c) **Major overspends**

Chief officers must report to the Cabinet on any schemes in progress which are forecast to overspend by 25% or more compared to the contract sum unless the overspending amounts to less than £75,000. The report must give the reasons for the overspending.

### (d) **Accuracy of accounts**

It is the responsibility of chief officers, having regard to any guidance which may be issued by the Executive Director Corporate Services, to ensure that all items are correctly coded and only expenditure classified as capital expenditure in accordance with proper accounting practices or as defined as such under the Local Government Act 2003 is charged to capital.

## **8. LEASES**

### (a) **Inclusion in capital accounts**

The taking or granting of a lease on any asset may form part of the Council's capital expenditure borrowing or receipts, and must, therefore, be properly accounted for.

### (b) **Capital Review Panel**

The taking or granting of a lease on any asset will be subject to the consent of the Executive Director Corporate Services and the Borough Solicitor. The exceptions to this are:

- (i) the granting of short term leases on property within the commercial property portfolio managed by the Director of Property Management; and

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

- (ii) the granting of leases on Housing Revenue Account dwellings under the Right to Buy or Social Homebuy provisions of the Housing Acts.

### **9. SCHOOLS FAIR FUNDING**

#### **(a) Application of Standing Orders**

Delegated budgets of schools, in accordance with the Schools Standards and Framework Act 1998, remain part of the authority. The statutory responsibilities of the Executive Director Corporate Services apply to schools in the same way as any other part of the Council.

#### **(b) Financial Regulations**

Financial Regulations applying to schools which differ from those issued to chief officers and departments will be issued by the Executive Director Supporting People after agreeing them with the Executive Director Corporate Services.

### **10. TREASURY MANAGEMENT**

#### **(a) Adherence to CIPFA code**

- (i) This organisation adopts the key recommendations of CIPFA's Treasury Management in the Public Services Code of Practice (the Code), as described in Section 4 of that Code.
- (ii) Accordingly, this organisation will create and maintain, as the cornerstones for effective treasury management:
  - A treasury management policy statement, stating the policies and objectives of its treasury management activities.
  - Suitable treasury management practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

The content of the policy statement and TMPs will predominantly follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of this organisation. Such amendments will not result in the organisation materially deviating from the Code's key recommendations.

- (iii) The Cabinet will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year and an annual report, by 30 September of the succeeding financial year in the form prescribed in its TMPs.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### (b) **Delegation**

This organisation delegates responsibility for the implementation and the monitoring of its treasury management policies and practices to the Cabinet and the updating of the Treasury Management Practices, and for the execution and administration of treasury management decisions to the Executive Director Corporate Services, who will act in accordance with the organisation's policy statement and TMPs and CIPFA's Standard of Professional Practices on Treasury Management.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### **GLOSSARY**

#### **Capital Programme**

The capital programme is a medium term statement of the Council's proposals for capital expenditure, including leasing, having regard to the likely level of resources.

#### **Prudential Code**

The key objectives of the Prudential code are to ensure, within a clear framework, that the capital investment plans of local authorities are affordable, prudent, sustainable and in accordance with good professional practice – or, in exceptional cases, to demonstrate that there is a danger of not ensuring this, so that the authority can take timely remedial action.

#### **Schools Fair Funding**

The Department for Education approves the Council's Fair Funding Scheme. The Scheme contains details of Financial Standing Orders and Regulations.

#### **Treasury Management**

In order to maximise the return on temporary surplus cash balances and minimise the cost of short-term borrowing, the Council employs a policy of "Treasury Management". The Council has adopted the CIPFA Code of Practice on Treasury Management in Local Authorities.

#### **Virements**

A virement is an agreed re-allocation of budgetary provision which has been approved for one purpose to another designated budget.

# CONTRACT STANDING ORDERS

## **PART 4 – PROCEDURE RULE AND STANDING ORDERS**

### **H. CONTRACT STANDING ORDERS (Approved by Council April 2017)**

#### **A. PURPOSE AND SCOPE OF CONTRACT STANDING ORDERS**

##### **A1. Legislation Governing these Contract Standing Orders**

1. Contract Standing Orders (“CSOs”) form part of the Constitution of the London Borough of Camden (“the Council”) and govern contracts as described below in CSO A2 (Scope of Contract Standing Orders).
2. The Council is legally obliged to have standing orders. CSOs must include provision for securing competition in the award of contracts and for regulating the manner in which tenders are invited.
3. These CSOs must be complied with<sup>1</sup>, together with the Council’s Financial Standing Orders.
4. **It may be a disciplinary offence for officers not to follow the CSOs.** Staff have a duty to report breaches to an appropriate senior manager at Chief Officer<sup>2</sup> level, the Borough Solicitor and the Head of Internal Audit and Risk.
5. A decision taken by the Council may either be a non-key executive or a key decision. Key decisions must be included on the forward plan, and published. Non-key executive decisions do not require inclusion on the forward plan, however the decision and report must be published in line with the Local Authorities Regulations 2012. The process is set out in guidance notes held by Committee Services<sup>3</sup>.

##### **A2. Scope of Contract Standing Orders**

1. These CSOs apply to all contracts awarded by the Council for works, services or supplies, regardless of the source of funding for the contract, and to the award of concession contracts. They apply equally to contracts awarded by any person, firm or body acting on the Council’s behalf.
2. In addition, each Directorate must have and adhere to the Financial Scheme of Delegation. The Financial Scheme of Delegation will set out what level of financial authority officers in each Directorate have.

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<sup>1</sup> The CSOs should be read in conjunction with the Council’s Procurement Toolkit and Guide to CSOs which sets out guidance on the application of these principles and compliance with these CSOs. A link will be added.

<sup>2</sup> As per Article 13 of the Constitution, the term Chief Officer includes the Chief Executive, all Executive Directors, Directors, Chief Digital and Information Officer, the Borough Solicitor and the Director of Public Health.

<sup>3</sup> Guidance note for Departmental Coordinators and Report Authors: Process for Non-Key Executive Decisions – this is available from Committee Services.

## PART 4 – PROCEDURE RULE AND STANDING ORDERS

3. Where works, services or supplies are awarded (called off) from a framework agreement (and the Council is satisfied that the framework has been set up in accordance with EU law) then they must be awarded in line with the terms of the framework agreement. The method of call-off (e.g. mini-competition or direct award) must be endorsed by the relevant Chief Officer<sup>4</sup>.
4. In certain cases, the Council may enter into partnership agreements or shared services with other parties, including other councils. Such agreements may contain delegations to either individual officers, joint committees or other Councils to authorise procurement strategies and/or contract awards in compliance with a third party's contract standing orders. The partnership agreement/shared services arrangement must be authorised at the outset at the appropriate level pursuant to section C3.4 and C3.5 of these CSOs, relevant to the potential aggregate value of the contracts to be entered into.
5. These CSOs **do not** apply to:
  - Grant Arrangements;
  - Contracts of employment;
  - Land Transactions (which solely relate to interest in land);
  - Contracts for the provision of packages of social care, educational and welfare services to individual clients, where the aggregate value of such contracts does not exceed the EU Threshold for supplies and services, and there is no cross border interest<sup>5</sup>;
  - Contracts with agencies for the provision of individual temporary staff where the Head of Procurement, (after liaison with the Director of People and Inclusion) agree that use of the vendor managed service is not appropriate.
  - Contracts with Barristers for particular instructions where the Borough Solicitor considers the instructions do not require a procurement exercise and can be commissioned outside of any current framework agreement for those services.
  - Contracts entered into for or by school governing bodies are covered by separate standing orders issued as part of the Council's scheme for financing schools.

### A3. Roles and Responsibilities

1. Chief Officers have responsibility for all contracts let by their Directorate, with the Council's Section 151 Officer (held by the Executive Director Corporate Services)<sup>6</sup> having an oversight over all contracting activity across the Council. The Council's Executive Director Corporate Services is responsible for ensuring that relevant

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<sup>4</sup> The method of call-off must be endorsed by the Chief Officer in line with the processes and procedures detailed in the Council's procurement toolkit and guide to CSOs.

<sup>5</sup> EU Procurement Thresholds for supplies or services are subject to change. The current threshold can be found at <http://www.ojec.com/thresholds.aspx>. (As at January 2016 the threshold is £164,176 for a sub – central contracting authority ).

<sup>6</sup> The Executive Director Corporate Services holds the statutory Section 151 Officer post. This is also referred to as the Chief Financial Officer post and refers to the officer appointed under section 151 of the Local Government Act 1972 which requires every local authority to appoint a suitably qualified officer responsible for the proper administration of its affairs. Functions include ensuring lawfulness and financial prudence of decision-making, administration of financial affairs, advising whether cabinet decisions are within the budget and policy framework.

## **PART 4 – PROCEDURE RULE AND STANDING ORDERS**

processes and procedures are in place in relation to the endorsement of procurement related reports.

2. Chief Officers are responsible for ensuring that mandatory processes under EU law, UK law and Council Policy are adhered to, that good practice is followed, and for taking immediate action in the event of a breach of CSOs within their area.

### **B. REQUIREMENTS FOR ALL PROCUREMENTS AND CONTRACTS**

#### **B1. Contract award principles**

1. The Council has a statutory duty to achieve best value and it is in the Council's best interests to spend public money in this way. Therefore, every contract for the procurement of goods, works and services by the Council must be for the purpose of achieving the Council's statutory or approved objectives.
2. Contracts must be awarded on the basis of the most economically advantageous tender, quotation or proposal, as determined by such criteria as are relevant to the type of goods, works or services. This will generally cover the optimum combination of whole life costs and benefits, including such factors as quality, initial price, running costs and disposal costs.

#### **B2. Estimating Value**

1. Before entering into any contract an estimate of contract value must be calculated. The estimated value is to be based on the total amount payable to the supplier over the whole contract period, net of VAT. This is to include any option(s) to extend the contract as set out in the procurement documents.
2. In the case of contracts without a fixed term or with a term greater than 48 months the estimated value shall be the monthly value multiplied by 48 net of VAT.
3. The value of concession contracts shall be the estimated total turnover of the concession generated over the duration of the contract, net of VAT.

### **C. PROCUREMENT PROCEDURES**

#### **C1. Contracts with an Estimated Value of less than £25,000**

1. A Head of Service (tier 3 in the Council's organisational structure), must determine the best method of appointing a provider where the total contract value is estimated to be below £25,000.
2. The method chosen must be able to objectively demonstrate that best value has been obtained for the Council.

## PART 4 – PROCEDURE RULE AND STANDING ORDERS

### C2. Contracts with an Estimated Value of £25,000 or more but less than the EU Procurement Threshold(s)<sup>7</sup>

1. A Chief Officer must approve the award of contracts with a value between £25,000 and the EU Threshold for supplies and services. Contracts of this value must be procured by inviting at least 3 written quotations. This shall be retained so that it may be used for audit purposes.
2. Requests for quotations must be sought via the Council's approved electronic tendering system and advertised on Contracts Finder where applicable.

### C3. Contracts with an Estimated Value over EU Procurement Threshold(s)

1. Contracts with a value in excess of the relevant (Supplies or Services) EU Threshold<sup>8</sup>, in accordance with the subject matter be it supplies, services or works, must be subject to a competitive tendering process unless they are specifically excluded, or any exemptions apply, under the Public Contracts Regulations 2015 (PCR).
2. Tenders must be submitted electronically in accordance with the instructions set out in the invitation to tender.
3. The following tables provide the final approval routes for each level of decision making<sup>9</sup>.

#### 4. Revenue Contracts

Approval for revenue contracts must be sought as follows:

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<sup>7</sup> EU Procurement Thresholds for supplies or services are subject to change. The current threshold can be found at <http://www.ojec.com/thresholds.aspx>. (As at January 2016 the threshold is £164,176 for sub-central contracting authority).

<sup>8</sup> EU Procurement Thresholds for supplies or services are subject to change. The current threshold can be found at <http://www.ojec.com/thresholds.aspx>. (As at January 2016 the threshold is £164,176 for a sub-central contracting authority).

<sup>9</sup> The full approval routes are set out in detail in the Procurement Toolkit and Guide to CSOs.

## PART 4 – PROCEDURE RULE AND STANDING ORDERS

REVENUE CONTRACTS		
TOTAL ESTIMATED CONTRACT VALUE (FOR THE LIFE OF THE CONTRACT)	PROCUREMENT STRATEGY – FINAL APPROVAL	CONTRACT AWARD – FINAL APPROVAL
EU threshold(s) <sup>10</sup> for Supplies and Services to £500,000	Chief Officer(s)	Chief Officer(s)
£500,000 to £1 million	Executive Director(s)	Chief Officer(s)
£1 million to £2 million	Executive Director(s) in consultation with the relevant Cabinet Member(s)	Chief Officer(s)
£2 million to £5 million (or less than £2 million per annum)	Cabinet Member(s)	Executive Director(s)
£5million to £10 million	Cabinet	Cabinet Member(s)
£10 million and greater (or £2 million or greater per annum)	Cabinet	Cabinet

<sup>10</sup> EU Procurement Thresholds for supplies or services are subject to change. The current threshold can be found at <http://www.ojec.com/thresholds.aspx>. (As at January 2016 the threshold is £164,176 for a sub-central contracting authority).

## PART 4 – PROCEDURE RULE AND STANDING ORDERS

### 5. Capital Contracts

For example, those contracts that relate to the acquisition of long-term assets, such as buildings or equipment. Approval for capital contracts must be sought as follows:

CAPITAL CONTRACTS		
TOTAL ESTIMATED CONTRACT VALUE (FOR THE LIFE OF THE CONTRACT)	PROCUREMENT STRATEGY – FINAL APPROVAL	CONTRACT AWARD – FINAL APPROVAL
EU Procurement Threshold(s) for Supplies and Services to £500,000	Chief Officer(s)	Chief Officer(s)
£500,000 to £2 million	Chief Officer(s)	Chief Officer(s)
£2 million to £5 million	Executive Director(s) in consultation with the relevant Cabinet Member(s)	Executive Director(s)
£5million to £10 million	Cabinet	Cabinet Member(s)
£10 million or greater (or £2 million or greater per annum)	Cabinet	Cabinet

### D. CONTRACT CONDITIONS

1. All contracts of £25,000 and over in value must be in writing save for contracts made in extreme urgency which must be subsequently confirmed in writing.
2. Contracts of £25,000 and over in value must be signed by one officer authorised by the Financial Scheme of Delegation.
3. Contracts in excess of £500,000 must be forwarded to Law and Governance for execution as a deed unless the Monitoring Officer (post held by the Borough Solicitor<sup>11</sup>) agrees otherwise.

<sup>11</sup> The Borough Solicitor holds the Monitoring Officer post which performs the following functions; maintaining the Constitution, ensuring lawfulness and fairness of decision-making, supporting the Standards Committee and conducting investigations.

## **PART 4 – PROCEDURE RULE AND STANDING ORDERS**

4. Standard contract clauses, as approved by legal services, must be used in any contract worth £25,000 or more. Further legal advice must be sought where necessary.

### **E1. MODIFICATION/VARIATION AND EXTENSION OF CONTRACTS WITHIN THE TERMS OF THE CONTRACT**

1. Contracts may be modified/varied or extended, if allowed within the Public Contracts Regulations 2015, and such changes are provided for within the terms of the contract. Legal advice should be sought before any changes are executed.
2. Where the Contract was awarded by the Cabinet or a Cabinet Member, an extension to the length of a contract allowable under the terms of the contract may be agreed by the Chief Officer only after consultation with the relevant Cabinet Member who made the original decision, or who is responsible for that area should the matter have been agreed by Cabinet. Where contracts were awarded by an officer, then the same level of officer must agree the extension.
3. Where the contract was awarded by the Cabinet or a Cabinet Member, any significant modification/variation must be agreed by the Chief Officer, only after consultation with the relevant Cabinet Member who made the original decision or who is responsible for that area should the matter have been agreed by Cabinet. A significant modification is defined as in excess of a 25% increase to the aggregate contract price originally approved. Legal services must also be consulted before a significant modification is implemented to ensure such modification complies with the Public Contracts Regulations 2015. Where contracts were awarded by a Chief Officer or other officer, then the same level of officer must agree the modification/variation.

### **E2. MODIFICATIONS/VARIATIONS THAT FALL OUTSIDE THE TERMS OF THE CONTRACT**

1. A Chief Officer may authorise modifications/variations and extensions to an existing contract, that are not provided for in the terms of the contract, in the circumstances provided for in the Public Contracts Regulations 2015.
2. A modification or extension to the length of a contract not allowable under the terms of the contract requires a waiver in line with CSO F2, based on the value of the extension or modification. Where CSOs apply to a contract, any individual provision may be waived so long as this will not lead to a breach of EU rules on tendering.

### **F1. WAIVING CONTRACT STANDING ORDERS**

1. Following consideration of a written waiver report, exceptions to these CSOs may be granted. The grounds for granting waivers set out at CSO F2 must be complied with at all times.

## **PART 4 – PROCEDURE RULE AND STANDING ORDERS**

### **F2. WAIVER GROUNDS:**

1. The grounds for granting waivers are as follows. No exception to these CSOs may be permitted unless the authoriser (acting with the agreement of the Council's Executive Director Corporate Services or another Executive Director) is satisfied that:
  - i) the circumstances of the proposed waiver are permitted by EU and English law; and
  - ii) there are exceptional circumstances that have led to a need to depart from the CSOs and evidence has been provided which demonstrates the waiver is necessary to achieve the Council's objectives; and
  - iii) the nature of the market for the works to be carried out, or the services or supplies to be provided, has been investigated and it has been demonstrated that due to a lack of competition in the market, a departure from the requirements of CSOs is justifiable; or
  - iv) the contract is for works, services or supplies that are required in circumstances of an emergency and as such could not reasonably have been foreseen.

### **F3. WAIVER APPROVAL**

1. Waivers relating to contracts with a total value between £25,000 and £100,000 may be granted by the relevant Chief Officer, subject to the agreement of the Director of Finance.
2. Waivers relating to contracts with a total value over £100,000 may be granted by the relevant Chief Officer or subject to the approval of the Executive Director Corporate Services or another Executive Director if the waiver is requested by Corporate Services.
3. For waivers relating to contracts with a total value that exceeds £500,000 additional agreement must be sought.
  - i) If it is between £500,000 and £2 million the relevant Cabinet Member must agree.
  - ii) If it is over £2 million then the Cabinet has to agree.

### **G. CONTRACT NOVATION**

1. A Chief Officer may agree the novation (transfer) of any contract subject to EU rules.
2. Legal advice should be sought and the Public Contracts Regulations 2015 must be adhered to.
3. A contract novation must be approved as per the thresholds referenced in CSO C4 or C5.

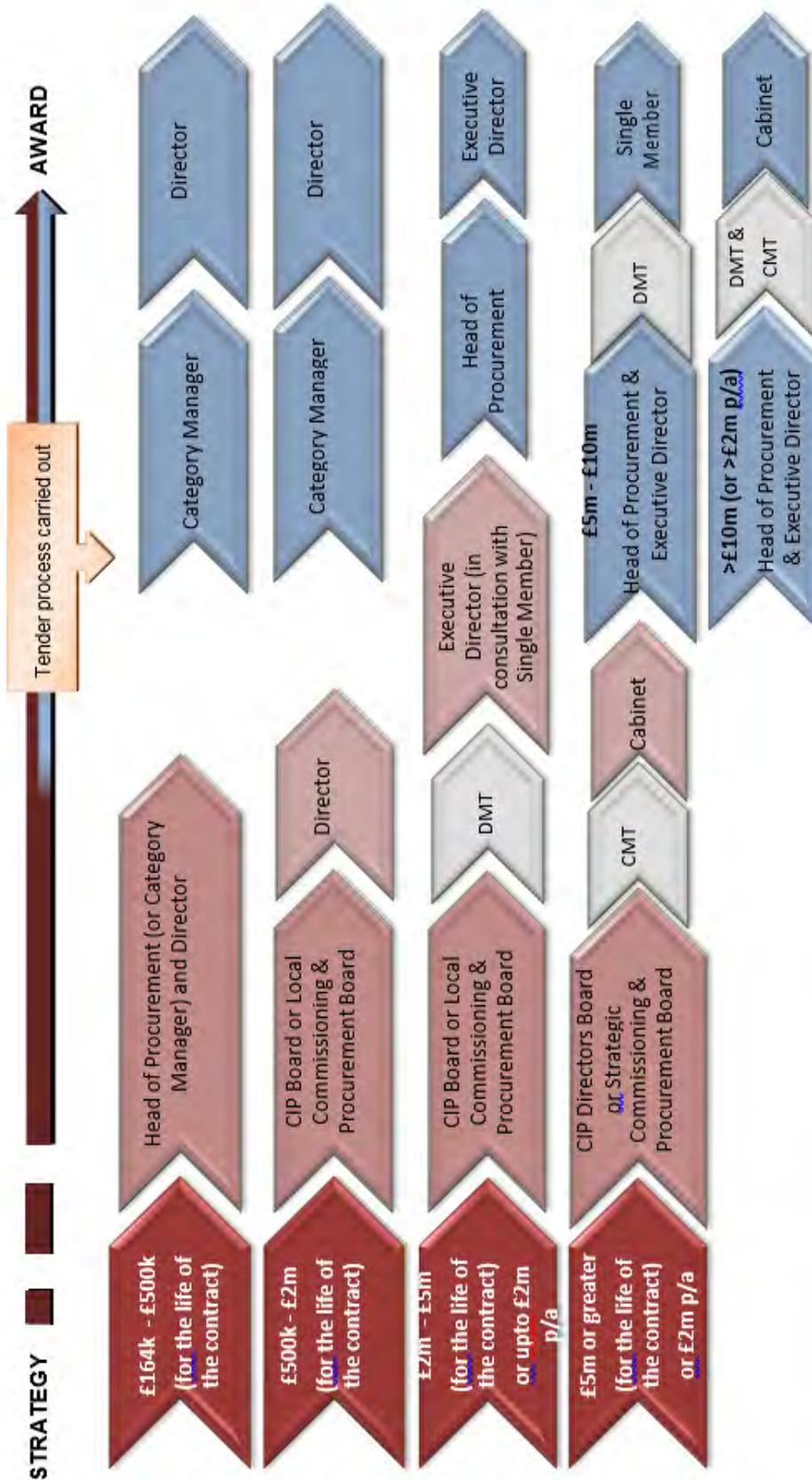


**PART 4 – PROCEDURE RULE AND STANDING ORDERS**

**SUMMARY PROCESS FOR CAPITAL CONTRACTS**

(for both Community Investment Programme (CIP) Projects and non-CIP projects)

[This does not form part of CSOs]



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## PART 4 – PROCEDURE RULE AND STANDING ORDERS

### SUMMARY OF THE ADVERTISING AND PROCESS REQUIREMENTS UNDER CONTRACT STANDING ORDERS AND PUBLIC CONTRACTS REGULATIONS 2015 (PCR)

CONTRACT VALUE	ADVERTISING REQUIREMENTS	TYPE OF PROCESS	CONTRACT AWARD NOTICE
£0-24,999	No advertising requirements	N/A	N/A
<b>£25,000* to EU threshold</b> <i>[*Where an advert has been placed in the public domain or in line with Camden's CSOs]</i>	Advertise on Contracts Finder where being advertised elsewhere (if no advert placed then no requirement to use Contracts Finder)	Obtain 3 written quotations.	On Contracts Finder where applicable
<b>Above threshold:</b> <b>Services and Supplies:</b> <b>£164,176</b> <b>Works and Concessions:</b> <b>£4,104,394</b>	Advertise on OJEU and on Contracts Finder	Processes permitted under the PCR: <ul style="list-style-type: none"> <li>• Open tender,</li> <li>• restricted tender,</li> <li>• competitive dialogue,</li> <li>• competitive procedure with negotiation,</li> <li>• innovation partnership,</li> <li>• negotiated procedure without prior publication (only in specific circumstances as set out in the PCR).</li> </ul> For services that fall under the Light Touch Regime, a process can be tailored or designed to meet requirements.	On OJEU and on Contracts Finder
<b>Above threshold:</b> <b>Schedule 3 Services:</b> <b>£589,148</b>		Process which complies with obligations of transparency and equal treatment	

PART 4 – PROCEDURE RULES AND STANDING ORDERS

Summary tables of existing Contract Standing Orders - Revenue

	<b>Total Aggregate Value</b>	<b>Procurement Procedure</b>	<b>Approval – Contract Award Strategy</b>	<b>Other Essential Requirements</b>	<b>Waivers Approval (online system)</b>
<b>A</b>	£0.00 and up to £5,000	Method deemed appropriate by Authorised Officer (further detail within Code of Practice)	<ul style="list-style-type: none"> <li>Authorised Officer(s) *</li> </ul>	n/a	n/a
<b>B</b>	£5,000 and up to £25,000	Method deemed appropriate by Authorised Officer (further detail within Code of Practice)	<ul style="list-style-type: none"> <li>Authorised Officer(s) *</li> </ul>	<ul style="list-style-type: none"> <li>Head of Hubknowledge</li> </ul>	n/a
<b>C</b>	£25,000 and up to £100,000	Three written quotes	<ul style="list-style-type: none"> <li>Authorised Officer(s) *</li> </ul>	<ul style="list-style-type: none"> <li>Head of Hub endorsement</li> <li>Details onto contract register</li> </ul>	<ul style="list-style-type: none"> <li>Authorised Officer(s) *</li> <li>Head of Hub / Category Manager</li> <li>Director of Finance</li> </ul>
<b>D</b>	£100,000 and up to £5 million (or up to £2 million per annum)	Competitive Tendering (EU rules if over the current thresholds for supplies and services, and for works)	<ul style="list-style-type: none"> <li>Authorised Officer(s) *</li> </ul>	<ul style="list-style-type: none"> <li>HPB LCPB endorsement (via Tollgate Form)</li> <li>Use E-Tendering</li> </ul>	<ul style="list-style-type: none"> <li>£100,000 and up to £500,000:</li> <li>Authorised Officer(s) *</li> <li>HPBLCPB</li> </ul>

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PART 4 – PROCEDURE RULES AND STANDING ORDERS

<p><b>million:</b></p> <ul style="list-style-type: none"> <li>• Authorised Officers(s) *</li> <li>• Cabinet Member</li> </ul>	<p>system</p> <ul style="list-style-type: none"> <li>• Details onto contract register</li> <li>• Contract placed under seal (if in excess of £250,000)</li> </ul>	<ul style="list-style-type: none"> <li>• Director of Finance</li> <li>• Executive Director Corporate Services</li> </ul> <p><b>£500,000 and up to £2 million:</b> As above (£100,000 and up to £500,000) with and Cabinet Member</p> <p><b>£2 million and up to £5 million:</b> As above (£100,000 and up to £500,000) and Cabinet</p> <p><i>Note: Waiver of EU rules not permitted.</i></p>	<ul style="list-style-type: none"> <li>• Authorised Officer(s) *</li> <li>• HPB LCPB</li> <li>• Head of Procurement</li> <li>• Executive Director Corporate Services</li> <li>• Cabinet</li> </ul> <p><i>Note: Waiver of EU rules not permitted.</i></p>
<p><b>E</b></p> <p>£5 million (or £2 million per annum) and greater</p>	<p>Competitive Tendering (EU rules if over the current thresholds for supplies and services, and for works)</p>	<p><b>million:</b></p> <ul style="list-style-type: none"> <li>• Authorised Officers(s) *</li> <li>• Cabinet Member</li> </ul>	<p>system</p> <ul style="list-style-type: none"> <li>• Details onto contract register</li> <li>• Contract placed under seal</li> </ul>
<p><b>E</b></p> <p>£5 million (or £2 million per annum) and greater</p>	<p>Competitive Tendering (EU rules if over the current thresholds for supplies and services, and for works)</p>	<p><b>million:</b></p> <ul style="list-style-type: none"> <li>• Authorised Officers(s) *</li> <li>• Cabinet Member</li> </ul>	<p>system</p> <ul style="list-style-type: none"> <li>• Details onto contract register</li> <li>• Contract placed under seal</li> </ul>

\* Refer Scheme of Delegation for details of Authorised Officers

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PART 4 – PROCEDURE RULES AND STANDING ORDERS

Summary Table – Capital

	Total Aggregate Value	Procurement Procedure	Approval – Contract Award Strategy	Other Essential Requirements	Waivers Approval (online system)
<b>A</b>	£0.00 and up to £5,000	Method deemed appropriate by Authorised Officer (further detail within Code of Practice)	<ul style="list-style-type: none"> <li>• Authorised Officer(s) *</li> </ul>	n/a	n/a
<b>B</b>	£5,000 and up to £25,000	Method deemed appropriate by Authorised Officer (further detail within Code of Practice)	<ul style="list-style-type: none"> <li>• Authorised Officer(s) *</li> </ul>	<ul style="list-style-type: none"> <li>• Head of Hub knowledge</li> </ul>	n/a
<b>C</b>	£25,000 and up to £100,000	Three written quotes	<ul style="list-style-type: none"> <li>• Authorised Officer(s) *</li> </ul>	<ul style="list-style-type: none"> <li>• Head of Hub endorsement</li> <li>• Details onto contract register</li> </ul>	<ul style="list-style-type: none"> <li>• Authorised Officer(s) *</li> <li>• Head of Hub / Category Manager</li> <li>• Executive Director Corporate Services</li> </ul>
<b>D</b>	£100,000 and up to £5 million	Competitive Tendering (EU rules if over the current thresholds for supplies and services, and for works)	<ul style="list-style-type: none"> <li>• Authorised Officer(s) *</li> <li>• Authorised Officer(s) *</li> </ul>	<ul style="list-style-type: none"> <li>• HPBLCPB endorsement (via Tollgate Form)</li> <li>• Use E-Tendering system</li> <li>• Details onto contract</li> </ul>	<ul style="list-style-type: none"> <li>• £100,000 and up to £500,000</li> <li>• Authorised Officer(s) *</li> <li>• HPB LCPB</li> <li>• Head of Procurement</li> <li>• Executive Director</li> </ul>

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	<p>Corporate Services <b>£500,000 and up to £2 million:</b> As above (£100,000 and up to £500,000) with SPB and Cabinet Member <b>£2 million and up to £5 million:</b> As above (£100,000 and up to £500,000) with SPB and Cabinet <i>Note: Waiver of EU rules not permitted.</i></p>	<p>register  <ul style="list-style-type: none"> <li>Contract placed under seal (if in excess of £250,000)</li> </ul> </p>	<p>Cabinet Member  <ul style="list-style-type: none"> <li>Cabinet Member</li> </ul> </p>	<p>Competitive Tendering (EU rules if over the current thresholds for supplies and services, and for works)</p>
<p><b>E</b> £5 million and greater</p>	<p>Authorised Officers(s) *  <ul style="list-style-type: none"> <li>Cabinet</li> </ul> </p>	<p> <ul style="list-style-type: none"> <li>HPB LCPB &amp; SCPB endorsement (via Tollgate Form)</li> <li>Use E-Tendering system</li> <li>Details onto contract register</li> <li>Contract placed under seal</li> </ul> </p>	<p> <ul style="list-style-type: none"> <li>Authorised Officers(s) *</li> <li>HPB LCPB &amp; SPB</li> <li>Head of Procurement</li> <li>Executive Director</li> <li>Corporate Services</li> <li>Cabinet</li> </ul> <p><i>Note: Waiver of EU rules not permitted.</i></p> </p>	

\* Refer Scheme of Delegation for details of Authorised Officers

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## Appendix 2

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## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### **I. OFFICER EMPLOYMENT PROCEDURE RULES**

#### **1. RECRUITMENT AND APPOINTMENT**

- (a) Declarations
  - (i) The Council shall ask any candidate for appointment as an officer to state in writing whether they are the friend, partner, associate, relative, landlord or tenant of an existing Councillor.
  - (ii) No candidate so related to a Councillor will be appointed without the authority of the relevant Executive Director or Director of Public Health or an officer nominated by him/her.
- (b) Seeking support for appointment.
  - (i) The Council may disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. This statement shall 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 (a) to be sent to any person on request.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### 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 Cabinet.
- (b) The full Council may only make or approve the appointment of the Head of Paid service where no well-founded objection has been made by any member of the Cabinet.

### 4. APPOINTMENT OF CHIEF OFFICERS

- (a) A committee or sub-committee of the Council will appoint chief officers and deputy chief officers. That committee or sub-committee must include at least one member of the Cabinet.
- (b) 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 Cabinet has been received.

### 5. OTHER APPOINTMENTS

- (a) **Officers below Chief Officer:** Appointment of officers below deputy chief officer (other than assistants to political groups) 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, if that is the decision of the Audit and Corporate Governance (Performance Review) Sub-Committee 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) **Involvement of Members:** councillors will not be involved in the disciplinary action against any officer below Chief Officer level 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.

## PART 4 – PROCEDURE RULES AND STANDING ORDERS

### **7. DISMISSAL**

- 7.1 Councillors will not be involved in the dismissal of any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct and where the Council's Misconduct and Incapability Procedures as adopted from time to time allows a right of appeal to members in respect of dismissals.
- 7.2 Notice of dismissal (but excluding termination for reasons of redundancy, permanent ill-health or infirmity of mind or body or the failure to renew a fixed term contract unless an undertaking to renew had already been given) of the Head of Paid Services, Executive Director Corporate Services or Borough Solicitor may only be given after that dismissal has been approved by full Council and where no material or well-founded objection has been received from any member of the Cabinet. Notice of dismissal (but excluding termination for reasons of redundancy, permanent ill-health or infirmity of mind or body or the failure to renew a fixed term contract unless an undertaking to renew had already been given) may only be given to any Chief Officer where no material or well-founded objection has been received from any member of the Cabinet.

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## **A. PROTOCOL FOR KEY DECISIONS**

1. The Council has adopted the statutory definition of key decisions as set out in Regulations. This is: an executive decision which is likely:
  - (i) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
  - (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

The Council has not set thresholds of savings and expenditure for different services and budget heads where decisions on expenditure or savings above these limits would be key.

2. The reasons for defining a matter as a key decision is so that it will be included in the Forward Plan and that papers relating to that decision will be publicly available, subject to the Access to Information Rules. The meeting of the Cabinet at which that decision will be taken will also be public, again subject to the Access to Information Rules.
3. All meetings of the Cabinet at which decisions will be taken will be held in public, subject to the Access to Information Rules. All decisions to be taken by the Cabinet will be listed in the Forward Plan and the papers will be available subject to the Access to Information Rules.
4. Officer decisions may also be key decisions and have to be included in the Forward Plan (although those decisions do not need to be taken in public).
5. Chief officers are required to identify which officer decisions are key decisions and to inform the proper officer (monitoring officer) of those decisions in sufficient time for the leader to consider whether they should be included in the Forward Plan in accordance with the Access to information Rules.
6. Because of the financial delegation limits on officer decision making, it is unlikely that any officer decisions which have financial consequences will constitute a key decision, although there may be rare occasions when this is not the case. In those circumstances, chief officers should take into account the issues set out below in order to decide whether it will constitute a key decision.
7. In terms of the second part of the definition set out above, Chief Officers are required to consider in respect of each decision whether it is likely to affect more than one ward. If it does, chief officers are required to consider whether the impact on those wards is significant. The following factors should be taken into account:
  - (i) extent of the impact (i.e. how many wards will be affected);

- (ii) likely views of those affected (i.e. is the decision likely to result in substantial public interest);
  - (iii) whether the decision is likely to be a matter of political controversy;
  - (iv) where the decision may incur a significant social, economic or environmental risk.
8. Where there is any doubt, chief officers should refer the decision to the proper officer for the Leader to decide whether or not it is key.

## **B. PLANNING & LICENSING PROTOCOLS**

# Planning Protocol

## 1. Introduction

- i) Purpose of the Planning Protocol
- ii) Relationship to the Members' Code of Conduct

## 2. General conduct of planning matters in Camden

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## 8. Review of the Protocol

## **1. Introduction**

### **i) Purpose of the Planning Protocol**

1.1. The purpose of the Planning Protocol ('the Protocol') is to:

- guide the way in which Members and officers of the Council deal with all planning decisions, supporting their respective roles, and protecting their reputation for probity;
- set the standard of conduct that other parties to the process can expect of Members and officers when dealing with planning matters.

1.2. The Protocol applies to all Members and officers when making decisions on planning matters. It has been drawn up to:

- support Members' effective engagement in all aspects of the planning process and, in this context, to help them to fulfil their democratic role;
- ensure that there is transparency and fairness in the way in which decisions are taken and that there are no grounds for suggesting that a decision has in any way been biased, partial, or not well founded.

### **ii) Relationship to the Members' Code of Conduct**

This Protocol is complementary to the Council's Members' Code of Conduct. Members should apply both the general Members' Code of Conduct and this Protocol in dealing with planning issues. This is covered in more detail below.

## **2. General conduct of planning matters in Camden**

### **i) The role of elected Members**

2.1. Members are likely to undertake a number of roles in relation to planning matters. They can be members of Planning Committee (or of other decision-making committees reaching decisions of relevance to planning, such as Cabinet, scrutiny, licensing) and may also be active as representatives of their wards and this will bring them into contact in different ways with planning issues and planning decision processes.

2.2. Members will find it helpful before approaching any planning matter they wish to be involved in, to ask themselves the following questions:

- Do I have or am I likely to have a formal role in any future planning decision on this matter either as a member of Planning Committee or member of another decision-making body that I may wish to take part in?
- Do I want to retain that decision-making role or at least reserve my position on that for now?
- What implications are there therefore for my current involvement in this planning matter, for example as ward member?

2.3. This Protocol gives guidance to Members in their different roles setting out initially those aspects that apply to all Members and then highlighting the specific aspects that arise in relation to the following specific roles:

- as a ward member (when not a member of Planning Committee or Cabinet)
- as a member of Planning Committee
- as a member of Cabinet or Council making other planning decisions e.g. on policy or planning briefs.

2.4. Development sites can – both before and after development starts – involve a number of planning decisions, for example approval of a planning brief, determination of a planning application, determination of subsequent approvals of details or amendments, and sometimes enforcement. Involvement of the planning authority can therefore often stretch over many months if not years. Members will need to bear in mind the history of their involvement, and that they may at one stage be acting in a particular role (for example, only as a ward member), but subsequently be taking a different role (for example, as a member of Planning Committee or the Cabinet).

### **ii) Guidance for all Members**

2.5. Members will want to actively and positively engage with planning decisions. All Members can:

- advise objectors/applicants/others on planning processes and how to get involved;
- give advice about adopted planning policies and local priorities;
- direct lobbyists, applicants or objectors to the relevant planning officer so that their opinions can be included in the officer's report;
- lead on local discussions in the preparation of the local development framework;
- provide input into the preparation of planning briefs and guidance;
- receive and pass on information, for example, briefings from officers on key proposals;
- attend Development Management Forums, ask questions there and raise issues important to local people and to developers.

2.6. To ensure that Members and the Council are not open to challenge Members should:

- preface relevant discussions with a disclaimer. The nature of this will depend on their role within the authority in the context of planning;
- clearly indicate that any discussions with them are not binding on the Council;
- be clear about the distinction between giving advice and engaging in negotiation. Members should only engage in the former;
- involve officers where this will help to safeguard transparency and avoid the appearance of bias;
- be aware of relevant policies included in the Council's adopted plans but give consideration to other matters relevant to planning;
- seek the advice of the Borough Solicitor and/or other relevant officers when they are unsure of what they are able to do in relation to any potential interest.

### **3. Conduct and interests**

3.1. All Members are bound by the Members' Code of Conduct ('the Code') at all times they are acting in their official capacity. It will therefore apply regardless of what capacity a Member approaches a planning matter.

#### **i) Interests**

3.2. If a Member has an interest (as defined by the Code) in any matter, the existence and nature of the interest must be disclosed at any relevant meeting at the beginning of the meeting.

3.3. Where a Member is in any doubt about whether they have an interest and if so whether it needs declaring, they are advised to always seek the advice of the Borough Solicitor or other relevant officers disclosing all material facts. Due to

the difficulties of doing this during a meeting, whenever possible advice should be sought beforehand. The duty to declare, the decision as to whether an interest should be disclosed, and whether to withdraw from the meeting as a result of any declared interest, rests with the Member.

3.4. Where a Member has a relevant interest, either pecuniary or non-pecuniary, the nature of which means the public would consider they could not be objective about the matter they should:

- ask another ward Member to represent ward or local views on such a matter;
- make sure s/he does not get involved in the processing of the application by using their position as a Member to get personal access to officers or papers;
- not lobby other Members, including via the circulation of letters or emails, or by raising the matter in political group or similar meetings;
- not in any way take part in the decision-making.

**a) Pecuniary interests**

3.5. The Code sets out the circumstances that give rise to a 'pecuniary interest' linked to any matter being considered at the Committee meeting. A pecuniary interest could include deciding an application by a company, which the Member or their partner were employed by or owned shares in. Members are referred to the Code for definitions of interests, but importantly

3.6. If the Member has a pecuniary interest they may not participate in making the decision, either formally or informally behind the scenes. The Member should also avoid giving any impression of participation, as it is important to maintain public confidence in the impartiality of councillors in decision-making. Taking part whilst having a pecuniary interest is a criminal offence.

**b) Non-pecuniary interests**

3.7. Under the Code, any interest that does not amount to a pecuniary interest but which would have a significant impact upon a Member's judgement should be declared by the Member at a meeting where that interest is relevant. Whether such an interest should be declared is a matter for the Member's own judgement having full regard to the facts. Examples of non-pecuniary interests include a planning application on a site near to the Member's home.

3.8. There are very likely to be interests, which do not amount to a pecuniary interest but where the public expectation would be for the Member to not participate. It falls to the Member in each case to make their individual judgment as to whether their participation is appropriate or not given the nature of the interest.

- 3.9. In other cases, a Member may declare an interest in a matter for reasons of good practice and transparency simply to be as open as possible, with the declaration having no impact on the Member's participation.

**ii) Planning applications by Members**

- 3.10. Where a Member is the applicant for a planning application submitted to the Council this should be made clear on the application form. This is a pecuniary interest. Members should also make sure that the Borough Solicitor is aware of the interest. The standard application form includes a specific question, which will need to be completed to say whether an applicant or agent is a councillor or an officer, or related to one.
- 3.11. Members should also declare an interest where, for example, they or their family have an interest in a site under investigation for possible breach of planning control, or subject to enforcement action, if relevant to the development.

**iii) Bias and predetermination**

- 3.12. Members have a legal duty to avoid bias or the appearance of bias. Bias has been defined as a tendency towards one side of an issue because of an irrelevant factor such as close relationship with a party to the matter. This duty is particularly relevant for Planning Committee members ahead of deciding planning application.
- 3.13. Members also need to avoid predetermination - having a closed mind in a case. They should ensure they do not do anything, which indicates that they have made their mind up on an application/policy matter before it comes before the Committee, for example by stating in advance how they will vote.
- 3.14. Having a predisposition in a particular case is acceptable. This means holding a provisional view, which however strongly held is capable of being changed by relevant argument or factor. Predisposition will not undermine a subsequent decision, but care must be taken to avoid lapsing into predetermining – or appearing to have predetermined – an application. A Member voting on a planning matter must maintain an open and impartial approach and have regard to all material considerations and all the evidence before coming to their definitive conclusion.
- 3.15. The Localism Act 2011 sets out what a court can take into account in considering whether bias and pre-determination has occurred. Section 25 of the 2011 Act provides that a decision-maker is not to be taken to have had, or appeared to have had, a closed mind when making the decision just because they had previously done anything that directly or indirectly indicated what view they took, or might take, in relation to a matter.
- 3.16. For Planning Committee members the aim is that they act, and are seen to act, impartially and honestly by approaching each planning decision fairly between the parties and with an open mind. Should a member of the Planning

Committee wish to take a particular stance in relation to a development, or feel that it will be difficult to demonstrate that they have followed a consistently fair approach between all parties in a case, they should not be part of the decision-making process on the particular issue or application. Instead, they can choose to act as a ward Member on that matter.

- 3.17. Irrespective of whether a Member has a pecuniary interest in a planning matter, they must not be involved in the decision-making if this would render such a decision liable to challenge in the courts on the grounds of bias or pre-determination.
- 3.18. In order to maintain public confidence in the planning process, a Member should have regard to any remarks, which have been attributed to them by the press or media. A swift and clear public rebuttal of any inaccurately attributed statements should ensure that a Member can safely take part in the decision.
- 3.19. To reduce/manage this risk of bias and predetermination and to safely take part in taking planning decisions at the Planning Committee, Members should:
  - if possible restrict any discussions to the time before an application is made rather than after it has been submitted to the authority, when more caution will be required;
  - avoid expressing an opinion in advance of a planning decision which may be taken as indicating that they have made up their mind without hearing all the evidence and the arguments which will be presented at the appropriate Committee meeting;
  - avoid putting themselves in a position where they appear to favour a person, company or group, for example, by meeting objectors, applicants or developers alone, as this may cause others to mistrust their impartiality. Question any meeting where there are no Council officers present;
  - note, for example, in a diary or by advising the Head of Development Management, if a significant meeting with developers, landowners, or local objectors takes place. Keeping a brief note of the content of the discussions at the time can also help if subsequent queries arise;
  - if appropriate following a meeting declare any interests and take a restricted part, as appropriate, in the processing and determination of planning applications;
  - declare at the appropriate Committee meeting any significant individual contact with an applicant or objectors, for example, correspondence entered into as well as meetings held. This would include attendance at any public meeting or a Development Management Forum where the matter has been discussed and they have taken an active part;
  - act and be seen to act impartially and honestly by approaching each application/planning decision with an open mind, exercising caution in contacts with interested parties in the time leading up to the meeting, and being present throughout the discussion.

- take into account and carefully weigh up all relevant issues and information available before coming to a decision/vote;
- determine each application on its own merits and in accordance with the requirements of planning law and the guidance of planning policy;
- ensure the reasons for their decision are given for the record;
- not put pressure on officers for a particular recommendation;
- not seek to organise support for or opposition to a planning application, or enforcement action – unless it is made clear that they intend to step down from any role in the decision-making on that matter;
- not use political group meetings to decide how they should vote on applications/policies which are to be determined subsequently. Whipping of votes at Planning Committee is unlawful;
- consider carefully where they consider that their impartiality has been compromised, or it is likely to be perceived as such, for example, by expressing firm opinions or taking part in lobbying meetings. In these cases the Member should declare their position at the Committee meeting, withdraw from the Committee and then speak only as a ward Member or Cabinet Member on the application.

#### **iv) Development of Council-owned land**

- 3.20. Planning legislation provides for local planning authorities to determine applications on Council-owned land and there is no automatic requirement under the planning framework for Members to declare an interest when taking planning decisions merely because the land is owned by the Council.
- 3.21. All Planning Committee members should consider whether they can be perceived as having an open mind on the application based on their previous involvement with the matter and make relevant declarations.
- 3.22. It is advisable for Members of the Planning Committee who participated in a collective Cabinet decision in relation to a site that is the subject of a planning application before the Committee to declare this as an interest for reasons of transparency. However, given different legal considerations apply to any Cabinet decision, provided such Members consider they are able to approach the application with an open mind based on its planning merits it is acceptable for them to participate in the Planning Committee decision.
- 3.23. Occasionally a Cabinet Member will have been so closely identified with a particular proposal that they would not be perceived as being able to approach it with an open mind. In this case the Member should declare an interest and stand down from the Committee for that item. They may address the Committee in the role of Cabinet Member, but should take no further part in the discussion and should not vote.

3.24. When an application for development on former Council land is being considered by the Planning Committee and a Committee member was involved in the decision on the disposal of the land, s/he should declare this as an interest but the Member concerned may remain and take a full part in any decision. If they were clearly the lead proponent for the disposal then they should seek advice as it may not be appropriate for them to take part.

**v) Licensing Panel decisions**

3.25. When an application for development which relates to a previous Licensing Panel decision is being considered by the Planning Committee meeting and a Committee member was also a member of the Panel making the licensing decision, s/he should declare this as an interest. As different legal considerations apply to licensing decisions, the Member concerned may remain and take a full part in any decision taken as long as they are able to approach the planning application with an open mind.

**vi) Lobbying**

**a) Ward members**

3.26. Members in their roles as ward councillors will often be approached by parties - members of local communities, developers or landowners - seeking support or opposition to many proposals every year; this is a key role for ward members who are not on decision-making bodies. Ward members can (subject to their interests under the Code) take part in planning discussions and make representations on planning matters and act as advocates for their communities by:

- joining or leading local campaigns;
- speaking at the relevant meetings, including formal Council meetings, in support or against a proposal, policy or enforcement action;
- leading on local discussions in the preparation of the local development framework;
- providing input into the preparation of planning briefs and guidance;
- acting as advocate for their community on a particular issue.

3.27. To promote transparency and following best practice, Members should:

- when speaking/making representations at the appropriate decision-making meeting make clear their role in any local campaign or support for any particular position;
- make it clear when acting as an advocate or making representations on planning matters that they are not part of the decision-making process; and
- only carry out any lobbying of their decision-making colleagues in an open and transparent way such as through speaking at public meetings.

- 3.28. Members must not seek to put undue pressure on officers or members of the Planning Committee to support a particular course of action in relation to a planning application or other planning decision (although this does not mean that a councillor may not question robustly or argue forcefully for a particular course of action). Putting pressure on in an inappropriate way is likely to be a breach of the Code.

**b) Planning Committee members**

- 3.29. Members of the Planning Committee will also be approached by parties - members of local communities, developers, landowners - seeking their support or opposition to many applications every year. This lobbying is recognised as a normal and proper part of the planning process but has to be approached in the context of needing to maintain a fair and impartial decision-making process.
- 3.30. Members of Planning Committee can provide advice on the planning process, clarify the Council's planning policies or seek clarification, provide information to officers on local views and issues, and input to the way the matter is to be taken forward. They should however refrain from anything that could be perceived as being biased on the matter.
- 3.31. It is advisable for Planning Committee members to not attend private meetings with applicants or objectors without an officer present so as to avoid any potential challenge, and where they occur without warning to provide a brief note of the conversation to the Head of Development Management for the record.

**vii) Confidential information**

- 3.32. Members may be given confidential information as part of the planning process, either verbally or in writing. It is a breach of the Code to share confidential information except in very specific circumstances (see the Code for more detail on this). If in doubt about whether information can be shared, confirmation should be sought from the officer who provided the information or the Borough Solicitor.

**4. Briefings and forums**

**i) General**

- 4.1. An effective way of building a degree of certainty into the planning process is for Members to engage with officers at an early stage in policy-making, the preparation of planning briefs, pre-application or post-submission discussions. This is an important part of the positive engagement of Members in planning and is increasingly important, as is the timing of such engagement so that policy is developed in a politically aware environment. Briefings may take place either through meetings or alternatively through written updates to Members. While some of briefings have a limited attendance most are open to all Members.

- 4.2. Information presented and comments made at such briefings and meetings will need to have regard to the stage of negotiations and their sensitivity, and possible links to other large-scale schemes or planning activities which may be unrelated but which raise the same planning policy issues.
- 4.3. Early briefings may also be provided in relation to enforcement cases, though here care will be taken not to prejudice the complainant's position, or the Council's ability to take formal action or, for example, the commercial position of a business alleged but not yet proven to be in breach of planning controls.
- 4.4. Members can take advantage of such early reports and briefings to actively disseminate information in their wards, being careful to avoid inappropriate disclosure of information. Planning Committee members will encourage the attendance of ward members at committee meetings considering planning matters affecting their communities.
- 4.5. Officers need to ensure that Members are briefed in a way that helps them avoid expressing opinions that could reasonably be construed as prejudging the final planning decision.
- 4.6. Both Members and officers will also need to have regard to both Member and officer resources available for such briefings.

## **ii) Strategic Panel on Emerging Planning Proposals**

### **a) Introduction**

- 4.7. Sometimes it will help the planning process if lead Members are briefed about emerging proposals on the most strategic sites at the outset of pre-application discussions. Lead Members will be briefed via the medium of the Strategic Panel on Emerging Planning Proposals ('the Strategic Panel').
- 4.8. The type of proposals appropriate for the Strategic Panel's consideration are as follows:
  - Major development proposals for more than 100 residential units or 5000sqm non-residential floorspace;
  - Tall buildings; and
  - Any other proposals which do not fall into the above categories but which the Chair of the Strategic Panel or the Director of Economy, Regeneration and Investment consider are of strategic importance and should be presented to the Strategic Panel.
- 4.9. The Strategic Panel meeting will involve a presentation by the developer after which the Panel can ask questions, but not express formal views or engage in debate.

- 4.10. For the avoidance of doubt it is not the function of the Strategic Panel to play any part in determining the planning merits of a proposal, which would be determined by Planning Committee in accordance with statutory requirements.
- 4.11. It is not a requirement that the Strategic Panel be consulted on such proposals. Use of the Panel may deviate in full or in part from the usual practices set out.

**b) Primary Purpose of the Strategic Panel**

- 4.12. The Strategic Panel is not a formally constituted Council meeting or a decision-making body. It has no power to bind the Council in any regard in relation to a planning application. Nor can it override the Council's statutory functions whether as local planning authority or otherwise. It is an informal forum that can provide high-level strategic input as one part of the evolution of a proposal that will ultimately lead in many cases to a planning application being considered by the Planning Committee.
- 4.13. The Strategic Panel is intended to serve a number of overlapping purposes including:
- assisting Panel members in gaining an initial understanding of the most complex proposals and their strategic and planning implications;
  - helping demonstrate Camden's commitment to growth by providing a forum for Members to consider developers' perspectives and for developers to understand some of the issues that may be important to the Council;
  - to give Panel members a high-level strategic involvement in emerging development proposals without compromising any subsequent role they may play as decision-makers by allowing them to provide their provisional input/steer in particular by:
    - i) highlighting how they see proposals fit with the Council's wider policy aspirations;
    - ii) identifying aspects where in their view proposals may not be policy compliant;
    - iii) giving their preliminary opinion on how competing or contentious issues could be balanced.

**c) Membership and conduct of the Strategic Panel**

- 4.14. The Strategic Panel will generally consist of:
- Cabinet Member with responsibility for planning (Chair);
  - Leader of the Council (only on the most significant strategic proposals such as Euston);
  - Cabinet Member with responsibility for transport and sustainability;
  - Chair of the Planning Committee;

- Heritage Champion; and
  - Other Cabinet members as required depending on the nature of the proposals being reported.
- 4.15. Should it be considered appropriate with regard to the circumstances of a particular matter the Director of Economy, Regeneration and Investment may in consultation with the Chair of the Strategic Panel amend the membership of the Panel.
- 4.16. The Director of Economy, Regeneration and Investment will attend, with planning officers and officers from other relevant services attending as necessary. A legal advisor will be also present.
- 4.17. Strategic Panel Members are bound by the Code and therefore the points on conduct as set out above, should be borne in mind. In particular, Strategic Panel members should be careful about saying things at Strategic Panel meetings, which could be perceived as showing they had taken a fixed position on the proposals (or any aspect of them) or could be taken as an indication of bias.
- 4.18. However, subject to that constraint, Members should feel free to ask questions to understand and explore the nature of proposals being presented to the Panel. Questions primarily should be factual but it would be perfectly in order, for example, to ask whether a particular option or approach had been explored, why a particular approach had not been explored, or whether it could be explored in the future.
- 4.19. Any comments from Panel Members will not bind the Council in any regard as to future decision-making. In particular, members of the Strategic Panel who are also members of the Planning Committee, will not be bound in any way on any subsequent application, which Planning Committee considers. Those Members should determine the application with an open mind based on all the information before them at that point.

**d) Meetings**

- 4.20. The Chair of the Strategic Panel and the Director of Economy, Regeneration and Investment will agree the schemes where they consider it would be beneficial for the Strategic Panel to receive a briefing because of the proposal's strategic impact.
- 4.21. In order for Members to give meaningful input in schemes which have not yet been fully formulated (unless specifically agreed by the Chair due to exceptional circumstances), briefings will take place at the very outset of pre-application discussions.
- 4.22. Meetings are to be held in the early morning or evening on dates to be agreed between the Chair of the Strategic Panel and the Head of Development

Management. They will be held at the Council's offices at either 5 Pancras Square, the Crowndale Centre, or the Town Hall.

- 4.23. Meetings will usually hear one presentation at each meeting.
- 4.24. An agenda will be circulated to Panel Members at least 5 working days before each Strategic Panel briefing containing a short summary of the proposals and key issues including:
  - i) why the scheme was selected to come before the Strategic Panel;
  - ii) what the Council's policy aspirations are for the site; and
  - iii) Potential non-policy compliant aspects of the scheme.
- 4.25. The developer will supply all presentation materials including any models, and these will be displayed in the meeting room.
- 4.26. There will generally be a fee payable by developers attending Strategic Panel.
- 4.27. The Chair will usually adopt the following indicative format at the Panel but this may be varied at the Chair's discretion in particular cases to assist meeting management:
  - i) Prior to the meeting a Strategic Panel pre-meeting will take place with the Director of Regeneration and Planning and relevant officers.
  - ii) The developer will be invited in for the start of the briefing and the Chair will introduce the Strategic Panel, highlighting its function as a discussion-based Member forum to facilitate Members giving non-binding input on proposals at a preliminary stage.
  - iii) The Chair will ask Members to disclose relevant interests for reasons of transparency.
  - iv) Officers will make a short introductory presentation based on the circulated summary, including the context of the site with plans/photos as necessary (usually around 5 minutes).
  - v) The developer will make a presentation (usually up to 20 minutes) highlighting all significant planning issues.
  - vi) Strategic Panel members may comment and ask questions primarily of the developer (but also officers) on the developer's presentation and officer's report and presentation.
  - vii) The developer will leave the room and there will be a roundtable discussion of the proposals.
  - viii) Following the meeting, a feedback and advice letter will be prepared by officers (and agreed by the Strategic Panel prior to it being sent to the developer) to record general outcomes. This will reiterate that any views expressed are informal and not binding on the Council.

4.28. The Strategic Panel will consider each item for 75 – 90 minutes usually but more or less time may be allocated if the Chair of the Strategic Panel thinks this appropriate having regard to the complexity of the issues to be considered.

**iii) Development Management Forum**

**a) Introduction**

4.29. Government guidance highlights the importance of discussions taking place about proposed developments before an application is submitted. It points out the benefits for developers and local planning authorities in reaching a shared understanding of aims and any constraints as early in the process as possible, and how proposals can be adapted during this pre-application stage to better reflect community aspirations. They do not seek to reach any decision about the likely outcome of an application.

4.30. Developers are therefore encouraged to present their proposals at a Development Management Forum ('the Forum'), which allows engagement with local people, councillors and other relevant parties at a stage in the process where they can influence changes to the scheme.

4.31. It is not a requirement that a Forum be convened on any proposals. Use of the Forum may deviate in full or in part from the usual practices set out.

**b) Purpose of the Forum**

4.32. The primary role of the Forum is to:

- familiarise local people with proposals for major developments in their area before an application is made;
- enable local residents, businesses and organisations to comment on proposals at a time when developers are in the earliest position to consider them;
- complement any local consultation which developers carry out before they put in an application;
- help ensure more meaningful public involvement on proposed schemes rather than awaiting the formal consultation stage of an application when it is harder to influence changes in the scheme.

4.33. The Forum is not a decision-making meeting. Its purpose is to answer questions and raise issues. If a formal application is made in future the Council will decide the application on its merits following normal planning rules. It cannot require the developer to make changes to the proposals as a result of the discussion at the meeting.

4.34. Nor does the Forum replace the legal duty for local councils to publicise certain types of planning applications that they receive. Camden's current consultation

standards and practices for publicising applications will not change as a result of a Forum being held on any particular application.

- 4.35. The Forum is not a mechanism for lobbying members of the Planning Committee, who need to keep an open mind until a formal decision on an application is made. If they express views about the proposals they will not be able to take part in any future decision.
- 4.36. Press representatives can attend meetings and Members should be mindful that their comments may be reported as a result.

**c) Role of Members**

- 4.37. All Members can attend Development Management Forum meetings. The particular role that Members can play at Forum meetings depends on whether or not they have a formal role within the planning system of the Council, for example being a member of the Planning Committee. All Members will need to take account of their role in the planning process and act accordingly by, for example, publicly clarifying their particular role at Forum meetings.
- 4.38. All Members can:
- use the meeting to understand the development, the issues important to local people and to the developers, and how the relevant policies are being applied by asking questions;
  - give advice about adopted planning policies and local priorities and clarify or seek clarification of policies and priorities or direct those present to the appropriate officer;
  - give advice about planning processes or direct those present to relevant officers or other sources of advice and information both present or outside the meeting;
  - refer local objectors or supporters to ward colleagues who are in a position to advocate and express views if whatever reason their position means they cannot do so;
  - seek advice from officers as to the process to be followed, issues being reviewed and the likely policy position.

- 4.39. Members should not use the Forum to undertake negotiations and refrain from appearing to put undue pressure on officers in relation to any future decision on the scheme. Members of the Planning Committee should avoid saying anything that suggests they have formed a closed mind to the issues. Members are however entitled to robustly question developers and officers in order to fully understand issues before the Forum.

**d) Referrals**

- 4.40. The following types of schemes are likely to be put forward for discussion at a Forum meeting:

- proposed large-scale developments which include significant social, community, health or education facilities, or where early public discussion of issues would be useful;
- proposed developments of 50 units or more of housing;
- proposed developments of 5000sqm non-residential floorspace;
- tall buildings; and
- any proposed developments previously discussed at the Strategic Panel.

4.41. The following types of scheme are considered unlikely to require a Forum meeting to discuss:

- any development where a valid application has already been made which is subject to the formal consultation process;
- straightforward major applications;
- proposals for minor or householder planning applications such as those to alter or extend houses;
- proposals to erect advertisements;
- amendments to proposals which have already been discussed at the Forum.

4.42. Camden Council will decide which schemes are suitable for the Forum in liaison with applicants. However, there is no requirement for applicants to participate in the Forum if they do not wish to.

#### **e) Meetings**

4.43. Forum meetings may be held in a suitable building near to the development. Meetings will only take place if officers have identified a suitable development proposal for presentation.

4.44. Only one proposal will be considered at each Forum meeting to allow time for discussion.

4.45. The Council will publicise dates and locations of Forum meetings on the Council's website, through notices close to the proposed development site and, if time permits ahead of the meeting, through local press. Letters and emails about the meeting may be sent to individual residents, councillors and groups affected by the proposal.

4.46. An agenda and short briefing note on each scheme will be prepared for the meeting.

4.47. The Forum will be an informal meeting chaired by a senior officer from the Council's planning service. The following indicative format will be used, though may be varied as the Forum Chair considers appropriate:

- i) Welcome and housekeeping rules by the Chair (up to 10 minutes).
- ii) Background information about the site will be provided by a planning officer. This will include a summary of the planning history of the site including any previous applications or appeals, details of any planning briefs or whether the site is in a conservation area, includes or is near to listed buildings (up to 10 minutes).
- iii) Presentation by the developer/agent (up to 20 minutes).
- iv) Question and answers session (up to 75 minutes).
- v) Chair's final summary (up to 5 minutes).

4.48. There will be no discussion which suggests pre-judgement of the overall planning merits of the proposal.

4.49. Forum meetings are limited to 2 hours, which includes the presentation and discussion.

4.50. After the Forum, a summary of the key points made at the meeting will be:

- posted on the Camden website and circulated to all who provided their contact details at registration;
- placed on the site file and/or filed with the application if and when it is received;
- addressed as part of any Committee report resulting from the receipt of an application for the proposal.

**iv) Briefings on Emerging Planning Proposals ('Developer's Briefings')**

**a) Introduction**

4.51. Sometimes it will help the planning process if Planning Committee members and relevant ward and Cabinet Members are briefed about emerging proposals for major development or development with significant corporate or political implications. These are known as Developer's Briefings.

4.52. Usually there will be a developer presentation at the briefing but occasionally officers may brief Members about proposals without any developer presence.

**b) Primary Purpose of Developer's Briefings**

4.53. Developer's Briefings are not statutory Council meetings. They are a useful and productive part of the evolution of a proposal that will lead in most cases to an application being considered by Committee. They are intended to serve a number of overlapping purposes including:

- assisting Members in gaining an initial understanding of often very complex proposals and their planning implications;

- reassuring Camden communities that they are being listened to and that their elected representatives are helping to ensure their views are fed into the planning process;
- Helping to demonstrate Camden's commitment to growth by providing a forum for Members to consider developers' perspectives and for developers to understand some of the issues that may be important to members
- to give Members an involvement in emerging development proposals without compromising their ultimate role as decision makers by allowing them to provide their provisional input/ steer in particular by:
  - i) highlighting what they see as the Council's policy based aspirations for the site and area;
  - ii) identifying aspects where in their view proposals may not be policy compliant;
  - iii) giving their preliminary opinion on how competing or contentious issues could be balanced.

4.54. Whilst there is no requirement for Members to attend any Developer's Briefing, their presence is strongly encouraged and welcomed. The more Members giving their views through Developer's Briefings, the more value is added to officers' processing and assessment of planning proposals. This will strengthen the robustness of the ultimate decision.

**c) The role of Members at Developer's Briefings**

4.55. Planning Committee Members, ward members for the ward where the site is situated and relevant Cabinet members will be invited to Developer's Briefings. Non-attendance of Planning Committee members will not prevent their subsequent participation in deciding an application.

4.56. Members attending Developer's Briefings are bound by the Code and therefore the points on conduct as set out above should be borne in mind. In particular, Planning Committee members should be careful about saying things, which could be perceived as showing they had taken a fixed position on the proposals (or any aspect of them) or could be taken as an indication of bias.

4.57. However, subject to that constraint, Members should feel free to ask questions to understand and explore the nature of proposals being presented to the Panel. Questions primarily should be factual but it would be perfectly in order, for example, to ask whether a particular option or approach had been explored, why a particular approach had not been explored, or whether it could be explored in the future.

4.58. Any comments from Panel Members will not bind the Council in any regard as to future decision-making. In particular, members of the Planning Committee, will not be bound in any way on any subsequent application, which Planning Committee considers. Those Members should determine the application with an open mind based on all the information before them at that point.

#### **d) Meetings**

- 4.59. The Chair of the Planning Committee and the Head of Development Management will agree an ongoing programme of schemes where they consider it would be beneficial for a Developer's Briefings because of the proposals' size, impact, controversy or complexity. Any proposal previously considered by the Strategic Panel will be considered at a Developer's Briefing. Meetings will be held in early evenings on dates to be agreed between the Chair of the Planning Committee and the Head of Development Management.
- 4.60. Meetings will usually held at a Council office at either 5 Pancras Square, the Crowndale Centre or the Town Hall.
- 4.61. Only one scheme will be considered at a single Developer's Briefing.
- 4.62. In order to build in continuity and to enable Members to give meaningful input in schemes which have not yet been fully formulated (unless specifically agreed by the Chair of the Planning Committee due to exceptional circumstances), Developer's Briefings will only take place following a Development Management Forum and prior to submission of a planning application.
- 4.63. An agenda will be circulated to Planning Committee members, relevant ward members and relevant Cabinet Members at least 5 working days before each Developer's Briefing containing a short summary of the proposals and key issues including:
- why the scheme was selected as being suitable for a Developer's Briefing;
  - what the Council's policy aspirations are for the site;
  - potential non-policy compliant aspects; and
  - issues emerging from the Strategic Panel (if held) and Development Management Forum (including the views of ward councillors expressed at the Forum) or any other issues specifically raised by Members (although on occasion, time constraints may necessitate some or all of this being covered by a verbal update at the Developer's Briefing itself).
- 4.64. Applicants will supply all presentation materials including any models, and these will be displayed in the meeting room.
- 4.65. The Developer's Briefing will usually be chaired by the Chair of the Planning Committee. The following indicative format will be used but this may be varied at the Chair's discretion to, for example, assist meeting management or if the Developer's Briefing is conducted without a developer presence:
- i) The Chair introduces the Developer's Briefing, highlighting its function as a discussion-based Member forum to facilitate Members giving non-binding input on proposals at a preliminary stage;
  - ii) Members will be asked to disclose relevant interests for reasons of transparency;

- iii) Officers will make a short introductory presentation based on the circulated summary and also including the context of the site with plans/photos to show site context and main issues raised at the Strategic Panel or Development Management Forum (usually around 5 minutes);
- iv) The developer will make a presentation including all significant planning issues (usually up to 15 minutes);
- v) Members will ask questions primarily of the developer (but also officers) on the developer presentation and officer report and presentation;
- vi) The developer and non-Planning Committee members will leave the room and there will be a round table style discussion of the proposals;
- vii) A short note summarizing key outcomes of the discussion will be agreed with the Chair and then circulated to all Planning Committee and ward Members and the developer.

4.66. Developer's Briefings will usually be 75 minutes but more or less time may be allocated if the Chair thinks this appropriate having regard to the complexity of the issues to be considered.

4.67. There will generally be a fee payable by developers attending a Developer's Briefing.

## **5. Decision-making routes for Planning**

### **i) Delegation of planning decisions to officers**

5.1. For efficient and effective administration, and in common with all other planning authorities, many planning decisions are delegated to officers. The scheme of delegation is contained within the Constitution of the London Borough of Camden.

5.2. In relation to planning applications, the scheme sets out certain categories of application that would be for the Planning Committee's own determination. All other planning decisions are delegated to officers. Delegated decisions are made in accordance with the same assessments and against the same development plan policies, as those made by the Committee. Approximately 90-95% of applications are determined under delegated powers, which is similar to most other authorities in London and elsewhere.

5.3. Under delegated procedures the Director of Economy, Regeneration and Investment or nominated officer makes the decision. Such decisions are normally supported by an officer's delegated report or a statement of reasons. These may be similar to but normally shorter than Committee reports, setting out the representations received and the relevant policy considerations and assessments. These reports or statements of reasons go through a thorough established checking and endorsement procedures at different levels.

5.4. Reports or statements of reasons detailing decisions taken under delegated authority by officers will be published within two working days after the decision has been taken.

**ii) Members' Briefing Panel**

**a) Overview**

5.5. For applications that officers are minded to recommend for approval under delegated powers but relevant planning objections have been received, Camden has put in place an additional Member review. This is a weekly briefing of nominated members of the Planning Committee known as the Members' Briefing Panel ('the Panel'). This overview adds transparency and additional Member involvement in the process. It also helps to maintain consistency in applying policies.

**b) Membership**

5.6. The Members' Briefing Panel will comprise of three members drawn from the membership of the Planning Committee. They will be the Chair, Vice-Chair and one other member so as to ensure there is at least one member from an opposition group on the Panel. Substitutes will not be permitted; if a Panel member is unable to attend their written comments, should they submit any, will be considered by the Director of Economy, Regeneration and Investment.

5.7. Members may only sit on the Panel once they have received the mandatory training for all Planning Committee members as set out below.

**c) Referrals to the Panel**

5.8. As set out in the Statement of Community Involvement, applications will be referred to Panel where there are relevant material objections to an application from a Conservation Area Advisory Committee, a residents' or amenity group, or ward councillor, or three or more respondents from different addresses. The Director of Economy, Regeneration and Investment may at his/her discretion refer other applications or planning matters to the Panel to informally seek the views of Members to inform his/her judgment on the use of delegated decision-making powers.

5.9. The relevant case officer can advise parties if a case is being referred to the Panel.

5.10. If for whatever reason, such as the period between an election and nomination of Members to the Planning Committee, there is no Members' Briefing Panel established, the Director of Economy, Regeneration and Investment will as far as possible not determine any applications that would have ordinarily been referred to the Panel. Where during such a period it would be detrimental to the Council or the public interest to await the views of the Panel on an application, the Director of Economy, Regeneration and Investment will make a decision on

whether to determine the application under delegated powers or to refer it to the Committee without the advice of the Panel.

#### **d) Reports**

- 5.11. Reports are normally put on Camden's website two days before the relevant Panel meeting. As the Panel meetings are usually on a Monday this means that reports will usually be available on the preceding Friday afternoon. However late additions may be made to the list of applications may be made on the day of the Panel. Reports contain the assessment of the proposal against the relevant Camden policies and summarise and respond to the representations that have been received.

#### **e) Advisory role of the Panel**

- 5.12. The Panel does not make any decisions. It neither has the power to determine applications nor to decide whether an application must be referred to the Planning Committee. It is an advisory body to the Director of Economy, Regeneration and Investment on the exercise of his/her delegated powers.
- 5.13. The Panel will consider the nature and extent of the outstanding objections to the application, the associated planning officer's report, application drawings, relevant photographs and letters of objection. Thereafter, Panel Members will give their views on whether:
- they are satisfied with the proposed decision being made by officers under delegated powers; or
  - the decision should be made by the Planning Committee.
- 5.14. The Director of Economy, Regeneration and Investment will consider the views expressed and thereafter make a determination on whether to refer the application to Planning Committee or determine the application under delegated powers.

## **6. Planning Committee**

### **i) Training**

- 6.1. Before taking part in the determination of planning applications, the Council has agreed that it is a requirement for all members of the Planning Committee to undertake initial training covering relevant legislation and the planning policy framework, which will be provided by the Council through a seminar and/or workshop. This training will also be offered to all other Members and it is recommended that all Members should undertake this initial training as it will assist them in their different roles in the planning process.

- 6.2. Update and refresher training on planning issues, both general and specific, will also be provided and members of the Planning Committee are particularly encouraged to attend such training though it is not mandatory.
- 6.3. Other training on planning policy and other matters will continue to be offered and arranged on request. Attendance is highly encouraged but it is not mandatory.

**ii) Site visits**

**a) General**

- 6.4. Site visits can be helpful and appropriate for the Planning Committee at different stages and for different purposes in relation to planning decisions. These visits can be:
- arranged as part of early briefings, normally at pre-application stage;
  - arranged as part of the formal decision-making of the Committee normally immediately before Committee meets to determine an application, once the officers' report and recommendation has been published;
  - arranged occasionally where the Committee has met, considered the report and recommendation and then decided it needs to defer the decision pending a committee site visit; and
  - made by individual Members in their own time.
- 6.5. Committee site visits will be reported at the relevant Committee as part of the consideration of the application.
- 6.6. In order to avoid lobbying and to maintain impartiality, the applicant/agent, supporters and objectors will not normally be invited to site meetings. If in attendance, they will not be permitted to speak to Members on the merits or otherwise of the proposal as this could be seen as unfair and leading to bias. The reason(s) for the site visit will be minuted and a copy placed on the application file, as will a note of the site visit.
- 6.7. In order to ensure that all Members making the decision have as far as possible the same level of information, it is best practice that only those Members who have attended a formal Committee site visit on an application (either held before the Committee or on a deferral at Committee) take part in the discussion and vote on that application. There may be occasions when this is not practical and it will be for the Member to make a judgement as to whether non-attendance is significantly prejudicial to their understanding or whether they can be properly party to a decision. Officer advice should be sought if there is any doubt. This restriction does not apply to early briefing site visits.
- 6.8. Both Members and officers will also need to have regard to both Member and officer resources available for site visits.

**b) Site visits by individual members of the Planning Committee**

- 6.9. Many Members may already be familiar with sites subject to applications but not in all cases. It is normal and proper for Members in these circumstances to visit a site themselves before the Committee meeting. Where individual members of the Committee wish to undertake their own site inspection, prior to the Committee meeting, these should be conducted unannounced and from a public vantage point. Members of the Committee should not arrange to meet applicants/agents or third parties for the purpose of a site inspection.
- 6.10. If a Committee member is approached on site by any applicant/agent, objector or other third party interest they should seek to avoid discussion of the application and should ensure they do not give any indication of their views or the likely decision of Committee. Where it is not practical to avoid some discussion the Member should note that it took place and pass the information to the Head of Development Management. A relevant declaration in the interest of transparency should be made at the relevant Committee meeting.

**c) Deferrals for site visits**

- 6.11. Members should endeavour to ensure that once an application has been reported to Committee for a determination, the decision is not deferred for a site visit unless the expected benefit is substantial, for example, when the impact of the proposed development is difficult to visualise from the plans and the supporting material available.
- 6.12. Planning applications are not determined at Committee deferral site visits but are reported to the Planning Committee as soon as possible following the site visit, to complete the determination in the normal way.

**iii) Reports**

- 6.13. Committee reports setting out the officers' assessment, representations received and officers' recommendations are published for the Committee and are available on the website in accordance with Access to Information requirements. These reports are available to Members and the public five clear working days before the Committee meeting. From this date, the case files including comments received are available for public inspection. In certain situations, such as enforcement cases, some information may remain confidential in order to protect the identity of the complainant.

**iv) Officers attending Planning Committee**

- 6.14. Relevant officers from the Council's planning department will attend Planning Committee meetings to introduce planning reports and answer questions. Where appropriate, officers from other Council services will also attend to provide advice.

6.15. The Borough Solicitor will ensure that both a suitably experienced legal officer and committee clerk are present at all appropriate Committee meetings to give legal and procedural advice.

6.16. Representatives from independent advisers to the Council on planning issues such as viability and basements will also be asked to attend where appropriate.

**v) Making decisions at Planning Committee**

6.17. Each Committee agenda contains the 'Guidance Notes on Procedures' which sets out the Committee's procedures with respect to decision-making.

6.18. In the interests of robust decision-making, Committee members will only be permitted to participate in the discussion and vote on an application where they have heard all of the presentation and deputations at the Committee meeting.

6.19. Planning Committee decisions are non-executive decisions made by the Council in its role as local planning authority. Developments may require other decisions by the Council, for example, in its role as highways authority, licensing authority or landowner. Those decisions exist under different legislative and policy frameworks with different considerations and the Committee should avoid discussion of those decisions, especially if they have yet to be taken. Members who were or will be involved in those other decisions should make declarations as appropriate.

**vi) Planning Committee decisions contrary to officers' recommendations**

6.20. Decisions on planning proposals have, under planning legislation, to be taken in accordance with the development plan unless material considerations indicate otherwise. In determining planning and other applications and making enforcement decisions, the Committee is entitled to decide the weight to be attached to the various planning considerations that are relevant to the application. This can and does lead to decisions, which are varied from, or contrary to, the recommendations of the officers. The Committee can, for example, decide:

- to refuse planning permission where officers have recommended approval;
- agree with officers that permission should be refused but for different or additional reasons;
- grant permission subject to different conditions or legal requirements than those recommended;
- refuse to take, or agree different forms of, enforcement action from those recommended by officers.

6.21. Where Members are minded in principle to vote contrary to the officers' recommendations, the Chair of the Committee will ensure that the planning reasons are apparent before a formal vote is taken. The Chair will ensure that

officers are given an opportunity to explain to the Committee the implications of their potential decision.

- 6.22. Where the Committee wish to add or amend conditions or reasons for refusal, a standard delegation for officers to agree the final wording exists. The Committee may choose to not permit this delegation to be used and in that case, the planning officer must be given the opportunity to draft the precise wording of the condition(s)/reason(s) for refusal and refer to Committee for approval. This can be achieved through adjourning the meeting briefly or adjourning the application to a future meeting.
- 6.23. Whether this decision taken is one of approval or refusal, it is essential that a detailed minute of the Committee's reasons for its decision is made. A copy of the minute will be kept on the application file.
- 6.24. When a decision is made which is contrary to the development plan, the material considerations which led to this decision and the reason(s) why they are considered to override the development plan will be clearly identified and minuted.

## **7. Planning appeals and court cases**

- 7.1. A Member may write or appear as part of a planning appeal or court case, or before another body taking a planning decision (for example the Mayor of London) in support of a Planning Committee or Cabinet decision. It may be particularly helpful or important for them to do so where a decision has been taken contrary to an officer recommendation. Members may also support or advocate in an appeal, or advocate a position before another body, against a Cabinet or Planning Committee decision whether or not they are a member of the Cabinet or Committee. In pursuing, that position a Member will make clear their role in the decision-making by the Council.

## **8. Review of the Protocol**

- 8.1. The Protocol will be regularly reviewed at key stages to take account of:
  - new planning legislation
  - changes to national codes of conduct
  - emerging examples of good practice.
- 8.2. The Planning Committee will be responsible for agreeing changes to the Protocol.

**ENDS**

## **LICENSING COMMITTEE AND LICENSING PANELS**

### **PROCEDURE NOTE**

#### **LICENSING**

##### **1. INTRODUCTION**

- 1.1 This document sets out the procedure for the Licensing Committee when sitting to determine applications, other than under the Licensing Act 2003 and the procedure for the Sub-Committees (known as Licensing Panels) when determining applications under the Licensing Act 2003. It helps to give effect to the Human Rights Act and the recommendation of the Nolan Committee on Standards of Conduct in Local Government that local authorities should have well-documented practices and procedures designed to avoid grounds for allegations of impropriety. The main purpose of the Procedure is to ensure that the Committee and the Panels act reasonably and openly in dealing with licensing matters and are seen to be doing so and to protect the Council and individual Members from allegations of unfairness, findings of maladministration and legal challenge. The work of the Committee and the Panels has a high public profile and needs to be as open and transparent as possible, so that applicants and objectors are guaranteed a fair hearing and are clear about how decisions will be taken.
- 1.2 Part 1 of the procedures contains information for members of the public about how representations can be made to the Committee and how it makes decisions.
- 1.3 Part 2 of the procedures relates to the holding of hearings in accordance with the Licensing Act 2003 (Hearings) Regulations 2005
- 1.4 Part 3 gives advice to Members about how they should deal with interests they may have in a matter and other relevant matters.
- 1.5 Part 4 contains the protocol for premises visits by the Committee or Panels.
- 1.6 Part 5 contains the protocol for dealing with Sex Establishments by a Panel.
- 1.7 If during the course of a meeting it appears that the procedures are not being followed, the Legal Advisor and the Clerk will bring this to the attention of the relevant Chair, who will be asked to take appropriate action. Breaches can result in matters being referred to the Council's Monitoring Officer.

## **PART 1**

### **LICENSING COMMITTEE**

#### **PROCEDURE NOTE**

#### **2. INTRODUCTION**

- 2.1 This part of the document sets out the procedure for the Licensing Committee when sitting to determine applications, other than under the Licensing Act 2003, such as sex establishments or street trading.
- 2.2 The report to be considered by the Committee will be available through the Camden website, ([www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy)) and may be obtained in advance from the Clerk. Copies will also be available at the meeting.

#### **3. MAKING REPRESENTATIONS TO THE COMMITTEE**

- 3.1 All representations to the Committee should deal with the merits of a case only, and must not contain anything defamatory or discriminatory. If you or your organisation wants to make a representation to the Committee about an item on an agenda, please do not contact Members directly.
- 3.2 Instead, you should either make a **written representation** or a **request to speak**.
- 3.3 The method of making representations is set out below:

#### **4. Written Representations**

- 4.1 Send a copy of the written submission to the Clerk of the Licensing Committee, Committee Services, Town Hall, Judd Street, London, WC1H 9JE: Email: [licensing@camden.gov.uk](mailto:licensing@camden.gov.uk) to be received no later than noon the day before the meeting. This will be sent to Members one working day before the meeting.
- 4.2 Anonymous objections are not sent to Members. However, if an objector supplies their name and address to the Clerk, but asks for these to be withheld from the public papers, the submission will be sent to Members with officers' advice as to the weight that should be attached to it.
- 4.3 Late submissions are not accepted. Where the Clerk, in consultation with the Chair and the legal advisor, consider that someone could otherwise be prejudiced by this, consideration may be given to deferring the item to the next ordinary meeting of the Committee or another suitable date.

#### **5. Video Evidence**

- 5.1 Applicants wishing to provide video or DVD evidence that they would like the Committee to see should lodge this with the Licensing Team, Supporting

Communities Directorate, London Borough of Camden, 5 Pancras Square, London N1C 4AG, telephone: 020 7974 6476 / 2766: email: [licensing.safety@camden.gov.uk](mailto:licensing.safety@camden.gov.uk) 21 days before the hearing. The Licensing Team will let you know how many copies to provide. This is to allow objectors to view the evidence in advance of the hearing

- 5.2 Objectors must lodge any video or DVD evidence with the Clerk no later than noon two days before the meeting. Applicants are urged to check with the Clerk after noon on that day to see if any such evidence has been provided, and to arrange collection.

## **6. Requests to Speak**

- 6.1 You may request to speak at the meeting. There are differences in the procedure for applicants, objectors and public authorities.

## **7. Objectors**

- 7.1 The Committee will only accept requests to speak from people or organisations who have an interest that could be affected directly by the matter under consideration.
- 7.2 If you are an objector and you wish to speak at the meeting, you should obtain a copy of the report from the Clerk unless you have already been sent one by the Supporting Communities Directorate. You may get the report from the Clerk after 4.00 p.m. six working days before the meeting. A request to speak must be made in writing, with a detailed statement of the issues to be raised, to be received by the Clerk no later than noon, two working days before the meeting.
- 7.3 Please make sure that your request is sent to the Clerk, and not to the Licensing Team, Members of the Committee or your local councillor. The Clerk will see that your request reaches its destination. You may of course communicate with your local councillor separately, at any time. If one of your local councillors is a Member of the Committee, you should refrain from lobbying them directly, as this could prejudice their position. Late requests are not accepted. Where the Clerk, in consultation with the Chair and the legal advisor, considers that someone could otherwise be prejudiced by this, the item may be deferred to the next ordinary meeting of the Committee or another suitable date.

## **8. Applicants**

- 8.1 Applicants are allowed to speak at the meeting. The applicant is urged to obtain copies of the statements of any objectors wishing to speak. These are available from the Clerk from noon onwards two working days before the meeting. If you wish to respond in writing to these statements, you may do so, to the Clerk, before noon the working day before the meeting. Communications received after this time will be regarded as late and will not be taken into consideration.

- 8.2 Please make sure that your submission is sent to the Clerk, and not to the Licensing Team or Members of the Committee. The Clerk will see that your request reaches its destination. You may of course communicate with the local councillors for the ward in which the premises are situated, but if one of these councillors is a Member of the Committee, you should refrain from lobbying them directly, as this could prejudice their position.
- 8.3 Where there is public support for an application from a councillor who is not a member of the Committee, or from a Committee member who has decided to support an application in advance of its being heard, a written statement must also be provided within the same time limit.

## **9. Public Authorities**

- 9.1 Wherever possible, the police, fire authorities and other interested public bodies should make observations to the Licensing Team in good time, in order that their comments can be included in the report. If subsequently representatives of the police and other agencies wish to attend the meeting to speak, they should send a statement to the Licensing Team, setting out what they intend to say, no later than noon two working days before the meeting. These will be communicated to the Clerk who will send them to the Committee and also make them available to the public on request.
- 9.2 The Clerk will see that Members of the Committee have your submission or request to speak one working day before the meeting. The Clerk will also prepare, in advance, a list of those who will be speaking at the meeting. When you arrive at the Town Hall, please make yourself known to an officer outside the Council Chamber (or other room where the meeting is to be held) 15 minutes before the start of the meeting. You will be shown where to sit and (if applicable) how the microphones work.

## **10. Procedure at Public Hearings**

- 10.1 The Committee is not a court, and every effort is made to keep the proceedings as informal as possible. However, it is important that the hearing follows a particular order, to make sure that all parties have a chance to be heard. The meeting will be held in public except when there are legal reasons for it to be held in private and the Committee agrees that it should meet in private.
- 10.2 The Committee will only accept requests to speak from people or organisations that have an interest that could be affected directly by the matter under consideration. Individual contributions, or a contribution from a group of people where the objection is the same, are limited to five minutes. However, (a) where there are more than three objectors, **and** (b) where the Chair has established from the written requests to speak provided to the Clerk, in advance as above, that the objections relate to a range of issues, a total of twenty minutes may be allowed for the objections to be heard jointly,

preferably through a single spokesperson. If the time limit is exceeded, the Chair will call for an end to the speech.

- 10.3 Members of the public at the meeting must not speak to or lobby individual Members or the Committee as a whole during the course of the meeting, except as part of the process set out here. Documents must not be passed to Members. Communications on matters not yet on the agenda should be sent to the Licensing Team, Supporting Communities Directorate, London Borough of Camden, 5 Pancras Square, London N1C 4AG, telephone: 020 7974 6919: email: [licensing.safety@camden.gov.uk](mailto:licensing.safety@camden.gov.uk)

## 11. Advice

- 11.1 Wherever possible the Supporting Communities Directorate endeavours to initiate mediation between applicants and objectors, which may obviate the need for a hearing in advance of the meeting. Officers will also be on hand 15 minutes before the meeting to help establish common ground or compromise, and to advise on procedure. If you would like to use this service, please make yourself known to an officer outside the Council Chamber (or whichever room the meeting is being held in) 15 minutes before the meeting starts.

## 12. How Decisions are taken at the Meeting

- 12.1 **Chair's Introduction:** the Chair will introduce the Committee and the Council officers advising it and then outline the procedure, drawing attention to time limits for speakers. If you are present as the applicant or applicant's representative; or you have already written in as an objector according to the procedure set out above, you must speak to the Clerk before the meeting. The Chair will then briefly announce the application and what it is for. He or she will indicate which officers from the Supporting Communities Directorate are present to deal with points of clarification on the report.
- 12.2 **Report of Executive Director Supporting Communities:** the Executive Director's representative will not normally go through the report on the agenda, as it is anticipated that all parties have read it. The report may be obtained in advance from the Clerk, and copies are available at the meeting. Where the Committee has previously adopted a policy framework in relation to a particular type of establishment or a specific district of the borough, this is indicated in the report, and will form the basis of officer recommendations. The report may also put forward draft conditions that the Committee should consider applying to a license if they are minded to grant it.
- 12.3 **Clarification:** This is the opportunity for Members to seek clarification from officers on matters raised in the report.
- 12.4 **Objectors' Case:** The Chair will ask the objectors to identify themselves and invite them to speak according to the procedures above. Please note that subject to paragraph 10.2 this is limited to five minutes.

- 12.5 **Questions:** Members of the Committee and then the applicant may ask the objectors questions, by way of clarification only.
- 12.6 **Applicant's Case:** The Chair will ask the applicant and their representative, if appropriate, to identify themselves. The applicant or their representative may speak. This part of the hearing should not exceed twenty minutes, and this may only be extended with the consent of the Committee. Applicants should make a single representation and not rely on leading other people through detailed evidence. Additional written material may not be introduced at this stage.
- 12.7 **Questions:** Members of the Committee and the objectors may ask the applicant questions. Again, this is for clarification purposes only.
- 12.8 **Closing Remarks:** The applicant is allowed to make closing remarks, not exceeding two minutes.
- 12.9 **Deliberation:** In general the Committee will deliberate in public. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the applicant and other parties to leave the room. If the Committee needs their advice, or requires any further clarification from the applicant, interested party or responsible authority, the meeting will reassemble in public.
- 12.10 **Decision:** The Committee will publicly vote on a proposal which the Chair will announce as the decision. The Executive Director of the Supporting Communities Directorate will later confirm the decision in writing to the applicant or representative. The minutes of the meeting are made public when they are ready, and are normally posted on the internet within a week of the meeting at [www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy); see also the note below on 'minutes'.
- 12.11 **Committee Time Limits:** Committee Procedure Rule 19 applies. Three hours after the start of the meeting, the Committee must have regard to the time, and decide whether it wishes to continue sitting for up to 30 more minutes. A hearing in progress at 9.30 p.m. may continue, but no new cases may begin after that time. Any business not transacted by the end of the meeting is deferred to another meeting and heard afresh. Applicants and objectors will be told which meeting it is being deferred to.
- 12.12 **Minutes:** The minutes record that consideration was given to a report, and any discussion leading to a reason for the decision that is not in the report, or the reason for departing from an officer's recommendation. Matters which are irrelevant or which are dealt with in the report, or do not affect the decision are not minuted. Once the minutes have been signed, that document (which incorporates the report and written submissions) is the only account of the meeting.

## **PART 2**

### **LICENSING PANELS**

#### **PROCEDURE NOTE FOR HEARINGS UNDER THE LICENSING ACT 2003**

##### **INTRODUCTION**

- 1.1 This document sets out the procedure to be followed by the Licensing Sub-Committees (known as Licensing Panels) at hearings in accordance with Regulation 21 of the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) [“the Regulations”].
- 1.2 In this procedure “the Parties” include the Applicant, Responsible Authorities, the licence holder, or any other person as applicable. Any other person is any person that is or is likely to be affected by the operation of a licensed premises, they will be referred to as an ‘Interested Party’ in this procedure note, and Responsible Authorities are bodies like the police and fire brigade. Please check the Licensing Act 2003 (“the Act”) for the complete definition.
- 1.3 For the avoidance of doubt the Licensing Authority Responsible Authority will be represented by the Licensing Enforcement Officer. The Responsible Authority is a distinct and separate body from that of the Licensing Authority who will determine the application.
- 1.4 Except where the Regulations provide differently, the Council Procedure Rules and Access to Information Procedure Rules (in so far as they apply to committees and sub-committees) will be followed for all hearings.
- 1.5 Except where the Regulations provide differently, the Panel may, in exceptional circumstance vary this procedure. In such circumstances the Panel must give reasons for the variation.

##### **MAKING REPRESENTATIONS TO CAMDEN**

- 2.1 The Council has produced guidance notes for the Parties. These contain detailed provisions on making applications and relevant representations including the licensing objectives and mandatory time limits referred to in this procedure. They are available from the, Contact Camden, London Borough of Camden, 5 Pancras Square, London, N1C 4AG. Tel: 020 7974 4444 or [www.camden.gov.uk/licensing](http://www.camden.gov.uk/licensing).
- 2.2 Interested Parties and Responsible Authorities should note that representations must be made —
  - (a) within 28 days of the date when the application was given to the Authority except where
  - (b) in the case of a review of a premises licence following a closure order, within 7 days (including the 7<sup>th</sup> day) of the date when the Authority

received the notice in relation to the closure order and any extension to it.

- 2.3 Failure to make a relevant representation means a party has no rights to be heard and/or give evidence at a hearing.
- 2.4 Representations can be made for as well as against an application.

### **HOLDING A HEARING**

- 3.1 If relevant representations are made there will be a hearing by a Licensing Panel to consider them.
- 3.2 Where a valid application has been made and no representations are made, the application **must** be granted, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions in the Act. No hearing will take place.

### **Right to dispense with hearing if all parties agree [where allowed]**

- 3.3 The need for a hearing can only be dispensed with if all the parties give notice in writing to the Licensing Authority that they agree that such a hearing is unnecessary. If the officers agree a hearing is unnecessary all the parties will be notified and the Panel will make a decision on the application within 10 working days of that notification. All the parties will be informed of this decision.

### **Notice of hearing**

- 3.4 Where a hearing is necessary, officers will arrange the date, time and place of the hearing and will give a notice of it in accordance with the mandatory time limit.
- 3.5 The notice of hearing will be accompanied by the following information
  - (a) the rights of a party provided for in the regulations;
  - (b) the consequences if a party does not attend or is not represented at the hearing;
  - (c) the procedure to be followed at the hearing;
  - (d) any particular points on which the Licensing Panel considers that it will want clarification at the hearing from a party.

### **Action following receipt of notice of hearing**

- 3.6 An Applicant, Interested Party or Responsible Authority who receives a notice of hearing **must** give to the authority a notice in writing stating:

- (a) whether they intend to attend or be represented at the hearing;
  - (b) whether they consider a hearing to be unnecessary.
- 3.7 The notice must be given within the prescribed time limit.
- 3.8 If a Party wishes to call someone to appear as a witness at the hearing and address the Licensing Panel the notice must contain a request for permission for that person to appear giving the name of the person and a brief description of the point or points they wish to raise before the Committee. **FAILURE TO COMPLY WITH THIS REQUIREMENT WILL MEAN THAT PERSON CANNOT BE CALLED AS A WITNESS.**
- 3.9 This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax 020 7974 5921 Email: [Licensing@camden.gov.uk](mailto:Licensing@camden.gov.uk). Please note that the Committee Clerk will accept this notice by letter, email or fax.
- 3.10 Any Party attending the hearing can be assisted or represented by any person whether or not that person is legally qualified, provided that they have given notice as set out above. ***If one of your local councillors is a Member of the Panel***, you should not lobby them directly, as this could prejudice their position.
- 3.11 A decision on whether the person can appear will be made by the Licensing Panel at the beginning of the relevant hearing. Members will give reasons as to their decision.

### **Agenda**

- 3.12 In addition to the notice of hearing detailed in paragraphs 3.4 and 3.5, an agenda for the hearing containing a copy of the officers' report to the Licensing Panel will be published before the hearing. You may view this on the Council's website ([www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy)) or request a copy from the Clerk before the hearing.

### **Failure to attend**

- 3.13 If a party has informed the authority that he will not be coming to the hearing, it may go ahead in his absence. If someone has said that they will be attending but does not do so the Licensing Panel may:
- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
  - (b) hold the hearing in the party's absence.
- 3.14 If a hearing is adjourned the parties will be notified as soon as possible of the date, time and place to which it has been adjourned. If the Licensing Panel

holds the hearing in the absence of a party, it will consider the application, representations or notice made by that party.

- 3.15 Hearings will be held in public. There may be rare occasions where the Panel needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the Applicant and other parties to leave the room. Once the Licensing Panel has received the advice the meeting will resume in public.

#### **Power to extend time etc.**

- 3.16 The Licensing Panel can extend the time limits set out in this procedure if it considers it to be necessary in the public interest, but cannot extend the time limit past the prescribed time after which the application will be treated as granted or rejected.

- 3.17 Where the authority has extended a time limit it will as soon as possible notify all parties of the period of the extension and the reasons for it.

- 3.18 The Licensing Panel or the officers of the Authority can—

- (a) adjourn a hearing to a specified date;
- (b) arrange for a hearing to be held on specified additional dates, if it considers this to be necessary in order for it to consider any representations or notice made by a party.

- 3.19 Where the authority has adjourned a hearing to a specified date it must as soon as possible notify all parties of the date, time and place.

- 3.20 Where the authority has arranged for a hearing to be held on a specified additional date it must as soon as possible notify all parties of the additional date, time and place.

#### **Quorum**

- 3.21 Business shall not be transacted at a Panel unless at least two voting members of the Licensing Committee are present and able to vote.

#### **Panel Time Limits**

- 3.22 Committee Procedure Rule 19 will not apply. Meetings will last for a maximum of 4 hours and will finish no later than 22.30. Any business not transacted by the end of the meeting is deferred to another meeting and heard afresh. The Parties will be told which meeting it is being deferred to.

#### **Minutes**

- 3.23 The minutes record that consideration was given to a report, and any relevant discussion leading to a reason for the decision that is not in the report, or the

reason for departing from an officer's recommendation. Matters which are irrelevant or which are dealt with in the report, or do not affect the decision are not minuted. The minutes will not be a transcript or near transcript of the hearing. Once the minutes have been agreed and signed at a subsequent meeting of the Licensing Panel that document (which incorporates the report and written submissions) is the record of the meeting, as required by Regulation 30 of the Regulations.

- 3.24 The minutes of the meeting are made public when they are ready, and are posted on the Council's website at [www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy).

### **Withdrawal of representations**

- 3.25 An Interested Party or Responsible Authority who wishes to withdraw any representations that they have made must give notice of this no later than 24 hours before the day on which the hearing is to be held, or it can be done orally at the hearing. This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax: 020 7974 5921 Email: [Licensing@camden.gov.uk](mailto:Licensing@camden.gov.uk). Please note that the Committee Clerk will accept this notice by letter, email or fax.

### **Exclusion of disruptive persons**

- 3.26 The Licensing Panel can require anyone attending the hearing who is behaving in a disruptive manner to leave the hearing and may—
- (a) refuse to let that person return, or
  - (b) let him return subject to whatever conditions the Panel specifies.
- 3.27 Anyone who has been required to leave can, before the end of the hearing, submit to the Panel in writing any information that they would have been entitled to give orally if they had they not been required to leave.
- 3.28 Parties and members of the public are not permitted to bring any banner or placard into a meeting, nor are they allowed to film, take photographs of or make recordings of the proceedings without the consent of the Chair.

### **Amending the Application**

- 3.29 If the Applicant wishes to amend their application this must be in writing, signed by the applicant or their representative. This can be done before the hearing or at the hearing before the Panel begin deliberation. No amendment will be accepted which in the opinion of the Panel would extend the activities in relation to the original application.

### **Additional Documentary and Other Evidence**

- 3.30 The Parties should make every effort to ensure all documentary and other evidence is included in their application or representation. Additional

documentary or other evidence submitted prior to the hearing may only be produced at the hearing with the consent of the Panel. In making its decision the Panel will consider each request on its merit and will bear in mind whether the other parties have seen the material. PLEASE NOTE THAT THE OFFICERS OF THE AUTHORITY WILL NOT DISTRIBUTE ADDITIONAL MATERIAL RECEIVED AFTER THE ORIGINAL APPLICATION OR REPRESENTATION.

- 3.31 Additional documentary or other evidence produced at the hearing will only be considered with the consent of all the other parties at the hearing.

### **PROCEDURE AT HEARINGS**

- 4.1 The Licensing Panel is not a court, and every effort is made to keep the proceedings as informal as possible. Cross-examination will not be permitted unless the Panel agrees.
- 4.2 It is important that the hearing follows a particular order, to make sure that all parties have a chance to be heard.
- 4.3 Any Applicant, Interested Party or Responsible Authority, or their representative who has given notice should make themselves known to the Clerk before the meeting.

### **Hearings concerning applications for the grant and variation of Premises Licences and Club Premises Certificates and the grant of Provisional Statements**

#### **Chair's Introduction:**

- 5.1 The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.
- 5.2 The Chair will then briefly announce the application and what it is for.
- 5.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative of any party) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 5.4 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

#### **Report of Executive Director Supporting Communities:**

- 5.5 The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel, and the Parties will have read it.

- 5.6 Members and the Parties may seek clarification from officers of the Supporting Communities Directorate on matters raised in the report.

### **Negotiation and Compromise**

- 5.7 Where the applicant has amended the application as tabled, the applicant will be permitted a 2 minute debrief to clarify any amendments to the application that have been made since the publication of the report.

### **Responsible Authority's Case [if applicable]**

- 5.8 The Chair will ask the Responsible Authority and their representative, if appropriate, to identify themselves. The Responsible Authority or their representative may:

- (a) give further information in support of their representations, in response to any notice from the authority seeking clarification,
- (b) address the Panel, and
- (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 5.3 above.

- 5.9 Fifteen minutes may be allowed for the Responsible Authority's Case, and this may only be extended with the consent of the Panel.

- 5.10 Members of the Panel and then any other party if given permission by the Panel may ask the Responsible Authority questions for the purposes of clarification only.

### **Interested Parties' Case [if applicable]**

- 5.11 The Chair will ask the Interested Parties and their representative, if appropriate, to identify themselves. The Interested Parties or their representative may

- (a) give further information in support of their representations, in response to any notice from the authority seeking clarification,
- (b) address the Panel, and
- (c) call any witnesses notified to the Authority in advance of the hearing. permitted in accordance with 5.3 above

- 5.12 Fifteen minutes may be allowed for the Interested Parties' case in total for all interested parties, and this may only be extended with the consent of the Panel. The interested parties should preferably speak through a single spokesperson.

- 5.13 Members of the Panel and then any other party if given permission by the Panel may ask the Interested Parties questions for the purposes of clarification only.

### **Applicant's Case**

- 5.14 The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may
- (a) give further information in support of their application, in response to any notice from the authority seeking clarification,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 5.3 above
- 5.15 Fifteen minutes may be allowed for the Applicant's Case, and this may only be extended with the consent of the Panel.
- 5.16 Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. Again, this is for the purposes clarification purposes only.

### **Closing Remarks**

- 5.17 Any party is allowed to make closing remarks, not exceeding two minutes. The order will be Responsible Authority, Interested Party and Applicant.

### **Deliberation**

- 5.18 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.
- 5.19 The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:
- (1) their application, representations or notice (as applicable), and/or
  - (2) the promotion of the licensing objectives.

### **Decision:**

- 5.20 The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties.

### **Hearings concerning applications for reviews of Premises Licences and Club Premises Certificates**

### **Chair's Introduction:**

- 6.1 The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing.
- 6.2 The Chair will then briefly announce the application and what it is for.
- 6.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative **of any party**) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 6.4 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

### **Report of Executive Director Supporting Communities:**

- 6.5 The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel, and the Parties will have read it.
- 6.6 Members and the Parties may seek clarification of officers from the Supporting Communities Directorate on matters raised in the report.

### **Applicant's Case-**

- 6.7 The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may
  - (a) give further information in support of their application, in response to any notice from the authority seeking clarification,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing, permitted in accordance with 6.3 above
- 6.8 Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. This is for the purposes of clarification only.

### **Responsible Authority's Case [if applicable]**

- 6.9 The Chair will ask the Responsible Authority and their representative, if appropriate, to identify themselves. The Responsible Authority or their representative may
  - (a) give further information in support of their application, in response to any notice from the authority seeking clarification,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing, permitted in accordance with 6.3 above

- 6.10 Members of the Panel and then any other party if given permission by the Panel may ask the Responsible Authority questions for the purposes of clarification only.

#### **Interested Parties' Case [if applicable]**

- 6.11 The Chair will ask the Interested Parties and their representative, if appropriate, to identify themselves. The Interested Parties or their representative may

- (a) give further information in support of their application, in response to any notice from the authority seeking clarification,
- (b) address the Panel, and
- (c) call any witnesses notified to the Authority in advance of the hearing, permitted in accordance with 6.3 above

- 6.12 The interested parties should preferably speak through a single spokesperson.

- 6.13 Members of the Panel and then any other party if given permission by the Panel may ask the Interested Parties questions for the purposes of clarification only.

#### **Licence Holder's Case**

- 6.14 The Chair will ask the Licence Holder and their representative, if appropriate, to identify themselves. The Licence Holder or their representative may:

- (a) give further information in support of their case, in response to any notice from the authority seeking clarification,
- (b) address the Panel, and
- (c) call any witnesses notified to the Authority in advance of the hearing, permitted in accordance with 6.3 above

- 6.15 Members of the Panel and then any other party if given permission by the Panel may ask the Licence Holder questions. Again, this is for the purposes of clarification only.

#### **Closing Remarks**

- 6.16 Any party is allowed to make closing remarks, not exceeding two minutes. The order will be Responsible Authority, interested Party and Licence Holder.

#### **Deliberation**

- 6.17 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it

will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst the advice is taken. After receiving this advice the Panel will resume in public.

6.18 The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:

- (1) their review application or representations (as applicable), and/or
- (2) the promotion of the licensing objectives.

**Decision:**

6.19 The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties. .

**Hearings concerning applications for Personal Licences**

**Chair's Introduction**

7.1 The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.

7.2 The Chair will then briefly announce the application and what it is for.

7.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.

7.4 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

**Report of Executive Director, Supporting Communities Directorate**

7.5 The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel, and the Parties will have read it.

7.6 Members and the Parties may seek clarification from officers from the Supporting Communities Directorate on matters raised in the report.

**Police Case**

7.7 The Chair will ask the Police and their representative, if appropriate, to identify themselves. The Police or their representative may

- (a) give further information in support of their notice, in response to any notice from the authority seeking clarification,
- (b) address the Panel, and
- (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 7.3 above.

7.8 Members of the Panel and then any other party if given permission by the Panel may ask the Police questions. This is for the purposes of clarification only.

### **Applicant's Case**

7.9 The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may

- (a) give further information in support of their application, in response to any notice from the authority seeking clarification,
- (b) address the Panel, and
- (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 7.3 above.

7.10 Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. Again, this is for the purposes of clarification only.

### **Closing Remarks**

7.11 Any party is allowed to make closing remarks, not exceeding two minutes. The order will be the Police and the Applicant.

### **Deliberation**

7.12 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.

7.13 The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:

- (1) their application, representations or notice (as applicable), and/or
- (2) the promotion of the crime prevention objective.

## **Decision**

- 7.14 The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities, will later confirm the decision in writing to all parties.

## **Hearings concerning applications for Temporary Events Notice**

### **Chair's Introduction**

- 8.1 The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.
- 8.2 The Chair will then briefly announce the application and what it is for.
- 8.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 8.4 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

### **Report of Executive Director Supporting Communities**

- 8.5 The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel and the Parties will have read it.
- 8.6 Members and the Parties may seek clarification from officers of the Supporting Communities Directorate Department on matters raised in the report.

### **Responsible Authority Case**

- 8.7 The Chair will ask the Police and/or Environmental Health Responsible Authority and their representative, if appropriate, to identify themselves. The Police and/or Environmental Health Responsible Authority or their representative may
- (a) give further information in support of their notice, in response to any notice from the authority seeking clarification,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 8.3 above.
- 8.8 Members of the Panel and then any other party if given permission by the Panel may ask the Police and/or Environmental Health Responsible Authority questions. Again, this is for the purposes of clarification only.

### **Applicant's Case**

- 8.9 The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may
- (a) give further information in support of their application, in response to any notice from the authority seeking clarification,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 8.3 above.
- 8.10 Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. Again, this is for the purposes of clarification only.

### **Closing Remarks**

- 8.11 Any party is allowed to make closing remarks, not exceeding two minutes. The order will be the Police and the Applicant.

### **Deliberation**

- 8.12 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.
- 8.13 The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:
- (1) their application, representations or notice (as applicable), and/or
  - (2) the promotion of the licensing objectives

### **Decision**

- 8.14 The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties.

### **Hearings concerning applications for Summary Review or to consider representations against Interim Steps**

### **Chair's Introduction:**

- 9.1 The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing.
- 9.2 The Chair will then briefly announce the application and what it is for.
- 9.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 9.4 The Chair will indicate which officers of the Supporting Communities Directorates are present to deal with points of clarification on the report.

### **Report of Executive Director Supporting Communities:**

- 9.5 The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel and the Parties will have read it.
- 9.6 Members and the Parties may seek clarification of officers from the Supporting Communities Directorate on matters raised in the report.

### **Police Case**

- 9.7 The Chair will ask the Police and their representative, if appropriate, to identify themselves. The Police or their representative may
  - (a) give further information in support of their application and certificate,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 9.3 above
- 9.8 Members of the Panel and then any other party if given permission by the Panel may ask the Police questions. Again, is for the purposes of clarification only.

### **Licence Holder's Case [if applicable]**

- 9.9 The Chair will ask the Licence Holder and their representative, if appropriate, to identify themselves. The Licence Holder or their representative may
  - (a) give further information in support of their representations,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 9.3 above.

- 9.10 Members of the Panel and then any other party if given permission by the Panel may ask the Licence Holder questions. Again, this is for the purposes of clarification only.

### **Closing Remarks**

- 9.11 Any party is allowed to make closing remarks, not exceeding two minutes. The order will be the Police and the Licence Holder.

### **Deliberation**

- 9.12 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.

- 9.13 The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:

- (1) their application, certificate or representations (as applicable), and/or
- (2) the promotion of the licensing objectives.

### **Decision**

- 9.14 The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties.

### **Miscellaneous Licensing Matters**

- 10.1 Communications on matters not yet on the agenda should be sent to the Licensing Team, Supporting Communities Directorate, Town Hall, 5 Pancras Square, London N1C 4AG, telephone: 020 7974 6919: email: [licensing.safety@camden.gov.uk](mailto:licensing.safety@camden.gov.uk)

## **PART 3**

### **ADVICE TO MEMBERS OF THE LICENSING COMMITTEE ADVICE ON MEMBERS' INTERESTS**

#### **1. Involvement in Licensing Matters prior to Meetings of the Committee or Licensing Panel**

- 1.1 Members of the Committee are advised to take steps to minimise their involvement in any relevant matter prior to its consideration by the Committee or Licensing Panel so that they may be seen to take all decisions at the meeting with an open mind.
- 1.2 If a Member has already taken a view on an application before them (whether in their ward or not), for example by writing a letter of support or objection, or speaking publicly for or against an application, the Member should take particular care where they may be or may appear to be acting both as an advocate on behalf of one or more constituents and as an adjudicator on an application in respect of which the interests of the constituent are at variance with the interests of others. Members may make visits to premises in their capacity as ward councillors and may subsequently speak either for or against the relevant application. In these circumstances a Member may not be seen to be an impartial judge of the relative merits of both sides of the argument. The Member must always declare that they have visited the premises and, if in doubt, should refrain from voting.
- 1.3 The Committee has adopted a protocol governing official visits to premises.

#### **2. Councillors as Objectors**

- 2.1 If you are an objector or Interested Party you should obtain a copy of the report from the Clerk unless you have already been sent one by the Supporting Communities Directorate. You may get the report from the Clerk or on the Council's website ([www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy)) after 4.00 p.m. six working days before the meeting. You must comply with the relevant requirements in Parts 1 and 2 to be able speak to the Committee or address the Panel.
- 2.2 However, a Councillor who is objecting on their own right should consider whether they have a prejudicial interest. A Councillor must regard themselves as having a prejudicial interest if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.
- 2.3 The Code of Conduct states that where a Member has such an interest s/he should not take part in any discussions about that interest, unless a dispensation has been obtained from the authority's Standards Committee.

S/he must declare what the interest is and withdraw from the meeting by leaving the room.

- 2.4 It does not apply where, for example, a Councillor is acting in an advocacy role for his or her constituents, and no new information is being introduced into the public domain. However, in the case of the Panel you should ensure that the Interested Party complies with the requirements of paragraph 18 or you may be unable to.

### **3. Briefing for Licensing Committee (not Panels)**

- 3.1 There will only be a briefing before a committee meeting and this will only deal with the following matters:

- (1) Reading late papers, which the Clerk has received on the day of the meeting and seeking clarification on them.
- (2) Advice from the Clerk on procedure and in particular the application of these procedures.

- 3.2 The briefing should start 45 minutes before the start of the meeting and end 15 minutes before. This is to enable officers to be involved in advice to objectors and applicants before the meeting if required. Technical officers do not attend the briefing. There is an opportunity for clarification on matters covered in reports relating to applications during the meeting itself, when the technical officers are present.

### **4. Applications at Appeal**

- 4.1 The Borough Solicitor will provide a report every six months on the progress of applications determined by the Committee and the Licensing Panels, which have gone to appeal.

### **5. Personal Interests/Prejudicial Interests**

- 5.1 As with all other meetings, the provisions of the Camden Code of Conduct apply. The particular nature of the Licensing Committee and Panels means that issues of propriety are of particular concern. Members need to be particularly vigilant and should refamiliarise themselves with the provisions from time to time, seeking advice if in any doubt.

### **6. The Human Rights Act 1998**

- 6.1 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. The Convention guarantees certain basic human rights. As far as possible legislation (including the licensing laws) must be interpreted in conformity with Convention rights. Decisions on licensing matters are actions of a public authority and must be compatible with Convention rights. Consequently Members of the Committee

must be aware of the rights contained in the Convention (particularly those set out below) when making licensing decisions.

**(a) Article 6: Right to a fair trial**

6(1) In the determination of his civil rights and obligations.....everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

**(b) Article 8: Right to respect for private and family life**

Everyone has a right to respect for his or her private life, his home and correspondence.

**(c) Article 1 of the First Procedures: Protection of property**

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

**(d) Article 14: Prohibition of discrimination**

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 6.2 Most Convention rights are not absolute and there are circumstances when an interference with a person's rights is permitted.
- 6.3 Article 8 states that "there shall be no interference by a public authority with the exercise of (rights under that Article) except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others" and Article 1 of the First Protocol states that the provisions of the Article "shall not, however, in any way impair the right of a state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."
- 6.4 However, any interference with any of the Rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate to the intended objective of the authority. The interference will not be justified if the means used to achieve the aim are excessive in the circumstances.

- 6.5 This point is relevant to all licensing decisions but particularly in the context of conditions and enforcement. Home Office guidance on this point states "any interference with a Convention right should be carefully designed to meet the objective in question and must not be arbitrary or unfair. You must not use a sledgehammer to crack a nut" to give effect to Convention rights in the licensing context, Members of the Licensing Committee will need to balance the rights of one individual (having regard to the personal circumstances of that person) against those of another and/or the interests of the community at large.

## **GENERAL ADVICE FOR MEMBERS**

### **7. Councillors who are not Members of the Licensing Committee**

- 7.1 A Councillor who is not a Member of the Licensing Committee may speak at a meeting of the Licensing Committee, with the agreement of the Chair, as an advocate for either the applicant or the objectors, and where no new information is being introduced into the public domain.
- 7.2 A Councillor who is not a Member of the Licensing Committee may speak at a hearing before a Panel as an advocate for either the applicant or the objectors.
- 7.3 However, a Councillor attending in a personal capacity to object to or support any application should consider whether they have a prejudicial interest. A Councillor must regard themselves as having a prejudicial interest if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgment of the public interest.
- 7.4 The applicant automatically has the right to reply, and the right to see in advance the nature of the objection or representation. Members should disclose any interest they may have, including the fact that they have been in contact with objectors, the applicant, an Interested Party or a relevant Authority if this is the case and whether they are speaking on behalf of such persons or any particular interest.
- 7.5 Any Councillor who is not on the Licensing Committee but who is at one of its meetings should normally sit separately, to demonstrate that they are not taking part in the discussion, consideration or vote. They should not communicate with Members of the Committee or Panel or pass papers or documents to them before or during the meeting. They may not attend briefings or accompany the Committee if it retires to deliberate in private.
- 7.4 Councillors who are opposed *in principle* to any category of application or form of public entertainment, either in their own ward or borough-wide, should not seek nomination to the Licensing Committee.

## **8. Ward Members**

- 8.1 Being the Member for the ward in which particular premises are situated is not *per se* declarable and as a general rule Members of the Committee may deliberate on matters affecting their wards, provided this is done with an open mind. To underline the openness of the proceedings, the agenda papers show which ward each Member sits for, and it is helpful for Members to maintain the practice of naming their ward when they introduce themselves at the start of the meeting.

## **9. Being Seen to Act Fairly**

- 9.1 With regard to planning committees, the Local Government Ombudsman advises that not only must Members act fairly; they must be seen to act fairly. The same maxim should apply to licensing committees. During the course of meetings Members should not discuss (or appear to discuss) any matter with any members of the public nor should they accept letters or documents from members of the public unless they have been processed in the normal way through the Clerk. Members are also advised to maintain and demonstrate an open mind if contacted by applicants or members of the public in the time leading up to the meeting.

## **10. Members should be Present throughout Consideration of an Item**

- 10.1 Members making a decision on any particular item must ensure that they are present throughout its consideration. If they join the meeting or go out and return to it part way through a particular item they should refrain from participating in the discussion and not vote on that item. If a Member needs to leave the room, he or she may ask for a short adjournment.

## **11. Use of Political Whips**

- 11.1 The Local Government Ombudsman considers that the "whipping" of group meetings for town and country planning matters in this way is maladministration, and it is good practice to apply the same maxim to licensing matters.

## **12. Relationship between Members and Officers**

- 12.1 Good administration is dependent on a successful relationship between Councillors and officers, which can only be based upon mutual trust, and understanding of each other's roles and responsibilities. The Code governing this relationship is the Camden Code of Conduct. Periodically, Member/officer seminars will be arranged outside the formal committee setting at which general issues of licensing can be discussed more freely as part of the process of training and policy formulation.

### **13. Member Development and Training**

- 13.1 Because the technical issues concerning licensing are complex, and matters of propriety are not always straightforward, appointment to the Licensing Committee creates a requirement for new Members to undertake training on appointment, and for all Members to have refresher training periodically thereafter. Seminars are also organised where Members may develop their specialist knowledge and where topical issues may be aired. Members are advised not to accept nomination to the Licensing Committee unless they are prepared to take on this responsibility. Members also need to familiarise themselves with the provisions of these procedures.

## **PART 4**

### **THE LONDON BOROUGH OF CAMDEN**

#### **LICENSING COMMITTEE AND LICENSING PANELS**

##### **PROTOCOL FOR VISITS TO PREMISES**

###### **1. Exceptional Circumstances**

- 1.1 Most premises are licensed under delegated powers. Others are referred to the Committee with a detailed report, containing all the background and technical information which officers, in their professional judgement, believe Members need to make a decision on an application. Therefore, visits to premises should be exceptional, and undertaken either to check a specific material consideration, or to assist the Committee with a matter that has hitherto been outside its experience or that of individual Members.
- 1.2 Members should also note the disruption that any visit will cause to the Schedule of meetings, to officers and interested parties attending the meetings.
- 1.3 If having read the officer's report a Member requires further information on an application, it would be appropriate for the Member to contact the report author to request the information to be included in the supplementary agenda which will be despatched the evening before the meeting.

###### **2. Arrangement of Visit**

- 2.1 The Executive Director Supporting Communities will notify the licensee that a visit is to be arranged, and a date will be fixed in consultation with the Chair and leaders of the opposition groups on the Committee, although this will not be communicated to the licensee. Members will then be notified of the visit.
- 2.2 In the interests of consistency and transparency, every effort should be made by Members considering the application to attend the visit.
- 2.3 Members will be accompanied on the visit by a licensing officer.

###### **3. Briefing**

- 3.1 Before a visit takes place there will be a briefing at a venue to be arranged, with a report setting out technical and background information regarding the premises. In particular, Members will be asked to note the reason for the visit and any specific aspects of the application they wish to focus on. The Borough Solicitor will remind Members of the relevant legislation, providing Counsel's opinion on specific advice as appropriate. Members will be reminded of Camden's Code of Corporate Governance and the rules governing expenditure.

#### **4. Arrival at the Premises**

- 4.1 Where appropriate, the accompanying officer should make clear the arrival of Members at the premises. If public admittance is an issue and where there is a door charge, this should be paid and the amount reimbursed by the Council. If some other aspect of the premises is an issue, Members should be admitted without charge. If entrance is refused, and gentle persuasion fails, then the licensee's decision should be respected. Members should have their identity tags with them.

#### **5. During the Visit**

- 5.1 If Members are visiting to see some particular aspect of the premises, or check something, then they should do so. Any specific observations should be passed to the officer, who will note them.
- 5.2 No attempt, from any interested parties, may be made to make representations or lobby individual Members of the Committee during a visit. Members may only ask questions or seek clarification from officers, the applicant or any third party as appropriate. Hospitality or gifts should not be accepted.
- 5.3 Where drinks are served, Members may partake at their own expense. Preferably drinks should be non-alcoholic. Any visit would not normally take longer than the average time taken to consume a drink. However, there may be circumstances (e.g. waiting for a performance to begin, or ascertaining the actual closing time of premises) where Members may need to stay longer.
- 5.4 Once Members are satisfied that the purpose of their visit, (as determined and discussed at the briefing) has been fulfilled, the visit should end. It would not be proper to remain for social or entertainment reasons, since these are not the purpose of the visit and could be misinterpreted.

#### **6. After the Visit**

- 6.1 The fact that a visit took place will be recorded in the officer's report to the meeting of the Committee considering the application along with any relevant factors noted during the visit which may reasonably be taken into account. It would not be inappropriate for Members to ask questions of applicants and objectors, at the Committee, arising from their visit.

#### **7. Unforeseen Circumstances**

- 7.1 If events during a visit to premises take an unexpected turn, such that there is a danger to Members, or the potential to embarrass them in their public capacity, it is usually advisable to leave immediately.

## **PROTOCOL FOR LICENSING APPEAL HEARINGS**

### **Introduction**

There is a statutory right of appeal to the magistrates' court by any of the following parties who may be aggrieved by the decision of the Licensing Authority:

- The applicant
- An interested party who made representations
- A responsible authority who made representations

Appeals may be made at any time within 21 days from the date of notification by the Authority of the outcome of the application.

The appeal is a re-hearing of the decision of the Licensing Sub Committee (usually referred to as the Licensing Panel)

### **Purpose of this Protocol**

Under the Council's Constitution any matters not expressly delegated to elected Member decision-making bodies fall within the delegation of the relevant Executive Director. Since the conduct of Licensing Appeals is not delegated to Licensing Committee or to a Licensing Sub Committee, they fall within the delegation of the Executive Director Supporting Communities and officers in the Licensing Division within this Directorate.

In all cases of appeal the Licensing Authority (Camden Council) will be the Respondent to the appeal with the Licensing Team ("Licensing") acting as instructing department. In this role Licensing have the responsibility and duty to conduct the proceedings not only in accordance with the directions made by the court but also as efficiently as possible in the best interests of the Authority as a whole.

The purpose of this Protocol is to document how Licensing will carry out its role as instructing department in Licensing Appeals with particular reference to how they will deal with offers of compromise that may be made during the course of appeal proceedings.

It is noted that the decisions of the Licensing Panel can be complex and have a number of different parts. In particular they may have attached a number of conditions to any licence and otherwise sought to regulate the conduct of the premises.

### **Management of Appeals**

Upon receipt of Notice of Appeal, Licensing (under the delegated authority of the Executive Director Supporting Communities) will instruct Legal Services who will advise Licensing on the management and conduct of the appeal together with any related legal issues.

Upon receipt of instructions Legal Services will notify the Chair and Vice Chair of the Licensing Committee, the elected Members who participated in the original decision by the Licensing Panel, being those on the Panel and those who may have given evidence [and Ward Members.] of the fact that the appeal has been received and the hearing details as are at that stage known. Legal Services will ensure that those Members are kept informed of the progress of the appeal and the ultimate result.

*Additionally, the following will be informed about the appeal and may be asked to appear as witnesses on behalf of the Authority where it is considered that this will strengthen the Council's position in the proceedings.*

- When the appeal is commenced by an applicant any party who made a relevant representation
- When the appeal is commenced by an interested party or responsible authority the applicant/licence holder
- Members of the original decision-making Licensing Panel.
- Any other elected Member who had a significant involvement in the matter e.g. a Member who spoke at the original Panel meeting on behalf of local residents and or gave evidence.

### **Member Involvement /Assessment of potential compromise**

Officers will always look to vigorously defend a decision taken by a Licensing Panel against appeal. Parliament has given this important decision making role to locally elected and locally accountable Members and it is the role of Officers to seek to have their decision upheld in full at any appeal. However occasionally in the course of an Appeal the Appellant will offer a compromise varying the original decision. It is also noted that given that sometimes the original decision of the panel might well be multi-faceted it may well be only part of that decision that they seek to change.

The Court directions state and encourage parties "to explore the resolution of the appeal by consent" and there is also case law that should a Licensing Authority fail to give due consideration to an offer of compromise and the applicant is later successful at trial that the Authority should be responsible for costs. In licensing appeal hearings these costs can be substantial.

Offers of compromise can raise additional issues for the conduct of the appeals. In particular such an offer can be raised by the appellant at the end of any hearing and may result (should the terms of the offer be perhaps more stringent than the final terms ordered by the Court) in costs being awarded against the Council.

It is not therefore a sustainable position in all cases to reject such offers, particularly when it can be argued that they perhaps maintain the most important conditions attached by the Panel and or perhaps are simply adjustments of an operational nature with little or no impact upon the public. In those circumstances and similar circumstances such offers require consideration and Licensing (with the advice of Legal Services) will assess whether the proposed compromise would be in the best interests of the Council having regard to all material considerations, including but not limited to those referred to in this Protocol.

Examples of material considerations will be legal advice on the probable position of the court and the possibility of costs, the concerns raised by local residents and the views of members expressed at the original Licensing Panel.

Whilst Licensing will not formally refer the matter back to Committee or Sub Committee (it is unlikely that court time constraints would allow this in any event), Licensing will always seek when possible to consult the Chair and Vice Chair of Licensing and the Chair of the relevant Licensing Panel and take the views expressed by these Members into account before making a decision. Other material considerations will include the views of local residents who have made representations and where possible, as compromises sometimes only emerge on the day of the appeal hearing itself, those members of the public who made representations would be notified of any potential compromises emerging from the legal process on the proposed compromise, the likely position of the court and the possibility of an adverse costs award if a compromise is not accepted.

It should be noted that in all cases ultimately it is up to the Court to give approval and consent to any proposed compromise.

## **PART 5**

### **LICENSING PANELS**

#### **PROCEDURE FOR HEARINGS UNDER SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 IN RESPECT OF SEX ESTABLISHMENTS**

##### **1. INTRODUCTION**

- 1.1. This document sets out the procedure to be followed by the Licensing Sub-Committees (known as “Licensing Panels” or “Panels”) where functions have been delegated from the Licensing Committee constituted under the Licensing Act 2003.
- 1.2. In this procedure “the Parties” include the applicant or licence holder and any objectors as applicable.
- 1.3. The Council Procedure Rules and Access to Information Procedure Rules (in so far as they apply to Committees and Sub Committees) will be followed for all hearings.
- 1.4. The Licensing Panel may, in exceptional circumstance vary this procedure. In such circumstances the Licensing Panel must give reasons for the variation.

##### **2. MAKING OBJECTIONS TO AN APPLICATION**

- 2.1. The Council has produced guidance notes for the Parties. These contain detailed provisions on making applications and objections and time limits referred to in this procedure. They are available from:

Contact Camden  
London Borough of Camden  
5 Pancras Square  
London  
N1C 4AGTel: 020 7974 4444  
Email: [ppp@camden.gov.uk](mailto:ppp@camden.gov.uk)  
Web: [www.camden.gov.uk/licensing](http://www.camden.gov.uk/licensing)

- 2.2. Objections should be made within 28 days of the date of the application.
- 2.3. The Licensing Authority shall not provide an objector’s name and address to the applicant for the licence unless the objector has specifically agreed to this.
- 2.4. Failure to make an objection means a Party will have no right to be heard or to give evidence at the hearing.

### **3 HOLDING A HEARING**

- 3.1 Whether or not relevant objections are made, there will be a hearing by a Licensing Panel to consider applications for the grant, renewal, variation or transfer of a Sex Establishment Licence.

#### **Notice of Hearing**

- 3.2 Officers will arrange the date, time and place of the hearing and will give notice of it.
- 3.3 The notice of hearing will be accompanied by the following information:
- (a) the consequences if a Party does not attend or is not represented at the hearing;
  - (b) the procedure to be followed at the hearing.

#### **Action Following Receipt of Notice of Hearing**

- 3.4 An applicant or objector who receives a notice of hearing must give to the Licensing Authority a notice in writing stating whether they will attend the hearing, whether they will be represented at the hearing and whether they intend to call any witnesses at the hearing.
- 3.5 If a Party wishes to call someone to appear as a witness at the hearing and address the Panel, the notice must contain a request for permission for that person to appear giving the name of the person and a brief description of the point or points they wish to raise before the Licensing Panel. FAILURE TO COMPLY WITH THIS REQUIREMENT WILL MEAN THAT PERSON CANNOT BE CALLED AS A WITNESS.
- 3.6 This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax 020 7974 5921 or email to [licensing.committee@camden.gov.uk](mailto:licensing.committee@camden.gov.uk). Please note that the Committee Clerk will accept this notice by letter, email or fax.
- 3.7 Any Party attending the hearing can be assisted or represented by any person, whether or not that person is legally qualified, provided that they have given notice as set out above. If one of your local Councillors is a Member of the Panel, you should not lobby them directly as this could prejudice their position.
- 3.8 A decision on whether the person can appear will be made by the Panel at the beginning of the relevant hearing. Members will give reasons as to their decision.
- 3.9 Any Party intending to rely on any documentation at the hearing must submit that documentation to the Council at least seven days in advance of the

hearing. Failure to do so may mean such supplementary evidence will not be admitted at the hearing.

### **Agenda**

- 3.10 In addition to the notice of hearing detailed in paragraphs 3.2 and 3.3, an agenda for the hearing containing a copy of the Licensing Authority officer's report to the Licensing Panel will be published before the hearing. You may view the report on Camden's website at [www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy) or request a copy by contacting the Committee Clerk before the hearing.

### **Failure to Attend**

- 3.11 If a Party has informed the Council that he will not be attending the hearing it may go ahead in his absence. If a Party has indicated they will attend but does not do so the Panel may:
- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
  - (b) hold the hearing in the Party's absence.
- 3.12 If a Panel adjourns the hearing, it must as soon as possible notify the Parties of the date, time and place to which it has been adjourned. If the Panel holds the hearing in the absence of a Party, it will consider the application or objection made by that Party.
- 3.13 Hearings will be held in public. There may be rare occasions where the Panel needs to receive specific legal advice in private. If that is the case, the Panel will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the applicant and other Parties to leave the room. Once the Panel has received the advice the meeting will resume in public.

### **Power to Extend Time Limits**

- 3.14 The Panel can extend the time limits set out in this procedure if it considers it to be necessary in the public interest.
- 3.15 Where the Council has extended a time limit it will as soon as possible notify all Parties of the period of the extension and the reasons for it.
- 3.16 The Panel or the officers of the Council can—
- (a) adjourn the hearing to a specified date
  - (b) arrange for the hearing to be held on specified additional dates, if it considers this to be necessary in order for the Panel to consider any representations or notice made by a Party.
- 3.17 Where the Panel has adjourned a hearing to a specified date, the Council will, as soon as possible, notify all Parties of the date, time and place of the new hearing.

- 3.18 Where the Panel has arranged for a hearing to be held on a specified additional date, the Council will, as soon as possible, notify all Parties of the additional date, time and place of the additional hearing.

**Quorum**

- 3.19 Business shall not be transacted at a Panel unless at least two voting members of the Licensing Committee are present and able to vote.

**Panel Time Limits**

- 3.20 Committee Procedure Rule 19 will not apply. Meetings will last for a maximum of four hours and will finish no later than 22.30 hours. Any business not transacted by the end of the meeting will be deferred to another meeting. The Parties will be told which meeting it is being deferred to.

**Minutes**

- 3.21 The minutes record that consideration was given to a report, any discussion leading to a decision, and any reason for departing from an officer's recommendation. Irrelevant matters, matters dealt with in the report, or matters that did not affect the decision are not minuted. The minutes will not be a transcript or near transcript of the hearing. Once the minutes have been agreed and signed at a subsequent meeting of the Panel, that document (incorporating the report and any written submissions) is the record of the meeting.
- 3.22 The minutes of the meeting are made public when they are ready and are posted on the Council's website at [www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy).

**Withdrawal of Objections**

- 3.23 A person who wishes to withdraw his objection may give notice of this no later than 24 hours before the day on which the hearing is to be held or orally at the hearing. This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax: 020 7974 5921 or email [licensing.committee@camden.gov.uk](mailto:licensing.committee@camden.gov.uk). The Committee Clerk will accept this notice by letter, email or fax.

**Exclusion of Disruptive Persons**

- 3.24 The Panel may require anyone person present at the hearing who is behaving in a disruptive manner to leave the hearing and may—
- (a) refuse to let that person return, or
  - (b) let him return subject to whatever conditions the Panel specifies.
- 3.25 Anyone who has been required to leave can, before the end of the hearing, submit to the Panel in writing any information they would have been entitled to give orally if they had they not been required to leave.

- 3.26 Parties and members of the public are not permitted to bring any banner or placard into a meeting, nor are they allowed to film, take photographs of, or make recordings of, the proceedings without the consent of the Chair.

#### **Amending the Application**

- 3.27 If an applicant wishes to amend their application, they must do so in writing and must sign the amendment. This can be prior to the hearing or at the hearing before the Panel begins deliberation. No amendment will be accepted which, in the opinion of the Panel, would extend the activities requested in the original application.

#### **Additional Documentary and Other Evidence**

- 3.28 The Parties should make every effort to ensure all documentary and other evidence is included in their application or objection. Additional documentary or other evidence submitted prior to the hearing may only be produced at the hearing where it has been provided to the Council at least seven days before the hearing and with the consent of the Panel and other Parties.
- 3.29 In all other cases, the Panel will consider each request on its merits and will bear in mind whether the other Parties have seen the material, whether there are exceptional reasons for not producing the material before, whether a failure to admit the evidence would prejudice the Council's ability to reach a decision, and whether prejudice would be caused to the applicant if the evidence were to be admitted at this stage.

### **4 PROCEDURE AT HEARINGS**

- 4.1 The Licensing Panel is not a court. Every effort is made to keep proceedings as informal as possible. Cross-examination will not be permitted unless the Panel agrees.
- 4.2 It is important that the hearing follows a particular order to ensure all Parties have a chance to be heard.
- 4.3 Any applicant or objector or their representative who has given notice should make themselves known to the Committee Clerk before the hearing begins.

#### **HEARINGS FOR APPLICATIONS FOR THE GRANT, RENEWAL, TRANSFER OR VARIATION OF A SEX ESTABLISHMENT LICENCE**

##### **Chair's Introduction:**

- 4.4 The Chair will introduce the Panel and the officers advising it and outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.
- 4.5 The Chair will then briefly announce the application and what it is for.

- 4.6 The Panel will then consider any requests made in advance for permission for any person (other than a representative of any Party) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 4.7 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with the report.

#### **Report of Executive Director Supporting Communities**

- 4.8 The officer of the Supporting Communities Directorates will introduce their report to the Licensing Panel. The report will set out the nature of the activities to be provided at the sex establishment, give details of any objections, direct Members to relevant sections of the Council's Sex Establishments Policy, and provide an assessment of the locality where the application is for a new licence or a variation of an existing licence in relevant circumstances.
- 4.9 Members and the Parties may seek clarification from the officer on matters raised in the report.

#### **Negotiation and Compromise**

- 4.10 Where the applicant has amended the application tabled, the applicant will be permitted a two minute debrief to clarify any amendments to the application that have been made since the publication of the report

#### **Objector's Case (where applicable)**

- 4.11 The Chair will ask the objectors and their representative(s), if appropriate, to identify themselves. The objector or their representative may:
- (a) address the Panel, and
  - (b) call any witnesses notified to the Authority in advance of the hearing, permitted in accordance with 3.5 above
- 4.12 Fifteen minutes in total will be allowed for objectors to state their case. This may only be extended with the consent of the Panel. Objectors should preferably speak through a single spokesperson.
- 4.13 Where objections or other comments have been made by the Metropolitan Police, an additional fifteen minutes shall be permitted for the Police to state their case.
- 4.14 Members of the Panel and then any other Party (if given permission by the Panel) may ask objectors questions.

### **Applicant's Case**

- 4.15 The Chair will ask the applicant and their representative, if appropriate, to identify themselves. The applicant or their representative may:
- (a) address the Panel, and
  - (b) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 3.5 above
- 4.16 Fifteen minutes will be allowed for the applicant's case. This may only be extended with the consent of the Panel.
- 4.17 Members of the Panel and then any other Party (if given permission by the Panel) may ask the applicant questions.

### **Closing Remarks**

- 4.18 Any Party will be permitted to make closing remarks not exceeding two minutes. Objectors will be required to summarise first, followed by the applicant.

### **Deliberation**

- 4.19 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.

### **Decision**

- 4.20 Where the Panel are able to reach a decision on the day of the hearing, the Chair will announce the decision to all Parties at the hearing. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.
- 4.21 In some cases the Panel may not make its decision on the day of the hearing. In such cases, the Panel will reconvene within 28 days to announce its decision in public. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.

## **5 HEARINGS FOR APPLICATIONS FOR REVOCATION OF SEX ESTABLISHMENT LICENCES**

### **Chair's Introduction:**

- 5.1 The Chair will introduce the Panel and the officers advising it and outline the procedures to be followed at the hearing.
- 5.2 The Chair will then briefly give details of the reason for considering revocation of the licence.
- 5.3 The Panel will consider any requests made in advance for permission for any person (other than a representative of any Party) to appear at the hearing. Permission will not be unreasonably withheld, and if permission is refused, the Panel will give reasons for its refusal.

### **Licensing Authority's Case**

- 5.4 The officer of the Supporting Communities Directorate shall outline the reason for considering revocation of the licence and briefly outline the evidence supporting the Licensing Authority's case. The officer shall introduce their report to the Licensing Panel. The report will set out any evidence supporting revocation of the licence and any response from the licence holder, and will direct Members to relevant sections of the Council's Sex Establishments Policy.
- 5.5 The officer will then call any witnesses to support the Licensing Authority's case.
- 5.6 Fifteen minutes in total will be allowed for witnesses to state their case. This may only be extended with the consent of the Panel. Witnesses should preferably speak through a single spokesperson.
- 5.7 Where objections or other comments have been made by the Metropolitan Police, an additional fifteen minutes shall be permitted for the Police to state their case.
- 5.8 Members of the Panel and then the licence holder may ask the officer and any witness's questions.

### **Licence Holder's Case**

- 5.9 The Chair will ask the licence holder and their representative, if appropriate, to identify themselves. The licence holder or their representative may:
  - (a) give any information in support of their case
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 3.5 above.
- 5.10 Members of the Panel and then any other Party (if given permission by the Panel) may ask the licence holder questions.

### **Closing Remarks**

- 5.11 Any Party shall be permitted to make closing remarks not exceeding two minutes. The order shall be the officer of the Supporting Communities Directorate, any witnesses, and then the licence holder.

### **Deliberation**

- 5.12 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.

### **Decision**

- 5.13 Where the Panel are able to reach a decision on the day of the hearing, the Chair will announce the decision to all Parties at the hearing. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.
- 5.14 In some cases the Panel may not make its decision on the day of the hearing. In such cases, the Panel will reconvene within 28 days to announce its decision in public. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.

## **6 Miscellaneous Licensing Matters**

- 6.1 Communications on matters not yet on the agenda should be sent to:

Contact Camden  
London Borough of Camden,  
5 Pancras Square,  
London  
N1C 4AG Tel: 020 7974 4444  
Email: [ppp@camden.gov.uk](mailto:ppp@camden.gov.uk)  
Web: [www.camden.gov.uk/licensing](http://www.camden.gov.uk/licensing)

## **LICENSING COMMITTEE AND LICENSING PANELS**

### **PROCEDURE NOTE**

#### **LICENSING**

##### **1. INTRODUCTION**

- 1.8 This document sets out the procedure for the Licensing Committee when sitting to determine applications, other than under the Licensing Act 2003 and the procedure for the Sub-Committees (known as Licensing Panels) when determining applications under the Licensing Act 2003. It helps to give effect to the Human Rights Act and the recommendation of the Nolan Committee on Standards of Conduct in Local Government that local authorities should have well-documented practices and procedures designed to avoid grounds for allegations of impropriety. The main purpose of the Procedure is to ensure that the Committee and the Panels act reasonably and openly in dealing with licensing matters and are seen to be doing so and to protect the Council and individual Members from allegations of unfairness, findings of maladministration and legal challenge. The work of the Committee and the Panels has a high public profile and needs to be as open and transparent as possible, so that applicants and objectors are guaranteed a fair hearing and are clear about how decisions will be taken.
- 1.9 Part 1 of the procedures contains information for members of the public about how representations can be made to the Committee and how it makes decisions.
- 1.10 Part 2 of the procedures relates to the holding of hearings in accordance with the Licensing Act 2003 (Hearings) Regulations 2005
- 1.11 Part 3 gives advice to Members about how they should deal with interests they may have in a matter and other relevant matters.
- 1.12 Part 4 contains the protocol for premises visits by the Committee or Panels.
- 1.13 Part 5 contains the protocol for dealing with Sex Establishments by a Panel.
- 1.14 If during the course of a meeting it appears that the procedures are not being followed, the Legal Advisor and the Clerk will bring this to the attention of the relevant Chair, who will be asked to take appropriate action. Breaches can result in matters being referred to the Council's Monitoring Officer.

## **PART 1**

### **LICENSING COMMITTEE**

#### **PROCEDURE NOTE**

#### **2. INTRODUCTION**

- 2.1 This part of the document sets out the procedure for the Licensing Committee when sitting to determine applications, other than under the Licensing Act 2003, such as sex establishments or street trading.
- 2.2 The report to be considered by the Committee will be available through the Camden website, ([www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy)) and may be obtained in advance from the Clerk. Copies will also be available at the meeting.

#### **3. MAKING REPRESENTATIONS TO THE COMMITTEE**

- 3.1 All representations to the Committee should deal with the merits of a case only, and must not contain anything defamatory or discriminatory. If you or your organisation wants to make a representation to the Committee about an item on an agenda, please do not contact Members directly.
- 3.2 Instead, you should either make a **written representation** or a **request to speak**.
- 3.3 The method of making representations is set out below:

#### **4. Written Representations**

- 4.1 Send a copy of the written submission to the Clerk of the Licensing Committee, Committee Services, Town Hall, Judd Street, London, WC1H 9JE: Email: [licensing@camden.gov.uk](mailto:licensing@camden.gov.uk) to be received no later than noon the day before the meeting. This will be sent to Members one working day before the meeting.
- 4.2 Anonymous objections are not sent to Members. However, if an objector supplies their name and address to the Clerk, but asks for these to be withheld from the public papers, the submission will be sent to Members with officers' advice as to the weight that should be attached to it.
- 4.3 Late submissions are not accepted. Where the Clerk, in consultation with the Chair and the legal advisor, consider that someone could otherwise be prejudiced by this, consideration may be given to deferring the item to the next ordinary meeting of the Committee or another suitable date.

#### **5. Video Evidence**

- 5.1 Applicants wishing to provide video or DVD evidence that they would like the Committee to see should lodge this with the Licensing Team, Supporting

Communities Directorate, London Borough of Camden, 5 Pancras Square, London N1C 4AG, telephone: 020 7974 6476 / 2766: email: [licensing.safety@camden.gov.uk](mailto:licensing.safety@camden.gov.uk) 21 days before the hearing. The Licensing Team will let you know how many copies to provide. This is to allow objectors to view the evidence in advance of the hearing

- 5.2 Objectors must lodge any video or DVD evidence with the Clerk no later than noon two days before the meeting. Applicants are urged to check with the Clerk after noon on that day to see if any such evidence has been provided, and to arrange collection.

## **6. Requests to Speak**

- 6.1 You may request to speak at the meeting. There are differences in the procedure for applicants, objectors and public authorities.

## **7. Objectors**

- 7.1 The Committee will only accept requests to speak from people or organisations who have an interest that could be affected directly by the matter under consideration.
- 7.2 If you are an objector and you wish to speak at the meeting, you should obtain a copy of the report from the Clerk unless you have already been sent one by the Supporting Communities Directorate. You may get the report from the Clerk after 4.00 p.m. six working days before the meeting. A request to speak must be made in writing, with a detailed statement of the issues to be raised, to be received by the Clerk no later than noon, two working days before the meeting.
- 7.3 Please make sure that your request is sent to the Clerk, and not to the Licensing Team, Members of the Committee or your local councillor. The Clerk will see that your request reaches its destination. You may of course communicate with your local councillor separately, at any time. If one of your local councillors is a Member of the Committee, you should refrain from lobbying them directly, as this could prejudice their position. Late requests are not accepted. Where the Clerk, in consultation with the Chair and the legal advisor, considers that someone could otherwise be prejudiced by this, the item may be deferred to the next ordinary meeting of the Committee or another suitable date.

## **8. Applicants**

- 8.1 Applicants are allowed to speak at the meeting. The applicant is urged to obtain copies of the statements of any objectors wishing to speak. These are available from the Clerk from noon onwards two working days before the meeting. If you wish to respond in writing to these statements, you may do so, to the Clerk, before noon the working day before the meeting. Communications received after this time will be regarded as late and will not be taken into consideration.

- 8.2 Please make sure that your submission is sent to the Clerk, and not to the Licensing Team or Members of the Committee. The Clerk will see that your request reaches its destination. You may of course communicate with the local councillors for the ward in which the premises are situated, but if one of these councillors is a Member of the Committee, you should refrain from lobbying them directly, as this could prejudice their position.
- 8.3 Where there is public support for an application from a councillor who is not a member of the Committee, or from a Committee member who has decided to support an application in advance of its being heard, a written statement must also be provided within the same time limit.

## **9. Public Authorities**

- 9.1 Wherever possible, the police, fire authorities and other interested public bodies should make observations to the Licensing Team in good time, in order that their comments can be included in the report. If subsequently representatives of the police and other agencies wish to attend the meeting to speak, they should send a statement to the Licensing Team, setting out what they intend to say, no later than noon two working days before the meeting. These will be communicated to the Clerk who will send them to the Committee and also make them available to the public on request.
- 9.2 The Clerk will see that Members of the Committee have your submission or request to speak one working day before the meeting. The Clerk will also prepare, in advance, a list of those who will be speaking at the meeting. When you arrive at the Town Hall, please make yourself known to an officer outside the Council Chamber (or other room where the meeting is to be held) 15 minutes before the start of the meeting. You will be shown where to sit and (if applicable) how the microphones work.

## **10. Procedure at Public Hearings**

- 10.1 The Committee is not a court, and every effort is made to keep the proceedings as informal as possible. However, it is important that the hearing follows a particular order, to make sure that all parties have a chance to be heard. The meeting will be held in public except when there are legal reasons for it to be held in private and the Committee agrees that it should meet in private.
- 10.2 The Committee will only accept requests to speak from people or organisations that have an interest that could be affected directly by the matter under consideration. Individual contributions, or a contribution from a group of people where the objection is the same, are limited to five minutes. However, (a) where there are more than three objectors, **and** (b) where the Chair has established from the written requests to speak provided to the Clerk, in advance as above, that the objections relate to a range of issues, a total of twenty minutes may be allowed for the objections to be heard jointly,

preferably through a single spokesperson. If the time limit is exceeded, the Chair will call for an end to the speech.

- 10.3 Members of the public at the meeting must not speak to or lobby individual Members or the Committee as a whole during the course of the meeting, except as part of the process set out here. Documents must not be passed to Members. Communications on matters not yet on the agenda should be sent to the Licensing Team, Supporting Communities Directorate, London Borough of Camden, 5 Pancras Square, London N1C 4AG, telephone: 020 7974 6919: email: [licensing.safety@camden.gov.uk](mailto:licensing.safety@camden.gov.uk)

## 11. Advice

- 11.1 Wherever possible the Supporting Communities Directorate endeavours to initiate mediation between applicants and objectors, which may obviate the need for a hearing in advance of the meeting. Officers will also be on hand 15 minutes before the meeting to help establish common ground or compromise, and to advise on procedure. If you would like to use this service, please make yourself known to an officer outside the Council Chamber (or whichever room the meeting is being held in) 15 minutes before the meeting starts.

## 12. How Decisions are taken at the Meeting

- 12.2 **Chair's Introduction:** the Chair will introduce the Committee and the Council officers advising it and then outline the procedure, drawing attention to time limits for speakers. If you are present as the applicant or applicant's representative; or you have already written in as an objector according to the procedure set out above, you must speak to the Clerk before the meeting. The Chair will then briefly announce the application and what it is for. He or she will indicate which officers from the Supporting Communities Directorate are present to deal with points of clarification on the report.
- 12.2 **Report of Executive Director Supporting Communities:** the Executive Director's representative will not normally go through the report on the agenda, as it is anticipated that all parties have read it. The report may be obtained in advance from the Clerk, and copies are available at the meeting. Where the Committee has previously adopted a policy framework in relation to a particular type of establishment or a specific district of the borough, this is indicated in the report, and will form the basis of officer recommendations. The report may also put forward draft conditions that the Committee should consider applying to a license if they are minded to grant it.
- 12.4 **Clarification:** This is the opportunity for Members to seek clarification from officers on matters raised in the report.
- 12.4 **Objectors' Case:** The Chair will ask the objectors to identify themselves and invite them to speak according to the procedures above. Please note that subject to paragraph 10.2 this is limited to five minutes.

- 12.5 **Questions:** Members of the Committee and then the applicant may ask the objectors questions, by way of clarification only.
- 12.6 **Applicant's Case:** The Chair will ask the applicant and their representative, if appropriate, to identify themselves. The applicant or their representative may speak. This part of the hearing should not exceed twenty minutes, and this may only be extended with the consent of the Committee. Applicants should make a single representation and not rely on leading other people through detailed evidence. Additional written material may not be introduced at this stage.
- 12.7 **Questions:** Members of the Committee and the objectors may ask the applicant questions. Again, this is for clarification purposes only.
- 12.8 **Closing Remarks:** The applicant is allowed to make closing remarks, not exceeding two minutes.
- 12.9 **Deliberation:** In general the Committee will deliberate in public. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the applicant and other parties to leave the room. If the Committee needs their advice, or requires any further clarification from the applicant, interested party or responsible authority, the meeting will reassemble in public.
- 12.10 **Decision:** The Committee will publicly vote on a proposal which the Chair will announce as the decision. The Executive Director of the Supporting Communities Directorate will later confirm the decision in writing to the applicant or representative. The minutes of the meeting are made public when they are ready, and are normally posted on the internet within a week of the meeting at [www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy); see also the note below on 'minutes'.
- 12.11 **Committee Time Limits:** Committee Procedure Rule 19 applies. Three hours after the start of the meeting, the Committee must have regard to the time, and decide whether it wishes to continue sitting for up to 30 more minutes. A hearing in progress at 9.30 p.m. may continue, but no new cases may begin after that time. Any business not transacted by the end of the meeting is deferred to another meeting and heard afresh. Applicants and objectors will be told which meeting it is being deferred to.
- 12.12 **Minutes:** The minutes record that consideration was given to a report, and any discussion leading to a reason for the decision that is not in the report, or the reason for departing from an officer's recommendation. Matters which are irrelevant or which are dealt with in the report, or do not affect the decision are not minuted. Once the minutes have been signed, that document (which incorporates the report and written submissions) is the only account of the meeting.

## **PART 2**

### **LICENSING PANELS**

#### **PROCEDURE NOTE FOR HEARINGS UNDER THE LICENSING ACT 2003**

##### **INTRODUCTION**

- 1.1 This document sets out the procedure to be followed by the Licensing Sub-Committees (known as Licensing Panels) at hearings in accordance with Regulation 21 of the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) [“the Regulations”].
- 1.2 In this procedure “the Parties” include the Applicant, Responsible Authorities, the licence holder, or any other person as applicable. Any other person is any person that is or is likely to be affected by the operation of a licensed premises, they will be referred to as an ‘Interested Party’ in this procedure note, and Responsible Authorities are bodies like the police and fire brigade. Please check the Licensing Act 2003 (“the Act”) for the complete definition.
- 1.3 For the avoidance of doubt the Licensing Authority Responsible Authority will be represented by the Licensing Enforcement Officer. The Responsible Authority is a distinct and separate body from that of the Licensing Authority who will determine the application.
- 1.4 Except where the Regulations provide differently, the Council Procedure Rules and Access to Information Procedure Rules (in so far as they apply to committees and sub-committees) will be followed for all hearings.
- 1.5 Except where the Regulations provide differently, the Panel may, in exceptional circumstance vary this procedure. In such circumstances the Panel must give reasons for the variation.

##### **MAKING REPRESENTATIONS TO CAMDEN**

- 2.1 The Council has produced guidance notes for the Parties. These contain detailed provisions on making applications and relevant representations including the licensing objectives and mandatory time limits referred to in this procedure. They are available from the, Contact Camden, London Borough of Camden, 5 Pancras Square, London, N1C 4AG. Tel: 020 7974 4444 or [www.camden.gov.uk/licensing](http://www.camden.gov.uk/licensing).
- 2.2 Interested Parties and Responsible Authorities should note that representations must be made —
  - (a) within 28 days of the date when the application was given to the Authority except where
  - (b) in the case of a review of a premises licence following a closure order, within 7 days (including the 7<sup>th</sup> day) of the date when the Authority

received the notice in relation to the closure order and any extension to it.

- 2.3 Failure to make a relevant representation means a party has no rights to be heard and/or give evidence at a hearing.
- 2.4 Representations can be made for as well as against an application.

### **HOLDING A HEARING**

- 3.1 If relevant representations are made there will be a hearing by a Licensing Panel to consider them.
- 3.2 Where a valid application has been made and no representations are made, the application **must** be granted, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions in the Act. No hearing will take place.

### **Right to dispense with hearing if all parties agree [where allowed]**

- 3.3 The need for a hearing can only be dispensed with if all the parties give notice in writing to the Licensing Authority that they agree that such a hearing is unnecessary. If the officers agree a hearing is unnecessary all the parties will be notified and the Panel will make a decision on the application within 10 working days of that notification. All the parties will be informed of this decision.

### **Notice of hearing**

- 3.4 Where a hearing is necessary, officers will arrange the date, time and place of the hearing and will give a notice of it in accordance with the mandatory time limit.
- 3.5 The notice of hearing will be accompanied by the following information
  - (e) the rights of a party provided for in the regulations;
  - (f) the consequences if a party does not attend or is not represented at the hearing;
  - (g) the procedure to be followed at the hearing;
  - (h) any particular points on which the Licensing Panel considers that it will want clarification at the hearing from a party.

### **Action following receipt of notice of hearing**

- 3.6 An Applicant, Interested Party or Responsible Authority who receives a notice of hearing **must** give to the authority a notice in writing stating:

- (c) whether they intend to attend or be represented at the hearing;
  - (d) whether they consider a hearing to be unnecessary.
- 3.7 The notice must be given within the prescribed time limit.
- 3.8 If a Party wishes to call someone to appear as a witness at the hearing and address the Licensing Panel the notice must contain a request for permission for that person to appear giving the name of the person and a brief description of the point or points they wish to raise before the Committee. **FAILURE TO COMPLY WITH THIS REQUIREMENT WILL MEAN THAT PERSON CANNOT BE CALLED AS A WITNESS.**
- 3.9 This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax 020 7974 5921 Email: [Licensing@camden.gov.uk](mailto:Licensing@camden.gov.uk). Please note that the Committee Clerk will accept this notice by letter, email or fax.
- 3.10 Any Party attending the hearing can be assisted or represented by any person whether or not that person is legally qualified, provided that they have given notice as set out above. ***If one of your local councillors is a Member of the Panel***, you should not lobby them directly, as this could prejudice their position.
- 3.11 A decision on whether the person can appear will be made by the Licensing Panel at the beginning of the relevant hearing. Members will give reasons as to their decision.

### **Agenda**

- 3.12 In addition to the notice of hearing detailed in paragraphs 3.4 and 3.5, an agenda for the hearing containing a copy of the officers' report to the Licensing Panel will be published before the hearing. You may view this on the Council's website ([www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy)) or request a copy from the Clerk before the hearing.

### **Failure to attend**

- 3.13 If a party has informed the authority that he will not be coming to the hearing, it may go ahead in his absence. If someone has said that they will be attending but does not do so the Licensing Panel may:
- (c) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
  - (d) hold the hearing in the party's absence.
- 3.14 If a hearing is adjourned the parties will be notified as soon as possible of the date, time and place to which it has been adjourned. If the Licensing Panel

holds the hearing in the absence of a party, it will consider the application, representations or notice made by that party.

- 3.15 Hearings will be held in public. There may be rare occasions where the Panel needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the Applicant and other parties to leave the room. Once the Licensing Panel has received the advice the meeting will resume in public.

#### **Power to extend time etc.**

- 3.16 The Licensing Panel can extend the time limits set out in this procedure if it considers it to be necessary in the public interest, but cannot extend the time limit past the prescribed time after which the application will be treated as granted or rejected.

- 3.17 Where the authority has extended a time limit it will as soon as possible notify all parties of the period of the extension and the reasons for it.

- 3.18 The Licensing Panel or the officers of the Authority can—

- (c) adjourn a hearing to a specified date;
- (d) arrange for a hearing to be held on specified additional dates, if it considers this to be necessary in order for it to consider any representations or notice made by a party.

- 3.19 Where the authority has adjourned a hearing to a specified date it must as soon as possible notify all parties of the date, time and place.

- 3.20 Where the authority has arranged for a hearing to be held on a specified additional date it must as soon as possible notify all parties of the additional date, time and place.

#### **Quorum**

- 3.21 Business shall not be transacted at a Panel unless at least two voting members of the Licensing Committee are present and able to vote.

#### **Panel Time Limits**

- 3.22 Committee Procedure Rule 19 will not apply. Meetings will last for a maximum of 4 hours and will finish no later than 22.30. Any business not transacted by the end of the meeting is deferred to another meeting and heard afresh. The Parties will be told which meeting it is being deferred to.

#### **Minutes**

- 3.23 The minutes record that consideration was given to a report, and any relevant discussion leading to a reason for the decision that is not in the report, or the

reason for departing from an officer's recommendation. Matters which are irrelevant or which are dealt with in the report, or do not affect the decision are not minuted. The minutes will not be a transcript or near transcript of the hearing. Once the minutes have been agreed and signed at a subsequent meeting of the Licensing Panel that document (which incorporates the report and written submissions) is the record of the meeting, as required by Regulation 30 of the Regulations.

- 3.24 The minutes of the meeting are made public when they are ready, and are posted on the Council's website at [www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy).

### **Withdrawal of representations**

- 3.25 An Interested Party or Responsible Authority who wishes to withdraw any representations that they have made must give notice of this no later than 24 hours before the day on which the hearing is to be held, or it can be done orally at the hearing. This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax: 020 7974 5921 Email: [Licensing@camden.gov.uk](mailto:Licensing@camden.gov.uk). Please note that the Committee Clerk will accept this notice by letter, email or fax.

### **Exclusion of disruptive persons**

- 3.26 The Licensing Panel can require anyone attending the hearing who is behaving in a disruptive manner to leave the hearing and may—
- (a) refuse to let that person return, or
  - (b) let him return subject to whatever conditions the Panel specifies.
- 3.27 Anyone who has been required to leave can, before the end of the hearing, submit to the Panel in writing any information that they would have been entitled to give orally if they had they not been required to leave.
- 3.28 Parties and members of the public are not permitted to bring any banner or placard into a meeting, nor are they allowed to film, take photographs of or make recordings of the proceedings without the consent of the Chair.

### **Amending the Application**

- 3.29 If the Applicant wishes to amend their application this must be in writing, signed by the applicant or their representative. This can be done before the hearing or at the hearing before the Panel begin deliberation. No amendment will be accepted which in the opinion of the Panel would extend the activities in relation to the original application.

### **Additional Documentary and Other Evidence**

- 3.30 The Parties should make every effort to ensure all documentary and other evidence is included in their application or representation. Additional

documentary or other evidence submitted prior to the hearing may only be produced at the hearing with the consent of the Panel. In making its decision the Panel will consider each request on its merit and will bear in mind whether the other parties have seen the material. PLEASE NOTE THAT THE OFFICERS OF THE AUTHORITY WILL NOT DISTRIBUTE ADDITIONAL MATERIAL RECEIVED AFTER THE ORIGINAL APPLICATION OR REPRESENTATION.

- 3.31 Additional documentary or other evidence produced at the hearing will only be considered with the consent of all the other parties at the hearing.

### **PROCEDURE AT HEARINGS**

- 4.1 The Licensing Panel is not a court, and every effort is made to keep the proceedings as informal as possible. Cross-examination will not be permitted unless the Panel agrees.
- 4.2 It is important that the hearing follows a particular order, to make sure that all parties have a chance to be heard.
- 4.3 Any Applicant, Interested Party or Responsible Authority, or their representative who has given notice should make themselves known to the Clerk before the meeting.

### **Hearings concerning applications for the grant and variation of Premises Licences and Club Premises Certificates and the grant of Provisional Statements**

#### **Chair's Introduction:**

- 5.1 The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.
- 5.2 The Chair will then briefly announce the application and what it is for.
- 5.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative of any party) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 5.4 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

#### **Report of Executive Director Supporting Communities:**

- 5.7 The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel and the Parties will have read it.

- 5.8 Members and the Parties may seek clarification from officers of the Supporting Communities Directorate on matters raised in the report.

### **Negotiation and Compromise**

- 5.7 Where the applicant has amended the application as tabled, the applicant will be permitted a 2 minute debrief to clarify any amendments to the application that have been made since the publication of the report.

### **Responsible Authority's Case [if applicable]**

- 5.9 The Chair will ask the Responsible Authority and their representative, if appropriate, to identify themselves. The Responsible Authority or their representative may:

- (d) give further information in support of their representations, in response to any notice from the authority seeking clarification,
- (e) address the Panel, and
- (f) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 5.3 above.

- 5.9 Fifteen minutes may be allowed for the Responsible Authority's Case, and this may only be extended with the consent of the Panel.

- 5.10 Members of the Panel and then any other party if given permission by the Panel may ask the Responsible Authority questions for the purposes of clarification only.

### **Interested Parties' Case [if applicable]**

- 5.11 The Chair will ask the Interested Parties and their representative, if appropriate, to identify themselves. The Interested Parties or their representative may

- (d) give further information in support of their representations, in response to any notice from the authority seeking clarification,
- (e) address the Panel, and
- (f) call any witnesses notified to the Authority in advance of the hearing. permitted in accordance with 5.3 above

- 5.12 Fifteen minutes may be allowed for the Interested Parties' case in total for all interested parties, and this may only be extended with the consent of the Panel. The interested parties should preferably speak through a single spokesperson.

- 5.13 Members of the Panel and then any other party if given permission by the Panel may ask the Interested Parties questions for the purposes of clarification only.

### **Applicant's Case**

- 5.14 The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may
- (d) give further information in support of their application, in response to any notice from the authority seeking clarification,
  - (e) address the Panel, and
  - (f) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 5.3 above
- 5.15 Fifteen minutes may be allowed for the Applicant's Case, and this may only be extended with the consent of the Panel.
- 5.16 Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. Again, this is for the purposes clarification purposes only.

### **Closing Remarks**

- 5.17 Any party is allowed to make closing remarks, not exceeding two minutes. The order will be Responsible Authority, Interested Party and Applicant.

### **Deliberation**

- 5.18 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.
- 5.19 The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:
- (3) their application, representations or notice (as applicable), and/or
  - (4) the promotion of the licensing objectives.

### **Decision:**

- 5.20 The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties.

### **Hearings concerning applications for reviews of Premises Licences and Club Premises Certificates**

### **Chair's Introduction:**

- 6.1 The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing.
- 6.2 The Chair will then briefly announce the application and what it is for.
- 6.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative **of any party**) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 6.4 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

### **Report of Executive Director Supporting Communities:**

- 6.5 The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel and the Parties will have read it.
- 6.6 Members and the Parties may seek clarification of officers from the Supporting Communities Directorate on matters raised in the report.

### **Applicant's Case-**

- 6.7 The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may
  - (d) give further information in support of their application, in response to any notice from the authority seeking clarification,
  - (e) address the Panel, and
  - (f) call any witnesses notified to the Authority in advance of the hearing, permitted in accordance with 6.3 above
- 6.8 Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. This is for the purposes of clarification only.

### **Responsible Authority's Case [if applicable]**

- 6.9 The Chair will ask the Responsible Authority and their representative, if appropriate, to identify themselves. The Responsible Authority or their representative may
  - (d) give further information in support of their application, in response to any notice from the authority seeking clarification,
  - (e) address the Panel, and
  - (f) call any witnesses notified to the Authority in advance of the hearing, permitted in accordance with 6.3 above

- 6.10 Members of the Panel and then any other party if given permission by the Panel may ask the Responsible Authority questions for the purposes of clarification only.

#### **Interested Parties' Case [if applicable]**

- 6.11 The Chair will ask the Interested Parties and their representative, if appropriate, to identify themselves. The Interested Parties or their representative may

- (d) give further information in support of their application, in response to any notice from the authority seeking clarification,
- (e) address the Panel, and
- (f) call any witnesses notified to the Authority in advance of the hearing, permitted in accordance with 6.3 above

- 6.12 The interested parties should preferably speak through a single spokesperson.

- 6.13 Members of the Panel and then any other party if given permission by the Panel may ask the Interested Parties questions for the purposes of clarification only.

#### **Licence Holder's Case**

- 6.14 The Chair will ask the Licence Holder and their representative, if appropriate, to identify themselves. The Licence Holder or their representative may:

- (d) give further information in support of their case, in response to any notice from the authority seeking clarification,
- (e) address the Panel, and
- (f) call any witnesses notified to the Authority in advance of the hearing, permitted in accordance with 6.3 above

- 6.15 Members of the Panel and then any other party if given permission by the Panel may ask the Licence Holder questions. Again, this is for the purposes of clarification only.

#### **Closing Remarks**

- 6.16 Any party is allowed to make closing remarks, not exceeding two minutes. The order will be Responsible Authority, interested Party and Licence Holder.

#### **Deliberation**

- 6.17 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it

will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst the advice is taken. After receiving this advice the Panel will resume in public.

6.18 The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:

- (3) their review application or representations (as applicable), and/or
- (4) the promotion of the licensing objectives.

**Decision:**

6.19 The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties. .

**Hearings concerning applications for Personal Licences**

**Chair's Introduction**

7.1 The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.

7.2 The Chair will then briefly announce the application and what it is for.

7.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.

7.4 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

**Report of Executive Director, Supporting Communities Directorate**

7.5 The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel and the Parties, will have read it.

7.6 Members and the Parties may seek clarification from officers from the Supporting Communities Directorate on matters raised in the report.

**Police Case**

7.7 The Chair will ask the Police and their representative, if appropriate, to identify themselves. The Police or their representative may

- (d) give further information in support of their notice, in response to any notice from the authority seeking clarification,
- (e) address the Panel, and
- (f) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 7.3 above.

7.8 Members of the Panel and then any other party if given permission by the Panel may ask the Police questions. This is for the purposes of clarification only.

### **Applicant's Case**

7.9 The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may

- (d) give further information in support of their application, in response to any notice from the authority seeking clarification,
- (e) address the Panel, and
- (f) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 7.3 above.

7.10 Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. Again, this is for the purposes of clarification only.

### **Closing Remarks**

7.11 Any party is allowed to make closing remarks, not exceeding two minutes. The order will be the Police and the Applicant.

### **Deliberation**

7.12 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.

7.13 The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:

- (5) their application, representations or notice (as applicable), and/or
- (6) the promotion of the crime prevention objective.

## **Decision**

- 7.14 The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities, will later confirm the decision in writing to all parties.

## **Hearings concerning applications for Temporary Events Notice**

### **Chair's Introduction**

- 8.1 The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.
- 8.2 The Chair will then briefly announce the application and what it is for.
- 8.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 8.4 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

### **Report of Executive Director Supporting Communities**

- 8.5 The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel and the Parties will have read it.
- 8.6 Members and the Parties may seek clarification from officers of the Supporting Communities Directorate Department on matters raised in the report.

### **Responsible Authority Case**

- 8.7 The Chair will ask the Police and/or Environmental Health Responsible Authority and their representative, if appropriate, to identify themselves. The Police and/or Environmental Health Responsible Authority or their representative may
- (d) give further information in support of their notice, in response to any notice from the authority seeking clarification,
  - (e) address the Panel, and
  - (f) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 8.3 above.
- 8.8 Members of the Panel and then any other party if given permission by the Panel may ask the Police and/or Environmental Health Responsible Authority questions. Again, this is for the purposes of clarification only.

### **Applicant's Case**

- 8.9 The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may
- (d) give further information in support of their application, in response to any notice from the authority seeking clarification,
  - (e) address the Panel, and
  - (f) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 8.3 above.
- 8.10 Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. Again, this is for the purposes of clarification only.

### **Closing Remarks**

- 8.11 Any party is allowed to make closing remarks, not exceeding two minutes. The order will be the Police and the Applicant.

### **Deliberation**

- 8.12 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.
- 8.13 The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:
- (3) their application, representations or notice (as applicable), and/or
  - (4) the promotion of the licensing objectives

### **Decision**

- 8.14 The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties.

## **Hearings concerning applications for Summary Review or to consider representations against Interim Steps**

### **Chair's Introduction:**

- 9.1 The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing.
- 9.2 The Chair will then briefly announce the application and what it is for.
- 9.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 9.4 The Chair will indicate which officers of the Supporting Communities Directorates are present to deal with points of clarification on the report.

### **Report of Executive Director Supporting Communities:**

- 9.5 The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel and the Parties will have read it.
- 9.6 Members and the Parties may seek clarification of officers from the Supporting Communities Directorate on matters raised in the report.

### **Police Case**

- 9.7 The Chair will ask the Police and their representative, if appropriate, to identify themselves. The Police or their representative may
  - (d) give further information in support of their application and certificate,
  - (e) address the Panel, and
  - (f) call any witnesses notified to the Authority in advance of the hearing, permitted in accordance with 9.3 above
- 9.8 Members of the Panel and then any other party if given permission by the Panel may ask the Police questions. Again, is for the purposes of clarification only.

### **Licence Holder's Case [if applicable]**

- 9.9 The Chair will ask the Licence Holder and their representative, if appropriate, to identify themselves. The Licence Holder or their representative may
  - (g) give further information in support of their representations,
  - (h) address the Panel, and
  - (i) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 9.3 above.

- 9.10 Members of the Panel and then any other party if given permission by the Panel may ask the Licence Holder questions. Again, this is for the purposes of clarification only.

### **Closing Remarks**

- 9.11 Any party is allowed to make closing remarks, not exceeding two minutes. The order will be the Police and the Licence Holder.

### **Deliberation**

- 9.12 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.

- 9.13 The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:

- (3) their application, certificate or representations (as applicable), and/or
- (4) the promotion of the licensing objectives.

### **Decision**

- 9.14 The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties.

### **Miscellaneous Licensing Matters**

- 10.1 Communications on matters not yet on the agenda should be sent to the Licensing Team, Supporting Communities Directorate, Town Hall, 5 Pancras Square, London N1C 4AG, telephone: 020 7974 6919: email: [licensing.safety@camden.gov.uk](mailto:licensing.safety@camden.gov.uk)

## **PART 3**

### **ADVICE TO MEMBERS OF THE LICENSING COMMITTEE ADVICE ON MEMBERS' INTERESTS**

#### **1. Involvement in Licensing Matters prior to Meetings of the Committee or Licensing Panel**

- 1.1 Members of the Committee are advised to take steps to minimise their involvement in any relevant matter prior to its consideration by the Committee or Licensing Panel so that they may be seen to take all decisions at the meeting with an open mind.
- 1.2 If a Member has already taken a view on an application before them (whether in their ward or not), for example by writing a letter of support or objection, or speaking publicly for or against an application, the Member should take particular care where they may be or may appear to be acting both as an advocate on behalf of one or more constituents and as an adjudicator on an application in respect of which the interests of the constituent are at variance with the interests of others. Members may make visits to premises in their capacity as ward councillors and may subsequently speak either for or against the relevant application. In these circumstances a Member may not be seen to be an impartial judge of the relative merits of both sides of the argument. The Member must always declare that they have visited the premises and, if in doubt, should refrain from voting.
- 1.3 The Committee has adopted a protocol governing official visits to premises.

#### **2. Councillors as Objectors**

- 2.1 If you are an objector or Interested Party you should obtain a copy of the report from the Clerk unless you have already been sent one by the Supporting Communities Directorate. You may get the report from the Clerk or on the Council's website ([www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy)) after 4.00 p.m. six working days before the meeting. You must comply with the relevant requirements in Parts 1 and 2 to be able speak to the Committee or address the Panel.
- 2.2 However, a Councillor who is objecting on their own right should consider whether they have a prejudicial interest. A Councillor must regard themselves as having a prejudicial interest if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.
- 2.3 The Code of Conduct states that where a Member has such an interest s/he should not take part in any discussions about that interest, unless a dispensation has been obtained from the authority's Standards Committee. S/he must declare what the interest is and withdraw from the meeting by leaving the room.

- 2.4 It does not apply where, for example, a Councillor is acting in an advocacy role for his or her constituents, and no new information is being introduced into the public domain. However, in the case of the Panel you should ensure that the Interested Party complies with the requirements of paragraph 18 or you may be unable to.

### **3. Briefing for Licensing Committee (not Panels)**

- 3.1 There will only be a briefing before a committee meeting and this will only deal with the following matters:

- (3) Reading late papers, which the Clerk has received on the day of the meeting and seeking clarification on them.
- (4) Advice from the Clerk on procedure and in particular the application of these procedures.

- 3.2 The briefing should start 45 minutes before the start of the meeting and end 15 minutes before. This is to enable officers to be involved in advice to objectors and applicants before the meeting if required. Technical officers do not attend the briefing. There is an opportunity for clarification on matters covered in reports relating to applications during the meeting itself, when the technical officers are present.

### **4. Applications at Appeal**

- 4.1 The Borough Solicitor will provide a report every six months on the progress of applications determined by the Committee and the Licensing Panels, which have gone to appeal.

### **5. Personal Interests/Prejudicial Interests**

- 5.1 As with all other meetings, the provisions of the Camden Code of Conduct apply. The particular nature of the Licensing Committee and Panels means that issues of propriety are of particular concern. Members need to be particularly vigilant and should refamiliarise themselves with the provisions from time to time, seeking advice if in any doubt.

### **6. The Human Rights Act 1998**

- 6.1 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. The Convention guarantees certain basic human rights. As far as possible legislation (including the licensing laws) must be interpreted in conformity with Convention rights. Decisions on licensing matters are actions of a public authority and must be compatible with Convention rights. Consequently Members of the Committee must be aware of the rights contained in the Convention (particularly those set out below) when making licensing decisions.

**(a) Article 6: Right to a fair trial**

6(1) In the determination of his civil rights and obligations.....everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

**(b) Article 8: Right to respect for private and family life**

Everyone has a right to respect for his or her private life, his home and correspondence.

**(c) Article 1 of the First Procedures: Protection of property**

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

**(d) Article 14: Prohibition of discrimination**

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 6.2 Most Convention rights are not absolute and there are circumstances when an interference with a person's rights is permitted.
- 6.3 Article 8 states that "there shall be no interference by a public authority with the exercise of (rights under that Article) except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others" and Article 1 of the First Protocol states that the provisions of the Article "shall not, however, in any way impair the right of a state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."
- 6.4 However, any interference with any of the Rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate to the intended objective of the authority. The interference will not be justified if the means used to achieve the aim are excessive in the circumstances.
- 6.5 This point is relevant to all licensing decisions but particularly in the context of conditions and enforcement. Home Office guidance on this point states "any interference with a Convention right should be carefully designed to meet the objective in question and must not be arbitrary or unfair. You must not use a

sledgehammer to crack a nut” to give effect to Convention rights in the licensing context, Members of the Licensing Committee will need to balance the rights of one individual (having regard to the personal circumstances of that person) against those of another and/or the interests of the community at large.

## **GENERAL ADVICE FOR MEMBERS**

### **7. Councillors who are not Members of the Licensing Committee**

- 7.1 A Councillor who is not a Member of the Licensing Committee may speak at a meeting of the Licensing Committee, with the agreement of the Chair, as an advocate for either the applicant or the objectors, and where no new information is being introduced into the public domain.
- 7.2 A Councillor who is not a Member of the Licensing Committee may speak at a hearing before a Panel as an advocate for either the applicant or the objectors.
- 7.3 However, a Councillor attending in a personal capacity to object to or support any application should consider whether they have a prejudicial interest. A Councillor must regard themselves as having a prejudicial interest if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member’s judgment of the public interest.
- 7.4 The applicant automatically has the right to reply, and the right to see in advance the nature of the objection or representation. Members should disclose any interest they may have, including the fact that they have been in contact with objectors, the applicant, an Interested Party or a relevant Authority if this is the case and whether they are speaking on behalf of such persons or any particular interest.
- 7.5 Any Councillor who is not on the Licensing Committee but who is at one of its meetings should normally sit separately, to demonstrate that they are not taking part in the discussion, consideration or vote. They should not communicate with Members of the Committee or Panel or pass papers or documents to them before or during the meeting. They may not attend briefings or accompany the Committee if it retires to deliberate in private.
- 7.4 Councillors who are opposed *in principle* to any category of application or form of public entertainment, either in their own ward or borough-wide, should not seek nomination to the Licensing Committee.

### **8. Ward Members**

- 8.1 Being the Member for the ward in which particular premises are situated is not *per se* declarable and as a general rule Members of the Committee may deliberate on matters affecting their wards, provided this is done with an open mind. To underline the openness of the proceedings, the agenda papers show

which ward each Member sits for, and it is helpful for Members to maintain the practice of naming their ward when they introduce themselves at the start of the meeting.

## **9. Being Seen to Act Fairly**

- 9.1 With regard to planning committees, the Local Government Ombudsman advises that not only must Members act fairly; they must be seen to act fairly. The same maxim should apply to licensing committees. During the course of meetings Members should not discuss (or appear to discuss) any matter with any members of the public nor should they accept letters or documents from members of the public unless they have been processed in the normal way through the Clerk. Members are also advised to maintain and demonstrate an open mind if contacted by applicants or members of the public in the time leading up to the meeting.

## **10. Members should be Present throughout Consideration of an Item**

- 10.1 Members making a decision on any particular item must ensure that they are present throughout its consideration. If they join the meeting or go out and return to it part way through a particular item they should refrain from participating in the discussion and not vote on that item. If a Member needs to leave the room, he or she may ask for a short adjournment.

## **11. Use of Political Whips**

- 11.1 The Local Government Ombudsman considers that the "whipping" of group meetings for town and country planning matters in this way is maladministration, and it is good practice to apply the same maxim to licensing matters.

## **12. Relationship between Members and Officers**

- 12.1 Good administration is dependent on a successful relationship between Councillors and officers, which can only be based upon mutual trust, and understanding of each other's roles and responsibilities. The Code governing this relationship is the Camden Code of Conduct. Periodically, Member/officer seminars will be arranged outside the formal committee setting at which general issues of licensing can be discussed more freely as part of the process of training and policy formulation.

## **13. Member Development and Training**

- 13.1 Because the technical issues concerning licensing are complex, and matters of propriety are not always straightforward, appointment to the Licensing Committee creates a requirement for new Members to undertake training on appointment, and for all Members to have refresher training periodically thereafter. Seminars are also organised where Members may develop their specialist knowledge and where topical issues may be aired. Members are advised not to accept nomination to the Licensing Committee unless they are

prepared to take on this responsibility. Members also need to familiarise themselves with the provisions of these procedures.

## **PART 4**

### **THE LONDON BOROUGH OF CAMDEN**

#### **LICENSING COMMITTEE AND LICENSING PANELS**

##### **PROTOCOL FOR VISITS TO PREMISES**

###### **1. Exceptional Circumstances**

- 1.1 Most premises are licensed under delegated powers. Others are referred to the Committee with a detailed report, containing all the background and technical information which officers, in their professional judgement, believe Members need to make a decision on an application. Therefore, visits to premises should be exceptional, and undertaken either to check a specific material consideration, or to assist the Committee with a matter that has hitherto been outside its experience or that of individual Members.
- 1.2 Members should also note the disruption that any visit will cause to the Schedule of meetings, to officers and interested parties attending the meetings.
- 1.3 If having read the officer's report a Member requires further information on an application, it would be appropriate for the Member to contact the report author to request the information to be included in the supplementary agenda which will be despatched the evening before the meeting.

###### **2. Arrangement of Visit**

- 2.1 The Executive Director Supporting Communities will notify the licensee that a visit is to be arranged, and a date will be fixed in consultation with the Chair and leaders of the opposition groups on the Committee, although this will not be communicated to the licensee. Members will then be notified of the visit.
- 2.2 In the interests of consistency and transparency, every effort should be made by Members considering the application to attend the visit.
- 2.3 Members will be accompanied on the visit by a licensing officer.

###### **3. Briefing**

- 3.1 Before a visit takes place there will be a briefing at a venue to be arranged, with a report setting out technical and background information regarding the premises. In particular, Members will be asked to note the reason for the visit and any specific aspects of the application they wish to focus on. The Borough Solicitor will remind Members of the relevant legislation, providing Counsel's opinion on specific advice as appropriate. Members will be reminded of Camden's Code of Corporate Governance and the rules governing expenditure.

#### **4. Arrival at the Premises**

- 4.1 Where appropriate, the accompanying officer should make clear the arrival of Members at the premises. If public admittance is an issue and where there is a door charge, this should be paid and the amount reimbursed by the Council. If some other aspect of the premises is an issue, Members should be admitted without charge. If entrance is refused, and gentle persuasion fails, then the licensee's decision should be respected. Members should have their identity tags with them.

#### **5. During the Visit**

- 5.1 If Members are visiting to see some particular aspect of the premises, or check something, then they should do so. Any specific observations should be passed to the officer, who will note them.
- 5.2 No attempt, from any interested parties, may be made to make representations or lobby individual Members of the Committee during a visit. Members may only ask questions or seek clarification from officers, the applicant or any third party as appropriate. Hospitality or gifts should not be accepted.
- 5.3 Where drinks are served, Members may partake at their own expense. Preferably drinks should be non-alcoholic. Any visit would not normally take longer than the average time taken to consume a drink. However, there may be circumstances (e.g. waiting for a performance to begin, or ascertaining the actual closing time of premises) where Members may need to stay longer.
- 5.4 Once Members are satisfied that the purpose of their visit, (as determined and discussed at the briefing) has been fulfilled, the visit should end. It would not be proper to remain for social or entertainment reasons, since these are not the purpose of the visit and could be misinterpreted.

#### **6. After the Visit**

- 6.1 The fact that a visit took place will be recorded in the officer's report to the meeting of the Committee considering the application along with any relevant factors noted during the visit which may reasonably be taken into account. It would not be inappropriate for Members to ask questions of applicants and objectors, at the Committee, arising from their visit.

#### **7. Unforeseen Circumstances**

- 7.1 If events during a visit to premises take an unexpected turn, such that there is a danger to Members, or the potential to embarrass them in their public capacity, it is usually advisable to leave immediately.

## **PROTOCOL FOR LICENSING APPEAL HEARINGS**

### **Introduction**

There is a statutory right of appeal to the magistrates' court by any of the following parties who may be aggrieved by the decision of the Licensing Authority:

- The applicant
- An interested party who made representations
- A responsible authority who made representations

Appeals may be made at any time within 21 days from the date of notification by the Authority of the outcome of the application.

The appeal is a re-hearing of the decision of the Licensing Sub Committee (usually referred to as the Licensing Panel)

### **Purpose of this Protocol**

Under the Council's Constitution any matters not expressly delegated to elected Member decision-making bodies fall within the delegation of the relevant Executive Director. Since the conduct of Licensing Appeals is not delegated to Licensing Committee or to a Licensing Sub Committee, they fall within the delegation of the Executive Director Supporting Communities and officers in the Licensing Division within this Directorate.

In all cases of appeal the Licensing Authority (Camden Council) will be the Respondent to the appeal with the Licensing Team ("Licensing") acting as instructing department. In this role Licensing have the responsibility and duty to conduct the proceedings not only in accordance with the directions made by the court but also as efficiently as possible in the best interests of the Authority as a whole.

The purpose of this Protocol is to document how Licensing will carry out its role as instructing department in Licensing Appeals with particular reference to how they will deal with offers of compromise that may be made during the course of appeal proceedings.

It is noted that the decisions of the Licensing Panel can be complex and have a number of different parts. In particular they may have attached a number of conditions to any licence and otherwise sought to regulate the conduct of the premises.

### **Management of Appeals**

Upon receipt of Notice of Appeal, Licensing (under the delegated authority of the Executive Director Supporting Communities) will instruct Legal Services who will advise Licensing on the management and conduct of the appeal together with any related legal issues.

Upon receipt of instructions Legal Services will notify the Chair and Vice Chair of the Licensing Committee, the elected Members who participated in the original decision by the Licensing Panel, being those on the Panel and those who may have given evidence [and Ward Members.] of the fact that the appeal has been received and the hearing details as are at that stage known. Legal Services will ensure that those Members are kept informed of the progress of the appeal and the ultimate result.

*Additionally, the following will be informed about the appeal and may be asked to appear as witnesses on behalf of the Authority where it is considered that this will strengthen the Council's position in the proceedings.*

- When the appeal is commenced by an applicant any party who made a relevant representation
- When the appeal is commenced by an interested party or responsible authority the applicant/licence holder
- Members of the original decision-making Licensing Panel.
- Any other elected Member who had a significant involvement in the matter e.g. a Member who spoke at the original Panel meeting on behalf of local residents and or gave evidence.

### **Member Involvement /Assessment of potential compromise**

Officers will always look to vigorously defend a decision taken by a Licensing Panel against appeal. Parliament has given this important decision making role to locally elected and locally accountable Members and it is the role of Officers to seek to have their decision upheld in full at any appeal. However occasionally in the course of an Appeal the Appellant will offer a compromise varying the original decision. It is also noted that given that sometimes the original decision of the panel might well be multi-faceted it may well be only part of that decision that they seek to change.

The Court directions state and encourage parties "to explore the resolution of the appeal by consent" and there is also case law that should a Licensing Authority fail to give due consideration to an offer of compromise and the applicant is later successful at trial that the Authority should be responsible for costs. In licensing appeal hearings these costs can be substantial.

Offers of compromise can raise additional issues for the conduct of the appeals. In particular such an offer can be raised by the appellant at the end of any hearing and may result (should the terms of the offer be perhaps more stringent than the final terms ordered by the Court) in costs being awarded against the Council.

It is not therefore a sustainable position in all cases to reject such offers, particularly when it can be argued that they perhaps maintain the most important conditions attached by the Panel and or perhaps are simply adjustments of an operational nature with little or no impact upon the public. In those circumstances and similar circumstances such offers require consideration and Licensing (with the advice of Legal Services) will assess whether the proposed compromise would be in the best interests of the Council having regard to all material considerations, including but not limited to those referred to in this Protocol.

Examples of material considerations will be legal advice on the probable position of the court and the possibility of costs, the concerns raised by local residents and the views of members expressed at the original Licensing Panel.

Whilst Licensing will not formally refer the matter back to Committee or Sub Committee (it is unlikely that court time constraints would allow this in any event), Licensing will always seek when possible to consult the Chair and Vice Chair of Licensing and the Chair of the relevant Licensing Panel and take the views expressed by these Members into account before making a decision. Other material considerations will include the views of local residents who have made representations and where possible, as compromises sometimes only emerge on the day of the appeal hearing itself, those members of the public who made representations would be notified of any potential compromises emerging from the legal process on the proposed compromise, the likely position of the court and the possibility of an adverse costs award if a compromise is not accepted.

It should be noted that in all cases ultimately it is up to the Court to give approval and consent to any proposed compromise.

## **PART 5**

### **LICENSING PANELS**

#### **PROCEDURE FOR HEARINGS UNDER SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 IN RESPECT OF SEX ESTABLISHMENTS**

##### **3. INTRODUCTION**

- 3.1. This document sets out the procedure to be followed by the Licensing Sub-Committees (known as “Licensing Panels” or “Panels”) where functions have been delegated from the Licensing Committee constituted under the Licensing Act 2003.
- 3.2. In this procedure “the Parties” include the applicant or licence holder and any objectors as applicable.
- 3.3. The Council Procedure Rules and Access to Information Procedure Rules (in so far as they apply to Committees and Sub Committees) will be followed for all hearings.
- 3.4. The Licensing Panel may, in exceptional circumstance vary this procedure. In such circumstances the Licensing Panel must give reasons for the variation.

##### **4. MAKING OBJECTIONS TO AN APPLICATION**

- 4.1. The Council has produced guidance notes for the Parties. These contain detailed provisions on making applications and objections and time limits referred to in this procedure. They are available from:

Contact Camden  
London Borough of Camden  
5 Pancras Square  
London  
N1C 4AGTel: 020 7974 4444  
Email: [ppp@camden.gov.uk](mailto:ppp@camden.gov.uk)  
Web: [www.camden.gov.uk/licensing](http://www.camden.gov.uk/licensing)

- 4.2. Objections should be made within 28 days of the date of the application.
- 4.3. The Licensing Authority shall not provide an objector’s name and address to the applicant for the licence unless the objector has specifically agreed to this.
- 4.4. Failure to make an objection means a Party will have no right to be heard or to give evidence at the hearing.

#### **4 HOLDING A HEARING**

- 6.2 Whether or not relevant objections are made, there will be a hearing by a Licensing Panel to consider applications for the grant, renewal, variation or transfer of a Sex Establishment Licence.

##### **Notice of Hearing**

- 6.3 Officers will arrange the date, time and place of the hearing and will give notice of it.
- 6.4 The notice of hearing will be accompanied by the following information:
- (c) the consequences if a Party does not attend or is not represented at the hearing;
  - (d) the procedure to be followed at the hearing.

##### **Action Following Receipt of Notice of Hearing**

- 6.5 An applicant or objector who receives a notice of hearing must give to the Licensing Authority a notice in writing stating whether they will attend the hearing, whether they will be represented at the hearing and whether they intend to call any witnesses at the hearing.
- 6.6 If a Party wishes to call someone to appear as a witness at the hearing and address the Panel, the notice must contain a request for permission for that person to appear giving the name of the person and a brief description of the point or points they wish to raise before the Licensing Panel. FAILURE TO COMPLY WITH THIS REQUIREMENT WILL MEAN THAT PERSON CANNOT BE CALLED AS A WITNESS.
- 6.7 This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax 020 7974 5921 or email to [licensing.committee@camden.gov.uk](mailto:licensing.committee@camden.gov.uk). Please note that the Committee Clerk will accept this notice by letter, email or fax.
- 6.8 Any Party attending the hearing can be assisted or represented by any person, whether or not that person is legally qualified, provided that they have given notice as set out above. If one of your local Councillors is a Member of the Panel, you should not lobby them directly as this could prejudice their position.
- 6.9 A decision on whether the person can appear will be made by the Panel at the beginning of the relevant hearing. Members will give reasons as to their decision.
- 6.10 Any Party intending to rely on any documentation at the hearing must submit that documentation to the Council at least seven days in advance of the

hearing. Failure to do so may mean such supplementary evidence will not be admitted at the hearing.

### **Agenda**

- 6.11 In addition to the notice of hearing detailed in paragraphs 3.2 and 3.3, an agenda for the hearing containing a copy of the Licensing Authority officer's report to the Licensing Panel will be published before the hearing. You may view the report on Camden's website at [www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy) or request a copy by contacting the Committee Clerk before the hearing.

### **Failure to Attend**

- 6.12 If a Party has informed the Council that he will not be attending the hearing it may go ahead in his absence. If a Party has indicated they will attend but does not do so the Panel may:

- (c) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- (d) hold the hearing in the Party's absence.

- 6.13 If a Panel adjourns the hearing, it must as soon as possible notify the Parties of the date, time and place to which it has been adjourned. If the Panel holds the hearing in the absence of a Party, it will consider the application or objection made by that Party.

- 6.14 Hearings will be held in public. There may be rare occasions where the Panel needs to receive specific legal advice in private. If that is the case, the Panel will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the applicant and other Parties to leave the room. Once the Panel has received the advice the meeting will resume in public.

### **Power to Extend Time Limits**

- 6.15 The Panel can extend the time limits set out in this procedure if it considers it to be necessary in the public interest.

- 6.16 Where the Council has extended a time limit it will as soon as possible notify all Parties of the period of the extension and the reasons for it.

- 6.17 The Panel or the officers of the Council can—

- (c) adjourn the hearing to a specified date
- (d) arrange for the hearing to be held on specified additional dates, if it considers this to be necessary in order for the Panel to consider any representations or notice made by a Party.

- 6.18 Where the Panel has adjourned a hearing to a specified date, the Council will, as soon as possible, notify all Parties of the date, time and place of the new hearing.

- 6.19 Where the Panel has arranged for a hearing to be held on a specified additional date, the Council will, as soon as possible, notify all Parties of the additional date, time and place of the additional hearing.

### **Quorum**

- 6.20 Business shall not be transacted at a Panel unless at least two voting members of the Licensing Committee are present and able to vote.

### **Panel Time Limits**

- 6.21 Committee Procedure Rule 19 will not apply. Meetings will last for a maximum of four hours and will finish no later than 22.30 hours. Any business not transacted by the end of the meeting will be deferred to another meeting. The Parties will be told which meeting it is being deferred to.

### **Minutes**

- 6.22 The minutes record that consideration was given to a report, any discussion leading to a decision, and any reason for departing from an officer's recommendation. Irrelevant matters, matters dealt with in the report, or matters that did not affect the decision are not minuted. The minutes will not be a transcript or near transcript of the hearing. Once the minutes have been agreed and signed at a subsequent meeting of the Panel, that document (incorporating the report and any written submissions) is the record of the meeting.

- 6.23 The minutes of the meeting are made public when they are ready and are posted on the Council's website at [www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy).

### **Withdrawal of Objections**

- 6.24 A person who wishes to withdraw his objection may give notice of this no later than 24 hours before the day on which the hearing is to be held or orally at the hearing. This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax: 020 7974 5921 or email [licensing.committee@camden.gov.uk](mailto:licensing.committee@camden.gov.uk). The Committee Clerk will accept this notice by letter, email or fax.

### **Exclusion of Disruptive Persons**

- 6.25 The Panel may require anyone person present at the hearing who is behaving in a disruptive manner to leave the hearing and may—
- (a) refuse to let that person return, or
  - (b) let him return subject to whatever conditions the Panel specifies.

- 6.26 Anyone who has been required to leave can, before the end of the hearing, submit to the Panel in writing any information they would have been entitled to give orally if they had they not been required to leave.
- 6.27 Parties and members of the public are not permitted to bring any banner or placard into a meeting, nor are they allowed to film, take photographs of, or make recordings of, the proceedings without the consent of the Chair.

#### **Amending the Application**

- 6.28 If an applicant wishes to amend their application, they must do so in writing and must sign the amendment. This can be prior to the hearing or at the hearing before the Panel begins deliberation. No amendment will be accepted which, in the opinion of the Panel, would extend the activities requested in the original application.

#### **Additional Documentary and Other Evidence**

- 6.29 The Parties should make every effort to ensure all documentary and other evidence is included in their application or objection. Additional documentary or other evidence submitted prior to the hearing may only be produced at the hearing where it has been provided to the Council at least seven days before the hearing and with the consent of the Panel and other Parties.
- 6.30 In all other cases, the Panel will consider each request on its merits and will bear in mind whether the other Parties have seen the material, whether there are exceptional reasons for not producing the material before, whether a failure to admit the evidence would prejudice the Council's ability to reach a decision, and whether prejudice would be caused to the applicant if the evidence were to be admitted at this stage.

### **7 PROCEDURE AT HEARINGS**

- 7.1 The Licensing Panel is not a court. Every effort is made to keep proceedings as informal as possible. Cross-examination will not be permitted unless the Panel agrees.
- 7.2 It is important that the hearing follows a particular order to ensure all Parties have a chance to be heard.
- 7.3 Any applicant or objector or their representative who has given notice should make themselves known to the Committee Clerk before the hearing begins.

## **HEARINGS FOR APPLICATIONS FOR THE GRANT, RENEWAL, TRANSFER OR VARIATION OF A SEX ESTABLISHMENT LICENCE**

### **Chair's Introduction:**

- 7.4 The Chair will introduce the Panel and the officers advising it and outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.
- 7.5 The Chair will then briefly announce the application and what it is for.
- 7.6 The Panel will then consider any requests made in advance for permission for any person (other than a representative of any Party) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 7.7 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with the report.

### **Report of Executive Director Supporting Communities**

- 7.8 The officer of the Supporting Communities Directorates will introduce their report to the Licensing Panel. The report will set out the nature of the activities to be provided at the sex establishment, give details of any objections, direct Members to relevant sections of the Council's Sex Establishments Policy, and provide an assessment of the locality where the application is for a new licence or a variation of an existing licence in relevant circumstances.
- 7.9 Members and the Parties may seek clarification from the officer on matters raised in the report.

### **Negotiation and Compromise**

- 7.10 Where the applicant has amended the application tabled, the applicant will be permitted a two minute debrief to clarify any amendments to the application that have been made since the publication of the report

### **Objector's Case (where applicable)**

- 7.11 The Chair will ask the objectors and their representative(s), if appropriate, to identify themselves. The objector or their representative may:
- (c) address the Panel, and
  - (d) call any witnesses notified to the Authority in advance of the hearing, permitted in accordance with 3.5 above
- 7.12 Fifteen minutes in total will be allowed for objectors to state their case. This may only be extended with the consent of the Panel. Objectors should preferably speak through a single spokesperson.

- 7.13 Where objections or other comments have been made by the Metropolitan Police, an additional fifteen minutes shall be permitted for the Police to state their case.
- 7.14 Members of the Panel and then any other Party (if given permission by the Panel) may ask objectors questions.

### **Applicant's Case**

- 7.15 The Chair will ask the applicant and their representative, if appropriate, to identify themselves. The applicant or their representative may:
- (c) address the Panel, and
  - (d) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 3.5 above
- 7.16 Fifteen minutes will be allowed for the applicant's case. This may only be extended with the consent of the Panel.
- 7.17 Members of the Panel and then any other Party (if given permission by the Panel) may ask the applicant questions.

### **Closing Remarks**

- 7.18 Any Party will be permitted to make closing remarks not exceeding two minutes. Objectors will be required to summarise first, followed by the applicant.

### **Deliberation**

- 7.19 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.

### **Decision**

- 7.20 Where the Panel are able to reach a decision on the day of the hearing, the Chair will announce the decision to all Parties at the hearing. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.
- 7.21 In some cases the Panel may not make its decision on the day of the hearing. In such cases, the Panel will reconvene within 28 days to announce

its decision in public. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.

## **8 HEARINGS FOR APPLICATIONS FOR REVOCATION OF SEX ESTABLISHMENT LICENCES**

### **Chair's Introduction:**

- 8.1 The Chair will introduce the Panel and the officers advising it and outline the procedures to be followed at the hearing.
- 8.2 The Chair will then briefly give details of the reason for considering revocation of the licence.
- 8.3 The Panel will consider any requests made in advance for permission for any person (other than a representative of any Party) to appear at the hearing. Permission will not be unreasonably withheld, and if permission is refused, the Panel will give reasons for its refusal.

### **Licensing Authority's Case**

- 8.4 The officer of the Supporting Communities Directorate shall outline the reason for considering revocation of the licence and briefly outline the evidence supporting the Licensing Authority's case. The officer shall introduce their report to the Licensing Panel. The report will set out any evidence supporting revocation of the licence and any response from the licence holder, and will direct Members to relevant sections of the Council's Sex Establishments Policy.
- 8.5 The officer will then call any witnesses to support the Licensing Authority's case.
- 8.6 Fifteen minutes in total will be allowed for witnesses to state their case. This may only be extended with the consent of the Panel. Witnesses should preferably speak through a single spokesperson.
- 8.7 Where objections or other comments have been made by the Metropolitan Police, an additional fifteen minutes shall be permitted for the Police to state their case.
- 8.8 Members of the Panel and then the licence holder may ask the officer and any witnesses questions.

### **Licence Holder's Case**

- 8.9 The Chair will ask the licence holder and their representative, if appropriate, to identify themselves. The licence holder or their representative may:
  - (d) give any information in support of their case
  - (e) address the Panel, and

- (f) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 3.5 above.
- 8.10 Members of the Panel and then any other Party (if given permission by the Panel) may ask the licence holder questions.

### **Closing Remarks**

- 8.11 Any Party shall be permitted to make closing remarks not exceeding two minutes. The order shall be the officer of the Supporting Communities Directorate, any witnesses, and then the licence holder.

### **Deliberation**

- 8.12 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.

### **Decision**

- 8.13 Where the Panel are able to reach a decision on the day of the hearing, the Chair will announce the decision to all Parties at the hearing. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.
- 8.14 In some cases the Panel may not make its decision on the day of the hearing. In such cases, the Panel will reconvene within 28 days to announce its decision in public. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.

## **9 Miscellaneous Licensing Matters**

- 9.1 Communications on matters not yet on the agenda should be sent to:

Contact Camden  
London Borough of Camden,  
5 Pancras Square,  
London  
N1C 4AG Tel: 020 7974 4444  
Email: [ppp@camden.gov.uk](mailto:ppp@camden.gov.uk)  
Web: [www.camden.gov.uk/licensing](http://www.camden.gov.uk/licensing)

# **The Members' Code of Conduct**

## **MEMBERS' CODE OF CONDUCT ("the Code")**

### **INTRODUCTION** (This does not form part of the Code)

*The London Borough of Camden ("the Council") is under a legal duty to promote and maintain high standards of conduct by Members and co-opted Members of the Council.<sup>1</sup> In addition the Council is under a legal obligation to have a Code of Conduct.<sup>2</sup>*

*The Council, in discharge of this duty, has adopted a Code dealing with the conduct that is expected of Members and co-opted Members of the Council when they are acting in that capacity.*

*This Code of Conduct, when viewed as a whole, is consistent with the following seven principles<sup>3</sup> as more particularly described in the Appendix of this Code:*

- *Selflessness*
- *Integrity*
- *Objectivity*
- *Accountability*
- *Openness*
- *Honesty*
- *Leadership*

Those parts of the code in **RED and in boxes** are also matters which could attract a criminal sanction.

## **THE CODE**

### **1. Introduction and Interpretation**

- A.** (i) This Code applies to you as a Member of the Council.
- (ii) It is your responsibility to comply with the provisions of this Code.
- (iii) In this Code, the following definitions shall apply:

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<sup>1</sup> s27(1) Localism Act 2011 ("LA 2011")

<sup>2</sup> S27(2) LA Act

<sup>3</sup> Seven Nolan Principles of Public Life, with which the code must be consistent as set out in s28(1) LA 2011

**“Council”** means The London Borough of Camden;

**“Meeting”** means any meeting of the Council or the Cabinet, committees, sub-committees, joint committees, joint sub-committees, or area committees;

**“Informal Meeting”** means any meeting of the Council at which Members are present to discuss business to be transacted by the Council;

**“Member”** includes Councillors and co-opted Members. A co-opted Member is not a Councillor, however:

- (i) is a member of any committee or sub-committee of the Council; or
- (ii) is a member of, and represents the Council on, any joint committee or joint sub-committee of the Council whether or not they are entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.<sup>4</sup>

**“Pending Notification”** shall mean the interest has been notified to the Council’s Borough Solicitor, but has not been entered in the Register;

**“Register”** means the register of Members’ and co-opted Members’ interests, maintained by the Borough Solicitor;

**“Relevant Authority”** includes any county council in England, a district council, a London Borough council, a parish council and the Greater London Authority.<sup>5</sup>

- B.**
- (i) Subject to sub-paragraph (ii), you must comply with this Code whenever you:
    - (a) conduct the business of the Council (which includes the business of the office to which you are elected or appointed to); or
    - (b) act, claim to act or give the impression you are acting as a representative of the Council and references to your official capacity are construed accordingly.
  - (ii) This Code shall apply:
    - (a) in relation to your conduct in your official capacity;
    - (b) to your conduct where that conduct constitutes a criminal offence for which you have been convicted or for which you have received a caution and that the behavior which led to either the conviction or the caution was while you were acting in the capacity as a Member; and
    - (c) where you act as a representative of the Council:

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<sup>4</sup> S27(4) LA 2011 defines co-opted member as those who may vote but the Council has extended the definition to include those who do not have a vote.

<sup>5</sup> The full list is provided in s27(6) LA 2011

- for another Relevant Authority, and you must, when acting for that Relevant Authority, comply with their members' code of conduct; or
- for any other body, and you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## **2. General Obligations**

**A.** You must treat others with respect.

**B.** You must not:

- (i) do anything which may cause the Council to breach any of the equality enactments;
- (ii) bully or harass any person, as defined in Section 2.1;
- (iii) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings in relation to an allegation that a Member (including but not limited to yourself) has failed to comply with his or her council's code of conduct; or
- (iv) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

**C.** You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

**D.** You must when in committee or Council behave in an appropriate way and under the direction of the Chair/Mayor. This includes using appropriate language, fit for the occasion and subject

**E.** You must not disclose information:

- (a) given to you in confidence by anyone; or
- (b) acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature;

except where:

- 1) you have the consent of a person authorised to give it; or
- 2) you are required by law to do so; or

- 3) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - 4) the disclosure is reasonable and in the public interest and made in good faith and in compliance with the reasonable requirements of the Council.
- (ii) You must not prevent another person from gaining access to information to which that person is entitled by law.
- F.**
- (i) You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
  - (ii) When using resources of the Council, or authorising their use by others, you must:
    - (a) act in accordance with the Council's reasonable requirements;
    - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
    - (c) have regard to any applicable Local Authority Code of Publicity made pursuant to the Local Government Act 1986.
- G.**
- (i) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
    - (a) Camden's Executive Director Corporate Services; or
    - (b) Camden's Borough Solicitor

where those officers are acting pursuant to their statutory duties.
  - (ii) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.
- H.** Without prejudice to any criminal offence which may or may not have been committed it shall be a breach of this code for a Member to have been engaged in treating as defined by Section 114 of the Representation of the People Act 1983.
- I.** You must comply with formal standards investigations.
- J.** You must not yourself bring, sponsor or support trivial or malicious complaints against other councillors pursuant to this Code.

## **2.1 Definition of Bullying and Harassment (agreed by Council on 7<sup>th</sup> October 2019)**

Bullying may be defined as: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Harassment may be defined as unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual. Examples of bullying and harassment could include: spreading malicious rumours, or insulting someone by word or behaviour; copying memos that are critical about someone to others who do not need to know; ridiculing or demeaning someone – picking on them or setting them up to fail; unfair treatment; overbearing supervision or other misuse of power or position; unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected; making threats or comments about job security without foundation; deliberately undermining a competent worker by overloading and constant criticism; and preventing individuals progressing by intentionally blocking promotion or training opportunities.

### **Information Note**

As defined by the Equality Act 2010, the relevant protected characteristics are age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation

## **3. Registration of Members' Interests**

- A.** You must before the end of 28 days, beginning with the day on which you become a Member, notify the Borough Solicitor of any Disclosable Pecuniary Interest (in accordance with Paragraph 4 below) which you have at the time when the notification is given.<sup>6</sup>
- B.** You may at any time inform the Borough Solicitor of Non-Pecuniary Interests in accordance with Paragraph 6A.
- C.** If you become a Member as a result of re-election or re-appointment, you must inform the Borough Solicitor, in accordance with Paragraph 3A, of any Disclosable Pecuniary Interests (and may inform the Borough Solicitor of any Non-Pecuniary Interests in accordance with Paragraph 6A) not previously entered within the Register or if the Borough Solicitor issues a new form of the register to be completed by the member and returned to the Borough Solicitor within 28 days of notification of the change.

<sup>6</sup> S30(1) LA 2011; S34(1(a) & s34(2)– an offence is committed if a Member fails to comply with this obligation without reasonable excuse or provides information he/she knows to be false or misleading or is reckless as to whether the information is true and misleading

- D. Subject to Paragraph 7 (Sensitive Interests), where you give notification to the Council for the purposes of Paragraph 3A, the Borough Solicitor is to cause the interests notified to be entered in the Register (whether or not they are Disclosable Pecuniary Interests).<sup>7</sup>
- E. The form of Register will be decided by and maintained by the Borough Solicitor.<sup>8</sup>
- F. Entries in the Register will be removed where:<sup>9</sup>
- (i) you no longer have the interest and you inform the Borough Solicitor of this fact and request removal; or
  - (ii) you cease to be a Member (for whatever reason).
- G. A copy of the Register will be available for inspection at the Town Hall during working hours.<sup>10</sup>
- H. The Register shall also be published on the Council's website.<sup>11</sup>

#### 4. Disclosable Pecuniary Interests<sup>12</sup>

- A. A Disclosable Pecuniary Interest is defined in legislation as:<sup>13</sup>

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.

<sup>7</sup> S30(4) LA 2011

<sup>8</sup> S29(1) – the monitoring officer of a relevant authority must establish and maintain a register of interests of members and co-opted members of the authority. S29(2) – subject to requirements, council must determine what is to be entered in the authority's register.

<sup>9</sup> S29(3) LA 2011

<sup>10</sup> S29(5) LA 2011

<sup>11</sup> A digital copy of each councillor or co-optee's register of interest is maintained through their individual webpage on [democracy.camden.gov.uk](http://democracy.camden.gov.uk).

*Borough Solicitor's Informative Note: Online versions of register of interests are deleted once they cease to be an active record, either due to a newer version having been published or as a councillor or co-optee has ceased to serve. Hard copies of register of interests will be kept by the Council for 6 years after the date for which they were last an active record; this rule applies regardless of whether the individual is still a serving councillor or co-optee. After this period they will be disposed of confidentially.*

<sup>12</sup> S28(2) LA 2011

<sup>13</sup> The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	<p>Any beneficial interest in land which is within the area of the relevant authority.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</p>
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has</p>

a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**B.** For the purposes of this Code, if an interest falling within the definition in Paragraph 4A is an interest of the:

(i) Member; or

(ii) Member's spouse or civil partner or a person with whom the member is living as husband or wife or a person with whom the member is living as if they were civil partners, and the Member is aware that that other person has the interest, then the interest is a Disclosable Pecuniary Interest.<sup>14</sup>

**C.** Paragraphs 4D – 4H shall apply when you are present at a Meeting or Informal Meeting (as defined), and have a Disclosable Pecuniary Interest in any matter, which you are aware will be considered at that Meeting or Informal Meeting.<sup>15</sup>

**D.** When present at a Meeting or Informal Meeting, if your Disclosable Pecuniary Interest is not entered in the Register, you must disclose the existence and details of the Disclosable Pecuniary Interest to the Meeting.

or Informal Meeting, subject to Paragraph 7 (Sensitive Information).<sup>16</sup>

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<sup>14</sup> S30 (3) LA 2011

<sup>15</sup> S31(1) LA 2011

<sup>16</sup> S31(2) LA 2011; S34(1(a) & s34(2)— an offence is committed if a Member fails to comply with this obligation without reasonable excuse or provides information he/she knows to be false or misleading or is reckless as to whether the information is true and misleading

**E.** If the Disclosable Pecuniary Interest is not entered in the Register and is not the subject of a Pending Notification, you must notify the Borough Solicitor of the Disclosable Pecuniary Interest before the end of 28 days beginning with the date of disclosure at the Meeting.

or Informal Meeting.

**F.** Upon receipt of a notification, the Borough Solicitor shall enter the disclosed interest in the Register (whether or not it is a Disclosable Pecuniary Interest).<sup>17</sup>

**G.** Subject to Paragraph 8 (Dispensation) and Paragraph 9, you may not:

(i) participate, or participate further, in any discussion of the matter at the Meeting

or Informal Meeting; or

(ii) participate in any vote or further vote taken on the matter at the Meeting

or Informal Meeting

and then you must in accordance with Standing Orders and to comply with this Code leave the room for the duration of the matter's consideration.<sup>18</sup>

**H.** You must not take any steps, or any further steps, in relation to the matter.<sup>19</sup>

### Information Note

Members when considering whether or not they have a pecuniary interest must also consider and, if necessary, take advice on:

- i) Whether they may, because of personal interests, be seen as being biased – in effect they have, for whatever reason, a further interest, which may not amount to a pecuniary interest, in the outcome, which would cause them to be incapable of being impartial and could render the decision-making unlawful. The issue of bias should be also considered alongside whether or not they have a non-pecuniary interest, which is part of the formal Code, as there is likely to be an overlap;

<sup>17</sup> S31(9) LA 2011

<sup>18</sup> S28(4) LA 2011 – a decision is not invalidated just because something that occurred in the process of making the decision involved a failure to comply with the Code.

<sup>19</sup> S31(8) LA 2011; S34(1)(b) & (c) – an offence is committed if a Member fails to comply with this obligation without reasonable excuse.

- ii) For quasi-judicial matters, whether they have pre-determined the issue – in other words done or said anything which makes it clear that their mind is closed. This does not prevent Members expressing opinions on applications as long as it is clear they have not entirely made up their minds.<sup>20</sup>

**5. Single Member decision making**<sup>21</sup>

- A. Paragraphs 5B – 5E apply when you are a Single Member discharging a function who has a Disclosable Pecuniary Interest in any matter you are or will be dealing with, and you are aware that such matter will be dealt with by yourself.<sup>22</sup>

**B. If the Disclosable Pecuniary Interest is not entered in the Register and is not subject to a Pending Notification you must notify the Borough Solicitor of the Disclosable Pecuniary Interest before the end of 28 days beginning with the date of when you became aware that the circumstances described in Paragraph 5A apply.**<sup>23</sup>

- C. Upon receipt of notification, the Borough Solicitor shall enter the interest in the Register (whether or not it is a disclosable pecuniary interest).<sup>24</sup>

- D. **Subject to Paragraph 8 (Dispensation), you may not:**

**(i) participate, or participate further, in any discussion of the matter at the Meeting or**

Informal Meeting; or

**(ii) participate in any vote or further vote taken on the matter at the Meeting or**

Informal Meeting.

<sup>20</sup> S25(2) LA Act - A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because— (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and (b) the matter was relevant to the decision.

<sup>21</sup> S31 LA 2011

<sup>22</sup> S31(6) LA 2011

<sup>23</sup> S31(7) LA 2011; S34(1(a) & s34(2)— an offence is committed if a Member fails to comply with this obligation without reasonable excuse or provides information he/she knows to be false or misleading or is reckless as to whether the information is true and misleading

<sup>24</sup> S31(9) LA 2011; S34(1(a) & s34(2)— an offence is committed if a Member fails to comply with this obligation without reasonable excuse or provides information he/she knows to be false or misleading or is reckless as to whether the information is true and misleading

**E.** You must not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by yourself.<sup>25</sup>

**6. Non-Pecuniary Interests**<sup>26</sup>

**A.** You should in the spirit of openness disclose any other interest on a matter being, or to be considered, at a Meeting or Informal Meeting, which a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest, and such declarations should:

- (i) include the nature and extent of your interest;
- (ii) state whether or not you consider that they impact upon your ability to participate or further participate in any discussion of the matter at the meeting or participate in any vote or further vote on the matter at the meeting.

Should you consider that the nature of the interest does adversely impact upon your ability to participate then you should remove yourself from the room for the duration of the matter's consideration, take no part in the discussion or decision-making, or otherwise in any way seek to influence the matter.

**B.** Interests pursuant to Paragraph 6A are not required to be recorded in the Register, although may be added at your discretion, in accordance with Paragraph 4F.

**Information Note**

When considering whether they have interests in matters before them, Members should note the concept of conflicts of interest, defined as a "*conflict between the public duty and the private interests of a public official in which the official's private-capacity interest could improperly influence the performance of their official duties and responsibilities.*"<sup>27</sup> Conflicts of interest could include matters which are not disclosable pecuniary or non-pecuniary interests, and so Members should be mindful of any such conflicts, seeking advice as necessary, because of the potential impact they may have on decision-making. It is also important to note that the definition is "could" improperly influence not "will". The test is whether a fair-minded and informed observer having considered the facts would conclude that there was a real possibility of a conflict.

<sup>25</sup> S31(8) LA 2011. This would include an email to another Cabinet member or conversations with them asking them to take responsibility for the particular issue; S34(1)(b) & (c) – an offence is committed if a Member fails to comply with this obligation without reasonable excuse

<sup>26</sup> S28(2)(b) LA 2011

<sup>27</sup> Organisation for Economic Co-operation and Development, *Managing Conflict of Interest in the Public Sector*; (OECD Publishing, 2005), page 13;

## **7. Sensitive information**

- A.** Where you have an interest (pecuniary or non-pecuniary) and the nature of the interest is such that you, with the agreement of the Borough Solicitor, consider that disclosure of the details of the interest could lead to you, or a person connected to yourself, being subject to violence or intimidation then Paragraph 7B shall apply.<sup>28</sup>
- B.** If the interest is entered in the Register, copies of the Register that are made available for inspection and any published version of the Register will not include details of the sensitive interest but will say that you have an interest, the details of which are withheld pursuant to section 32(2) Localism Act 2011.
- C.** Should Paragraph 7B apply to an interest, your interest must still be disclosed at Meetings and Informal Meetings in accordance with this Code, albeit that the disclosure can be limited to the fact that you have a Disclosable Pecuniary Interest in the matter.

## **8. Dispensations (from Paragraphs 4G and 5D)**

- A.** The Borough Solicitor may, on written request made by you or another Member, grant a dispensation relieving particular Members for either or both of the restrictions in Paragraph 4G and 5D in cases described in the dispensation.<sup>29</sup>
- B.** The Borough Solicitor may (or may at his/her discretion refer the matter to the Standards Committee who may subsequently) grant particular Members a dispensation under this Paragraph 8 only if, after having regard to all the circumstances, they consider that:<sup>30</sup>
  - (a) without the dispensation the number of persons prohibited by Paragraph 4G and Paragraph 5D from participating in any particular business would be so great a proportion of the body transacting the business as to impeded the transaction of the business;
  - (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to that business;

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<sup>28</sup> S32(1) LA 2011

<sup>29</sup> S33(1) LA 2011

<sup>30</sup> S33(2) LA 2011

- (c) granting the dispensation is in the interests of persons living in the Council's areas;
  - (d) without the dispensation each Cabinet Member would be prohibited from participating in any particular business to be transacted by the Cabinet; or
  - (e) consider that it is otherwise appropriate to grant a dispensation.
- C. A dispensation under this Paragraph 8 must specify the period for which it has effect and the period specified may not exceed four years.<sup>31</sup>

**9. Pecuniary Interests and Rights to make Representations**

Notwithstanding the fact that a Member may have a pecuniary interest they may, having taken advice from the Borough Solicitor as to the particular circumstances, nonetheless still make representations or speak at a meeting in the capacity of a private individual should a member of the public have such a right, taking care to ensure that they do not enter into debate while making their representations. The Member will however upon having made whatever representations which are accorded a member of the public immediately leave the room and take no part in any discussion or decision making and otherwise comply with any reasonable directions from the Borough Solicitor concerning their participation. The Member may also or as an alternative (should the member of the public have the right) make representations in writing.

**10. Related documents**

- A. The Council has adopted codes and protocols which do not form part of this Code but which deal with specific activities that you may be required to carry out in the course of your duties. You are required to comply with the latest version of these from time to time and any breach may be regarded as a breach of this Code.
- B. The following codes and protocols are currently in effect to which Paragraph 10A have affect:
- Member/Officer Protocol
  - Planning and Licensing Protocol
  - Use of IT
  - Gifts and Hospitality Protocol
  - Ministerial and Political Visits

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<sup>31</sup> S33 (3) LA 2011

## **APPENDIX**

### **The Seven Principles of Public Life**

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

### **NOTES**

***The following notes do not form part of the code and are for information purposes only***

- ***Failure to comply with those parts of the code marked in red and in boxes, may amount to a criminal offence unless the member has a reasonable excuse. Please note that Camden has voluntarily decided to***

***include informal meetings as defined within the code but the criminal provisions will only apply to meetings as defined in the legislation.***<sup>32</sup>

- ***In addition a member may have committed an offence if they, pursuant to those parts, provide information that is false or misleading and they know that it is false or misleading or are reckless as to whether the information is true and not misleading.***
- ***A person found guilty may be fined up to level 5 of the standard scale.***
- ***A court dealing with a person for an offence under the Code may by order disqualify the person for a period not exceeding five years from being or becoming a member of Camden or other local authorities.***
- ***Proceedings for an offence may be brought within a period of 12 months beginning with the date on which the sufficient evidence came to the prosecutor's knowledge, but shall not be brought more than 3 years after the commission of the offence or after the last date on which the offence was committed.***

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<sup>32</sup> S34 LA 2011 (Offences)

## **DEALING WITH MISCONDUCT COMPLAINTS AGAINST MEMBERS<sup>33</sup>**

This procedure should be read in conjunction with the Camden Code of Conduct for Members.<sup>34</sup>

### **1. Receipt of Complaints**

- (a) All complaints against a Member are to be directed to the Borough Solicitor.<sup>3536</sup>
- (b) The complaint must:
  - (i) be in writing;
  - (ii) concern a current Member who was a member of the authority at the time of the alleged breach; and
  - (iii) state which part of the Code of Conduct it is alleged has been breached.<sup>37</sup>
- (c) The Borough Solicitor will (within seven working days) acknowledge all complaints in writing (either email or post to reflect the means of appropriate delivery).
- (d) In the majority of circumstances anonymous complaints will not be accepted. Complainants wishing to remain anonymous will be asked to justify their request and the Borough Solicitor in consultation with one of the Independent Persons will decide whether the complaint should, in exceptional circumstances, be accepted. Anonymous complainants may not be contactable and again in consultation with one of the Independent Persons it may be exceptionally that such complaints still warrant further enquiry.
- (e) Complainants who wish to have their identity withheld from the relevant Member will be asked to justify this to the Borough Solicitor who will again on an exceptional basis and in consultation with an Independent Person decide whether the complaint can on that basis go forward.
- (f) Complainants may withdraw a complaint at any point prior to final determination.

### **2. Decision whether to investigate a complaint**

- a) The Borough Solicitor has delegated authority, in consultation with one of the Independent Persons, to decide whether a complaint requires investigation.

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<sup>33</sup> S28(6)(a) LA 2011 – the Council must have in place arrangements under which the allegations can be investigated and arrangements under which decisions on allegations can be made.

<sup>34</sup> S28(4) LA 2011 – a decision is not invalidated just because something has occurred in the process of making the decisions involved a failure to comply with the code.

<sup>35</sup> The term “Member” is defined within the Code

<sup>36</sup> The Monitoring Officer at Camden is the Borough Solicitor post holder and is the senior officer who has statutory responsibility for maintaining the Register and who is responsible for administrating the system in respect of Members' complaints. For the purposes of this procedure the term Borough Solicitor is used throughout albeit the functions within this procedure actually follow the officer who holds the statutory position of Monitoring Officer.

<sup>37</sup> S28(9)(a) LA 2011

The Independent Person will be given the option to review and provide comment to Standards Committee on a confidential basis on allegations which the Borough Solicitor is minded to dismiss as being without merit, vexatious, or trivial.

- b) The Borough Solicitor is authorised at his/her discretion to seek to resolve a complaint informally, before taking a decision on whether the complaint merits formal investigation or referring it to the Standards Committee.
- c) Should the Borough Solicitor consider (for whatever reason at his/her discretion) that s/he should not make the decision whether or not to investigate a complaint, then s/he may refer a complaint to the Standards Committee for the Committee to decide whether the matter should be investigated.<sup>38</sup> Whilst not limiting the reasons why the Borough Solicitor may make this decision, it could for example be where s/he has previously advised the Member on the matter or the complaint is particularly sensitive.
- d) The Borough Solicitor may contact the complainant to seek further information from them or clarification of any points made in the complaint at any point in the process. The Borough Solicitor may also decline to progress the matter should s/he consider that it should be referred to the Police or other investigatory body.
- e) The Borough Solicitor will inform a Member that a complaint has been made and the decision as to whether it merits investigation unless, at the Borough Solicitor's discretion, s/he considers that to do so would inhibit any investigation which s/he considers will be required. The Borough Solicitor will not, unless s/he considers it necessary inform, a Member that a complaint has been made against them until the decision whether or not to investigate has been made. Once the Borough Solicitor has informed the Member, s/he will tell them that unless they object, s/he will inform the Leader of any group to which the Member belongs together with the Group's Whip.<sup>39</sup>
- f) While the Borough Solicitor /Standards Committee may take whatever other matters into account they consider pertinent, the following factors will be taken into account when considering whether a matter requires investigation:
  - (i) age of the complaint,
  - (ii) its seriousness and impact upon the reputation of Camden,
  - (iii) whether it appears politically motivated,
  - (iv) whether it forms part of a tit for tat or an ongoing series of complaints,
  - (v) whether the complainant was unreasonable in not agreeing to an informal resolution of an otherwise reasonably trivial complaint.
  - (vi) whether there is potential for evidence which supports the complaint to be obtained;
  - (vii) whether the conduct is something which it is practically possible to investigate; and

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<sup>38</sup> It is considered that as long as the Committee are limiting themselves to merely deciding whether the matter should be investigated that they will not be later barred as a result of bias from dealing with any subsequent hearing of the matter.

<sup>39</sup> Therefore it remains ultimately a matter for individual Members whether they wish to share this information with Leader/Whip

- (viii) whether an investigation would be proportionate and in the public interest
- g) The Standards Committee may agree and from time to time publish a list of the type of matters which will be taken into account when deciding whether to investigate a complaint.

### 3. **Decision not to investigate**

- (a) Should the Borough Solicitor consider that a matter **does not require investigation** then s/he will inform the Member(s) involved together with the complainant.
- (b) Complaints which are referred to the Borough Solicitor but are not investigated will, subject to Paragraph 2(e) above and rights pursuant to the Data Protection and Freedom of Information be treated as confidential by him.

### 4. **Conducting an Investigation**

- (a) Should the Borough Solicitor consider that a complaint **requires investigation** then s/he will appoint an investigator to prepare a report. The Borough Solicitor may himself/herself investigate a matter should s/he consider it appropriate. The investigator may be another senior officer of the Council, an officer of another authority or an external investigator.
- (b) The Investigator will decide how they will investigate the matter but this is likely to include interviewing the Member, the complainant and relevant third parties and seeking to examine relevant documentation.
- (c) At the end of the investigation the Investigator may send a draft report to the parties for comment before submitting the final version to the Borough Solicitor.

### 5. **'No Breach of Code' finding on investigation**

- (a) Where a formal investigation finds no evidence of failure to comply with the Code of Conduct, the Borough Solicitor, but with the power to refer a matter to Standards Committee if he feels it appropriate in all the circumstances, will inform both the Member and the complainant of the decision as well as supplying a copy of the report (such in the Member's case and subject to their right of veto, to be copied to the Leader and Whip/s).
- (b) Copies of all investigation reports will be provided to the Independent Person(s) to enable them to have an overview of current issues and pressures, and the Borough Solicitor will as part of his reports provide a summary report (if appropriate in an anonymous form) of each such investigation to the Standards Committee for information.
- (c) If the Borough Solicitor is not satisfied that the investigation has been conducted properly he may ask the Investigating Officer to reconsider his/her report.
- (d) Complaints which have been found to have not breached the Code will (subject to rights pursuant to Freedom of Information and Data Protection) be treated as confidential by the Borough Solicitor.

## **6. 'Breach of Code' finding on investigation**

- (a) Where the formal investigation finds evidence of a failure to comply with the Code of Conduct, and unless the Borough Solicitor considers that the report is defective or requires further consideration it will be necessary for the Standards Committee to hold a hearing (in accordance with Paragraph 8) at which the Member against whom the complaint has been made can respond to the investigation report, and the Committee can determine whether the Member did fail to comply with the Code of Conduct and if so what action, if any, is appropriate as a result.

## **7. Monitoring and Standards Committee**

- (a) The Borough Solicitor will:
  - (i) make regular reports to the Standards Committee, which will report the number and nature of complaints received;
  - (ii) draw to the Committee's attention areas where training or other action might avoid further complaints; and
  - (iii) subject to issues of confidentiality keep the Committee advised of progress on investigations and costs.

## **8. Standards Committee Hearings**

- (a) The Standards Committee will meet to consider reports which have a "Breach of Code" finding.
- (b) The hearing will not be held (unless the subject member/s agree) until at least fourteen days after the report of the Investigating Officer has been received by them, and if reasonably possible at a date and time convenient to the Member.
- (c) Fourteen days before the hearing the Chair of the Committee, on advice from the Borough Solicitor will take such steps as he considers appropriate to deal with the matter which is likely to include:
  - (i) inviting the Member to indicate in consultation with the Borough Solicitor which if any parts of the report are factually disputed;
  - (ii) inviting the Member to submit any documents they wish the Committee to have before them;
  - (iii) inviting the Member to indicate whether they would wish any witnesses to attend and to give their identity and the areas upon which they will be invited to give evidence;
  - (iv) subject to the Chair agreeing, the Borough Solicitor will invite witnesses;
  - (v) the Borough Solicitor will prepare an additional document for the Committee indicating which issues are in dispute;

- (vi) ultimately it will be a matter for the Committee as to how many witnesses they hear and whether they consider their evidence to be relevant;
  - (vii) the Member will be asked to confirm whether they wish to appear and either give evidence or address the Committee and whether they wish to be represented and if so by whom;
  - (viii) the Member will be asked whether they wish the hearing to be held in private and if so why. The meeting will meet in public in accordance with the usual statutory rules and subject to the usual publicity rules, unless an exception is applied and the balance of public interest favours meeting in private.
- (d) If the Member fails to attend the Standards Committee Hearing, the Committee may consider the matter in their absence or adjourn the hearing to another date. At any point the Committee may adjourn and require the Borough Solicitor to seek further information or undertake further investigation on any points specified by it.
  - (e) Any complainant will be informed of the date of the meeting and may depending on the facts of the case be asked to give evidence but will otherwise be entitled to attend.
  - (f) The Member may be represented by Solicitor, Counsel or with the Borough Solicitors permission (in consultation with the Chair) another person. The Committee can at any time withdraw permission to allow representation should that person be in the Committees opinion disruptive.
  - (g) The process of the meeting will be a matter for the Committee to decide depending on the facts but it likely to include:
    - (i) the Chair setting the scene;
    - (ii) the Borough Solicitor explaining at the invitation of the Chair the process;
    - (iii) making findings of fact should there be any dispute which will include representations from the report author, member and hearing from any witnesses that have been considered necessary; and
    - (iv) on the direction of the Chair questions may be asked of the witnesses.
  - (h) The Committee will then retire to consult the Independent Person and or to seek advice from the Borough Solicitor.<sup>40</sup> This may involve the panel adjourning the hearing, depending on the circumstances. When they have returned, the Committee shall make a finding as to whether or not they consider that the Code of Conduct has been breached.
  - (i) Should the Committee consider that the Code has been breached they will then invite the Member to make representations to them with regard to possible actions that the Committee may wish to take. Once they have heard the representations the Member wishes to make, the Committee will retire to consider and liaise with the Independent Person before returning to announce their decision.
  - (j) The decision of the Committee will be captured in the minutes of the meeting together with a record of the Independent Persons views.

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<sup>40</sup> S28(7) LA 2011

## 9. Action in response to a Hearing finding of failure to comply with Code

(a) Where a failure to comply with the Code of Conduct is found, the range of actions which the Standards Committee can take in respect of the Member includes one or more of the following:

- (i) issuing a formal letter to the Member informing them of the findings detailing why they considered that the Member had breached the Code of Conduct;
- (ii) formally censuring the Member;
- (iii) reporting its findings of Censure to full Council for information by way of an information report;
- (iv) recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that s/he be removed from any or all Committees or Sub-Committees of the Council;
- (v) recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (vi) instructing the Borough Solicitor to arrange training for the Member<sup>41</sup>;
- (vii) issuing a press release in the name of the Chair of the Committee detailing the case and the findings;
- (viii) make general recommendations as to conduct amongst members generally; and
- (ix) recommending to Council/Leader (as appropriate) that the Member is removed from all outside appointments to which he/she has been appointed or nominated by the authority.

(b) In considering what if any sanctions to impose the Committee will consider amongst other things:

- (i) what was the Member's intention? Did s/he know they were failing to follow the Code of Conduct?
- (ii) did the Member get advice from officers before the incident? Was that advice acted on or ignored?;
- (iii) has there been a breach of trust?;
- (iv) was the Member acting or appearing to act in good faith
- (v) has there been financial impropriety?;
- (vi) what was the result of failing to follow the Code of Conduct?;
- (vii) how serious was the incident?;
- (viii) does the Member accept they were at fault?;
- (ix) did the Member apologise to the relevant people?;
- (x) has the Member failed to follow the code of conduct before?;
- (xi) is the Member likely to do the same thing again?;
- (xii) how will the sanction be carried out? For example, who will provide the training or mediation? Is the Member likely to voluntarily agree?

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<sup>41</sup> There is no legal obligation upon a Member to undertake or co-operate in any training

## 10. Appeals

There is no appeals mechanism against decisions taken as above other than via the Courts, and the Local Government Ombudsman, subject to the accepting jurisdiction

## 11. Independent Person(s)

### (a) Functions of the Independent Person<sup>42</sup>

The functions of the Independent Person(s) in Camden are:

- (i) they must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member and those views must be taken into account;
- (ii) they may be consulted by the authority in respect of a standards complaint at any other stage; and
- (iii) they may be consulted by a member or co-opted member of the Council against whom a complaint has been made.

### (b) Camden will seek to appoint two Independent Persons.

An “Independent Person”<sup>43</sup> cannot be appointed:

- If a member, co-opted member or officer of the Council (or their relative or close friend). A person is a relative of another person if they are a spouse or partner, living with the other person as husband or wife or civil partners, a grandparent, a lineal descendant of a grandparent, a parent, sibling or child of any of the people etc<sup>44</sup>
- If at any time during the past 5 years was a member, co-opted member or officer – subject to transitory provisions concerning former Independent Members of the Standards Committee
- Unless a vacancy for an independent person has been advertised in such a manner as the authority considers is likely to bring it to the attention of the public, the person must have completed the application, and the appointment has been approved by the majority of the members of the Council.

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<sup>42</sup> The legislation requires “.. at least one independent person (a) whose views are to be sought and taken into account by the authority before it makes its decision on an allegation that it has decided to investigate and (b) whose views may be sought by the authority in relation to an allegation in circumstances not within (a) , by a member if that persons behaviour is the subject of an allegation ..”

<sup>43</sup> S28(8) LA 2011

<sup>44</sup> S28(10) LA 2011

An Independent Person may be paid any amount by way of allowance or expenses in connection with performing the duties of the appointment.

(c) Remuneration

- (i) As the Independent Person is not a member of the authority or of its Committees or Sub-Committees, the remuneration of the Independent Person can be determined without reference to the Independent Remuneration Panel. The remuneration of the Independent Persons has been set out in the Members' Allowance Scheme.

The role of the Independent Person is different to the role of any co-opted non-voting member of the Standards Committee who may be appointed.

## **MEMBERS' GIFTS AND HOSPITALITY PROTOCOL**

### **1. Meaning of gifts and hospitality**

- (a) The expressions 'gifts' and 'hospitality' have wide and evolving meanings and no conclusive definition is either possible or desirable.
- (b) Camden Council shall interpret gifts and hospitality to include:
  - Gifts of any goods or services;
  - The opportunity to acquire any goods or services freely or at a discount or other terms not available to the general public;
  - The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.
- (c) Where the gift or hospitality has an estimated value in excess of £25 (in accordance with Paragraph 5 of this Protocol), it must be registered. Where the gift or hospitality has an estimated value below £25, you should consider whether declaration would be appropriate in the circumstances.
- (d) When considering whether to declare, you should:
  - i. define gifts and hospitality widely; and
  - ii. ask yourself "would I have been given this if I was not a member of the Council"? and "what was in the mind of the giver"?; and
  - iii. always register a gift or hospitality (subject to financial limits) if it could be seen as something given because of your position.
- (e) If you are in doubt as to the motive behind a gift or hospitality, it is recommended that you register it or speak to the Borough Solicitor<sup>45</sup>.
- (f) You do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family.

### **2. General Caution**

- (a) The fundamental principle must always be that any offer of a gift or hospitality should be treated with great care and carefully considered.
- (b) Your prime duty as a Member is to ensure that there is no conflict of interest in the performance of your duties.
- (c) Treat with caution any gift or hospitality that is made to you personally. Your personal reputation and that of the Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- (d) You should consider carefully all the circumstances surrounding the offer of a gift or hospitality, including:

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<sup>45</sup> The Borough Solicitor is also the Council's statutory Monitoring Officer

- the scale
  - amount of the offer
  - potential frequency
  - the source
- (e) Also be sensitive to the timing of the offer in relation for example to decisions which the Council may be taking, affecting those making the offer.
- (f) You should usually avoid hospitality in situations where you would be the sole guest or at the least treat such situations with particular care.

### **3. Member's decision**

- (a) The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived by an ordinary member of the public.
- (b) The rules within this protocol do not cover every circumstance as to what is appropriate or inappropriate.
- (c) To refuse may cause misunderstanding or offence. However to accept may give rise to questions of impropriety or conflict of interest, which are likely to be of more significance to you when making your decision
- (d) When you need to decide whether to accept hospitality, you must ask yourself some basic questions, for example:
- is a benefit to the Council in accepting the invitation?;
  - is the entertainment is lavish?;
  - are you accepting too much hospitality from the same source?;
  - whether just your attendance at an event might be open to interpretation as a signal of support?
- (e) In any case of doubt, advice should be sought from the Borough Solicitor.

### **4. Requirements**

- (a) The Members' Code of Conduct incorporates this document and you are required to comply with its terms.
- (b) You must Register, the receipt any gifts or hospitality with an estimated value of £25 or more, which are received and accepted by you.
- i. in the conduct of the business of the Council, or
  - ii. the business of the office to which you have been elected; or
  - iii. appointed or when you are acting as representative of the Council.
- (c) You must also register the source of the gift or hospitality.

- (d) You must register the gift or hospitality within 28 days of its receipt/acceptance.
- (e) You must ensure that your register of interests sets out all relevant declarations covering both the current and immediate previous terms of the Council. Entries older than this may be removed at the Members' discretion, but should be retained if considered relevant.
- (f) If you are dealing with Council business at a meeting (or otherwise) where the donor of the gift or hospitality is affected, you need to consider whether to make a declaration of the gift or hospitality to the meeting for the purpose of complete transparency. Declaration will not mean that you cannot participate in the Council business; however you may consider it appropriate not to participate depending on the circumstances.
- (g) Where any gift (no matter the value) is accepted, it may be advisable (depending on the circumstances) to inform the donor is advised that acceptance will not confer any advantage for that donor in his/her dealings with the Council.

## **5. Series of gifts or hospitality adding up to £25 or more in value**

- (a) If you receive:
  - a gift or hospitality; or
  - a series of gifts or hospitality from the same source

that add up to £25 or more, then this must be registered on the Register of Interests as an accumulation in a municipal year.<sup>46</sup>

- (b) You may have to estimate the value of the gifts or hospitality.

## **6. Cumulative impact of Gifts and Hospitality from numerous third parties**

Members can accept gifts and hospitality when it is appropriate and in furtherance of their role in the Council. While it is accepted therefore that the numbers of gifts and numbers of occasions when hospitality could be accepted will vary according to role, there will be a point where Members will, in accepting either gifts or hospitality even from different third parties, be in breach of the Code of Conduct. The excessive receipt of gifts and hospitality would undermine the selflessness of the role of councillor and would be considered to have brought the Council into disrepute.

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<sup>46</sup> You may have to estimate the value of the gifts or hospitality.

## **7. Gifts and hospitality below the £25 threshold**

You can still register any gift or hospitality you receive which you estimate to be below the £25 threshold should you consider that in all the circumstances this would be appropriate and in your best interests.

## **8. What to avoid**

- (a) In deciding whether it is appropriate to accept any gift or hospitality, you may want to apply the following principles:
  - (i) do not accept a gift or hospitality as an inducement or reward for anything you do as a Member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward, you must decline it. 'Reward' includes remuneration, reimbursement and fee;
  - (ii) do not accept a gift or hospitality of significant value or whose value is excessive in all the circumstances;
  - (iii) do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence;
  - (iv) do not solicit any gift or hospitality and avoid giving any perception of doing so;
  - (v) be very cautious in accepting a gift or hospitality, if acceptance might be open to misinterpretation e.g. from persons in litigation with the Council, bidding for work from the Council or applying for any sort of license or consent.
- (b) It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council. It is therefore particularly important that great caution is exercised in receiving any hospitality or gifts from contractors of the Council.
- (c) Cash or monetary gifts should always be refused without exception and the refusal notified to the Borough Solicitor.
- (d) It is a well-established and recognised rule that no Councillor or other public servant should accept gifts, hospitality, or services from anyone, which would or might appear to place him/her under an obligation.

## **9. Mayor**

- (a) There are no special rules for those who serve as Mayor.
- (b) However, gifts that are clearly made to the authority, for example a commemorative goblet which is kept on display in the authority's offices, do not need to be registered in the member's register of gifts and hospitality. However, such gifts ought to be recorded by the authority for audit purposes. Although

the Mayor may attend many social functions the office holder is not exempt from the requirement to register hospitality.

- (c) Where the Mayor is invited to social functions or gifted with presents in the capacity of the "Mayor" he/she will not be required to register the gifts or hospitality received/accepted in this role. Where the Member acting as Mayor, receives any gifts or hospitality in his/her capacity of a Member, there is a requirement to register such gifts and hospitality. The question a Member needs to ask themselves is "Would I have received this hospitality even if I were not the mayor/chair?" If the answer is yes then it must be registered.

#### **10. Gifts and hospitality declined**

There is no requirement to register gifts and hospitality offered but declined. However, as a matter of good practice, it would be advisable to inform the Borough Solicitor particularly if they are of value. When gifts or hospitality are declined, the offer or should be courteously but firmly informed of the procedures and standards operating within the Council, which prevent the gift or hospitality from being accepted.

#### **11. Reporting of inappropriate gifts and hospitality offered**

- (a) It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Council.
- (b) You must immediately report to the Borough Solicitor any circumstances where an inappropriate gift or hospitality has been offered to you. You may thereafter be required to assist the Police in providing evidence.

## **MEMBER/OFFICER PROTOCOL<sup>47</sup>**

### **1. Introduction**

- 1.1. This part of the Guidance supports the respective Members' Code of Conduct and the Officers' Code of Conduct by providing more detail on member/officer protocols and it applies equally to Members and to officers.

### **2. Roles and responsibilities**

- 2.1. Members and officers have different roles and accountabilities. Councillors are responsible to the electorate and serve until their term of office expires. Officers are employed by, and are responsible to, the Council and not to one political party or individual Member. They are subject to the Council's employment procedures. Their job is to advise Members and the Council, and to carry out the Council's work under the direction of Council decision-making bodies and the management of the Chief Executive.
- 2.2. This joint protocol sets out the respective roles and responsibilities of both Members and officers. Officers are responsible for the day-to-day management of the organisation. In reaching decisions, Members should be informed by advice from officers.
- 2.3. Officers have a duty to present impartial information and to keep Members of all political groups fully informed about developments of significance in relation to Council activities. Care must be taken by both officers and Members to ensure that officers' political impartiality is not compromised. Members of the Cabinet must take special care to avoid and to be seen to avoid placing pressure on officers to act other than in an impartial way. This is particularly important given their additional responsibilities and decision-making powers.
- 2.4. In particular, Members (irrespective of their particular roles and positions) need to recognise the position that they hold in terms of officers and be careful to avoid engaging in behavior that might amount to bullying. This does not prevent robust challenge but that must be in the right forum and with an appropriately briefed and senior officer. In particular, should Members have concerns over the performance of an officer they should take this up with the relevant senior officer as set out under 8.4.

### **3. Reports to the Cabinet, committees and other Council bodies**

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<sup>47</sup> As agreed by Standards Committee and full Council, November 2016

- 3.1. Cabinet reports are usually reports of the relevant Cabinet Member, though will be drafted by officers, contain their advice and be will signed by a relevant Chief Officer.
- 3.2. Reports to other Council bodies, bar some scrutiny committee reports, are officers' reports and contain advice to Members. If Members decide not to follow that advice, the correct course is for Members to reject it in a formal meeting and for the meeting to decide upon an alternative course of action. Officers must give full and impartial advice and should not exclude options if these are valid alternatives on the assumption that they may be unpalatable to one political group. Likewise, while Cabinet reports are usually from the Cabinet Member they will contain impartial officer advice.
- 3.3. Group leaders, Cabinet Members and chairs of committees (including scrutiny bodies) may receive draft versions of reports to give preliminary consideration to the issues. There is nothing improper in reports being subsequently amended by an officer if preliminary consideration discloses that key issues have not been adequately explained or that relevant options have not been properly addressed. There should not however be an expectation that a report will be re-written because, for example, its conclusions are politically unpalatable.
- 3.4. Members cannot instruct an officer not to present a report if the officer considers it proper to do so. If the report is not regarded as appropriate by the relevant Member body, the remedy is for that body to reject its recommendations.
- 3.5. Reports of scrutiny panels may be drafted by officers depending on the arrangements in place but are the reports of the relevant panel. In this instance it is acceptable for members of the panel to ask for draft reports to be amended.

#### **4. Briefings**

- 4.1. Where key decisions are being considered and are to be made collectively in the Cabinet then those meetings (subject to the rules allowing resolution to exclude the public for any particular item on the grounds set out in the Local Government Act 1972) should be in public. Whilst Members can meet privately at any time, if they wish to meet with officers regarding that decision they should endeavour to do so 28 days before the decision is due to be taken. The underlying approach is that a meeting of the Cabinet should be public if at that meeting key decisions are taken collectively or where there is substantive discussion of such a decision expected to be taken collectively at a subsequent meeting. Meetings purely to allow a briefing can be in private at any time.

- 4.2. The rules recognise that the Cabinet will (in the words of the statutory guidance) “need time and space to think the unthinkable” out of the public glare and with officers. The rules do not therefore prevent early collective discussions where options are narrowed. In addition it does not prevent, when officers are not present, political debate as long key decisions are not decided at the meeting and nor does it at any time prevent briefings by officers to Members.

## **5. Decisions**

- 5.1. Council decisions can only be made by full Council, other formal bodies within the Constitution, including Single Cabinet Members or Chief Officers acting under delegated authority (who may in turn authorise other officers as appropriate). Decisions by party political groups are not Council decisions and should not be presented as such to the public and press. Representations to a political group by interested parties on any matter for Council decision are not representations made to the Council.

## **6. Advice to Political Groups**

- 6.1. Officers cannot be required to advise any political group of the Council, either as to the work of the Group or as to the work of the Council, nor can they be required to attend meetings of the political groups. There may however be occasions when it is appropriate for officers to attend political meetings. This will only be to convey information and officers cannot engage in any political discussion.
- 6.2. Only the relevant Chief Officer should be asked to attend meetings or write reports for a party political group or any single party meeting (other than the Cabinet). At the appropriate Chief Officer's discretion, other officers may be invited to attend or write reports.
- 6.3. Any report to a party political group from an officer should be written as if the report was being prepared for the relevant formal body. It should include appropriate legal and financial advice and must be capable of being circulated to Members of other parties.

## **7. Pre-election period**

- 7.1. Members and officers should be guided on protocol during the pre-election period before an election by specific advice issued by the Monitoring Officer, on the announcement of any election, by-election or other relevant vote such as a referendum.

## **8. Contact between officers and Members**

- 8.1. There must be mutual respect between Members and officers. Officers cannot respond to public comment from Members. This means that Members must take care about public comment about individual officers and not seek to undermine their position by personal criticism, rudeness, abuse or ridicule. In addition, they should ensure they avoid any behavior that might objectively be said to amount to bullying. This does not prevent Members from criticising the reports, actions and work of a department or section of the Council, where they believe such criticism is merited or from expressing concern about the manner in which a Council department has acted, or dealt with a constituent, or a service has performed generally. But the manner of such criticism should have regard to this guidance. When officers are called to give evidence to or appear before scrutiny committees, Members must treat those officers courteously.
- 8.2. Regular contact between Members and officers is necessary to ensure the efficient working of the Council. Members and officers should have regard to and respect for their different roles in such contacts. The level at which contact occurs will vary depending upon the nature of the service and the reason for the contact. In general, contact will be at senior officer level but Members may, for example, need direct contact with relatively junior staff when dealing with constituency casework. Members should always bring concerns about issues affecting a department directly to the attention of the relevant Chief Officer and not to more junior staff. If a Member is any doubt as to who to contact always refer to the Chief Officer.
- 8.3. Approaches by Members to junior officers are proper when casework is detailed and ongoing or matters are routine, but Members should keep the relevant Chief Officers informed by copying them into correspondence, e-mails, etc., and routing general enquiries through them. Members should not seek views on policy issues or non-routine business from more junior members of staff. Members must not give instructions to junior staff as this may undermine the formal accountability of staff to their line manager and compromise the political impartiality of the officer concerned. Junior staff are advised to respond promptly and courteously to Members' requests for information or routine enquiries, but to refer any concerns or wider policy matters to a Chief Officer.
- 8.4. If an individual Member has a complaint about a junior officer, it should be raised with the appropriate Chief Officer. If the complaint concerns a Chief Officer it should be raised with the relevant Executive Director or Chief Executive as Head of the Paid Service. A complaint about the Chief Executive should be raised with the Leader, who will consider how it should be dealt with.
- 8.5. Members will also have contact with junior officers when visiting Council offices. Relevant Chief Officers should be advised in advance of Member visits to front-line services, unless the visits are of a statutory inspection nature in which case

other procedures may apply. Special circumstances may also warrant unannounced visits.

- 8.6. Members need to take particular care if their paid employment brings them into contact with officers of the Council. Members must not abuse their position as an elected representative to obtain information they require in their professional capacity which would not otherwise be available to them. The Members' Code of Conduct states that Members must not use their position as a member improperly to confer on or secure for themselves or any other person an advantage or disadvantage. It may be difficult for officers to distinguish between the professional role of the Member concerned and his or her role as an elected representative. Such situations should be avoided wherever possible.
- 8.7. Officers must not seek to circumvent staff consultative, dispute processes or other procedures by lobbying Members on matters which directly concern them as employees. If Members believe they have been approached by a member of staff in this way they should let the Monitoring Officer know immediately.
- 8.8. If an Officer believes that a Member may be in breach of the Members' Code of Conduct, they should inform their manager as soon as possible. That manager will then decide whether to seek advice from the Monitoring Officer.

## **9. Socialising**

- 9.1. Social contact between officers and Members can be beneficial in a work related context. For example, a departmental management team may wish to invite Members to an office Christmas party. A professional relationship must be maintained at all times and officers must be careful not to socialise with Members of one political group to the exclusion of others. Officers and Members must take care in such situations to avoid casting doubt on officers' political impartiality. Officers must avoid breaches of confidence or of management instructions, or the reasonable suspicion of them.
- 9.2. Close personal relationships between Members and officers with whom they have, or are likely to have, contact in the course of their duties are to be avoided. Both Members and officers should avoid establishing business or contractual relationships with each other, or entering into loans or other financial obligations. Should a Member or officer find that they have an arrangement of this nature they should advise the Monitoring Officer. Close personal friendships between Members and officers should be avoided as should sexual relationships. If such a relationship arises, the Member should disclose this to the Chief Executive who will take advice from HR as to the appropriate course of action. Members need to be cognisant at all times of their relative position of power with regard to officers.

## **10. Correspondence**

- 10.1. Where not obviously confidential, correspondence between officers and Members may be copied by either the sender or the recipient to others, subject to 10.2 below. Wide circulation of correspondence should not be used as a means of rebuking an officer. Members and officers should take care not to inappropriately document criticisms of Members or officers in e-mails that may be widely circulated and breach confidentiality. Further should a Member wish to raise issues with an Officer over his or her performance then such concerns should be raised with the officer's line manager.
- 10.2. Officers should not copy correspondence with a Member of one party to a Member of another party without consent. This does not prevent officers or Members copying letters to each other about casework across ward or interest group boundaries, although Members need to take care that this is not in breach of the Data Protection Act. Nor when necessary does it preclude a Chief Officer from advising a relevant Cabinet Member in general terms of an issue raised with the Chief Officer in correspondence, or otherwise, by a Member.

**ENDS**

## **USE OF INFORMATION TECHNOLOGY - GUIDANCE ON THE MEMBERS' CODE OF CONDUCT**

### **1. INTRODUCTION AND DEFINITIONS**

- 1.1. Camden Council's local Code of Conduct provides that a Member when using or accessing the Council's resources, must act in accordance with the Council's requirements and ensure such resources are not used for any unauthorised or political purpose (unless that use reasonably facilitates discharging the Council's functions). This includes Information Technology (IT) resources.
- 1.2. It is important that you read and understand this guidance. If you are not sure about any part of it, please seek further advice from Member Support or any one of the contacts listed in Section 8 – they are there to help. Failure to comply with the guidance, which applies when you are using Council equipment at home or any other location, may mean that you are in breach of the Members' Code of Conduct
- 1.3. The continuing development and use of new technologies opens up a number of 'grey areas' in relation to both the law and practice surrounding the use of IT resources by both Council members and staff. Examples of these can be found in seemingly contradictory elements of much of the relevant legislation such as on data protection and the Freedom of Information, Computer Misuse, and Regulation of Investigatory Powers Acts, and also where apparently generally acceptable uses of technology cannot be supported on the Council's current IT infrastructure.
- 1.4. In order to clarify some of these grey areas, this document sets out standards that must be adhered to when using or accessing the Council's IT resources, the Internet, social media (see appendix 1) and email. It is issued as formal guidance on the Code of Conduct for Members and is part of the Council's overall Information Security Strategy.
- 1.5. The underlying principle of this guidance is that the security of the Council's network, and of the systems and information held on it, is paramount. It must be stressed that the Council's main objective in providing the facilities is to facilitate Members' work and at the same time protect Council-held or related information and systems from being accessed by non-Council third parties. Any information security breach could have an adverse impact on the Council, Members, Staff or Citizens. This guidance is issued as a framework for Members to operate within, in order to minimise such risks.
- 1.6. The term 'IT', means computers and any systems used to create, store or exchange information electronically. Similarly 'computer' means an electronic

device used for storing and processing information, such as desktop and notebook computers (laptops) and hand held devices such as smartphones and tablets. A computer network consists of a number of computers and other devices such as printers linked together to share information and resources. The Internet is a worldwide network of computer systems.

## **2. MONITORING**

- 2.1. The Council uses automated tools to monitor email and the Internet. These tools are used for ensuring compliance with legal requirements, policies and guidelines to protect the integrity of the Council and its IT systems against the risk of civil and criminal actions (including attacks from computer hackers).
- 2.2. Human or additional forms of email and Internet monitoring may be used to protect the legitimate interests of the Council, for example, where abuse of its policies or breaches of the law are suspected.
- 2.3. The Council has the right to enter all its property where Council equipment is in use and look at all personal information including emails and other computerised information. Therefore a Member may be required to return the Council computer for checking or Internal Audit may review its use and content at any time. Any unlicensed or unauthorised software or anything else that is deemed inappropriate will be removed from the computer. The cost of removal of such items may be recovered from the individual who has responsibility for that equipment.
- 2.4. Email sent from the Council's email addresses is treated as an official communication on its behalf. Our monitoring software can be used to check the content of emails and this will be used it to investigate any suspected abuse.

## **3. USE OF IT FOR COUNCIL BUSINESS**

- 3.1. IT facilities are one of a number of resources provided for Members, along with officer support, accommodation in the Town Hall and stationery items.
- 3.2. The Members' Code of Conduct and Guidance on that Code provide further information on the usage of these resources.

## **4. PROVISION OF EQUIPMENT**

- 4.1. Computers and peripherals (such as printers and routers) are provided to assist you in your role as a Member for Camden. They also enable you to connect to the Council's network and via this network to the Internet.

- 4.2. In order to maintain security of the Council's network and systems, when working at home or remotely you must:
- Not allow anyone else including family members, access to the Camden network and through this to the Internet.
  - Not allow anyone including family members to use the computer or use your user name and password.
- 4.3. You must not use any computer equipment and systems to conduct any business activity other than for your role as a Member for Camden.
- 4.4. You must provide authorised representatives of the Council, (for example computer technicians) with access to Council equipment when you have been given reasonable notice. Such access may be required for the resolution of faults, the replacement or upgrade equipment, or the removal of equipment (if, for example you cease to be a member of the Council)
- 4.5. Access on your own personal equipment to Camden facilities is permitted via a request to the IT Service Desk. The Council allows access on personal devices either through secure web-based email facilities or secure managed apps on mobile devices if desired.

## **5. USING AND CARING FOR EQUIPMENT**

- 5.1. You should take all reasonable steps to make sure that any IT equipment the Council provides is kept in a safe working condition.
- 5.2. You must report any problem with your computer equipment to the Corporate ICT Service Desk (020 7974 4321) immediately.
- 5.3. You must not attach any other hardware or communication equipment to the computer without prior authorisation from the Council.

## **6. ACCESS SECURITY**

- 6.1. There are real risks of unauthorised individuals or groups gaining access to your personal user login and password details and then using this information to attack the Council's network, add or remove files or send messages purporting to be from you from your email address. To protect the Council from any such attacks we have upgraded our password requirements.
- 6.2. Users must immediately notify a member of the Corporate ICT Service Desk (020 7974 4321) if they have identified a possible security problem. They

should not seek out security problems; this might be construed as an attempt to gain illegal access (hacking).

6.3. When you create a password to use with a particular computer system or to gain access to part of the network, you must make sure that the password is 12 random characters long, and is comprised of a combination of 3 different types of keyboard character from upper case, lower case, numbers or other keyboard characters that you can remember. You should also avoid a combination that forms a person or object's name, or a word that can be found in any dictionary as passwords like this are very easily broken by the software that computer hackers use. Further advice on this policy can be found on the Council's intranet – just search for "password".

6.4. Do not:

- Tell anyone your password or write it down,
- Try to gain access to areas of any computer systems or the network that you are not authorised to enter,
- Give any information or help to any unauthorised person or group, that may help them to gain access which they are not entitled to,
- Leave your machine logged into your network account unattended.

6.5. Once your password is set you will not be required to change it except if you forget your password, a breach is suspected or you request to change it yourself.

6.6. Your right to access to the network ceases the moment you cease to be Member.

## **7. GENERAL USE OF EMAIL AND THE INTERNET**

7.1. It is important that information technology such as email and the Internet are used responsibly. The Council's Internet/Intranet service, including both email and browsing, is an organisational resource provided for business purposes. Any personal use of this resource must not interfere with business activities, must not be associated with any for-profit outside business activity and must not embarrass the Council or its staff. In addition, there are a number of risks associated with its use. For example, you could copy information and contravene copyright law or (without realising) allow someone to use the Internet to attack your computer systems and the Council network. Other risks include:

- The transmission or introduction of computer viruses.
- Making defamatory or inappropriate remarks or negligent statements.
- Unwittingly making a contract.
- Sexual or racial discrimination.

- Criminal offences.
- 7.2. The following paragraphs 7.3 and 7.4 are therefore intended to minimise such risks to you and the Council.
- 7.3. Email and Internet access facilities are provided to Members to support work on Council related activities. Provided that the terms of the Code of Conduct, and other Member guidance are not broken you may also:
- Use your Council PC for personal purposes, for example, surfing the Internet, and purchasing holidays, goods and services. In such cases all associated risks and liability including any costs, remain with you.
  - Use email for private activities as long as you do not break the terms of this guidance. However the onus is on you to advise your correspondents that the email may be monitored.
- 7.4. Generally any use of IT resources, including email and the Internet, that contravenes any legislation (such as data protection legislation; the Computer Misuse Act 1990; the Copyrights, Designs and Patents Act 1988 (amended 2002) and the Obscene Publications Act 1959 and 1964); or breaches the general obligations at point 2 of the Member Code of Conduct; or breaches Council policies on information security is considered to be unacceptable. In addition:
- The Council provides access to network facilities (email, documents, and files as part of the Office365 software suite) available from equipment provided by the Council as well as Members own or any other computer. This means you can access your emails and documents directly so there should never be the need for you to redirect your Council-related mail to your personal or other business email accounts. Further, you should not use non-Council email addresses to conduct Council work save in the very exceptional circumstance where the webmail system is unavailable and the matter is urgent.
  - In such circumstances you should first endeavour to contact the Corporate ICT Service Desk.
  - It should also be borne in mind that if you are employed by non-Council employers, your use of your employer's facilities for Council-related work may leave you in breach of your employer's code of conduct as well as the Council's. Further, your employer could become a data processor of any Council information or data that is held on the employer's system/records. This would be unacceptable by both the Council and the employer.
  - You must not download software (including screensavers) from the Internet or install software not authorised by the Corporate ICT Service Desk. This is in order to protect the Council against the possible introduction of computer viruses, and to avoid possible licensing issues.

- 7.5. The Council's network has been set up to automatically prevent users from accessing certain types of website including pornographic, homophobic, racist, on-line gaming, terrorist and computer-hacking sites. However, you may occasionally find that you do encounter sites that contain this sort of material. If so, you must report this to the Corporate ICT Service Desk immediately.
- 7.6. Sometimes you will find a web page that you want to access is blocked, as it may have been incorrectly categorised. If you need to access the page to carry out your work as Member for the Council, it may be possible for Corporate ICT to unblock it for you. However you will be required to provide a Council business reason first. Web pages required for personal use will not be unblocked.
- 7.7. Any material containing child pornography found on any Council computer system must by law be reported to the police.
- 7.8. You are responsible for the content of any email sent from your username and in certain circumstances the Council may also be found liable for the content of such email. There is functionality in the Council's email system that blocks/reports certain sensitive content (such as National Insurance Numbers) being sent.
- 7.9. A disclaimer is automatically added to emails sent out from the Council in case it is wrongly addressed or reaches the wrong person. However, you must take steps to make sure that you address your email correctly. If you find out an email has been received by someone other than the person you meant to send it to, you must take steps to make sure that this does not happen again.
- 7.10. If you receive an email that breaches the general obligations of the Members' Code of Conduct or which breaks the law, you must inform Member Support.
- 7.11. Emails and other personal information should be retained only for the minimum period necessary, in accordance with the data protection legislation. Further details on data protection legislation in term of Members' business use can be obtained from Legal Services or Member Support. The Information Commissioner's Office also has a very user-friendly website at <https://ico.org.uk/> and a help-line number, 0303 123 1113, for advice and guidance.
- 7.12. It is important that you manage the information that you store to ensure its availability, confidentiality and integrity. Therefore regularly review all Council information (including files and email messages) you hold and delete all redundant or irrelevant data or when necessary contact the ICT Service Desk

to arrange for their secure archiving off-line (away from the computer) according to relevant legislation, protocols or standards. Corporate ICT automatically retain backups of email storage systems for the period of one year

- 7.13. File storage facilities allow for documents to be shared with approved external organisations. It is important that you only share information with these organisations when there is a business need and it is information that you would have previously felt comfortable emailing to them.
- 7.14. The Council has a duty to protect data provided to us by residents. This is normal for any organisation and will become increasingly important as we comply with new data protection regulations. In order to protect personal and sensitive data that is held in emails on personal smartphones and tablets, we “manage” either the whole device/phone or we “manage” the mail application on the device/phone. By “manage” we mean that we have the capability to wipe Council data should the device/phone be lost or stolen and so protect data. As well as this being a responsible commitment to residents, we would also potentially face fines from the ICO if we cannot demonstrate taking suitable precautions to protect our residents’ data should an unmanaged device/phone be lost or stolen.
- 7.15. The Council also has links to other organisations in order to carry out its business functions. Most notably these are:
- (i) CJSM (Criminal Justice Secure Email); and
  - (ii) PSN (Public Services Network).

Both these organisations demand we adhere to strict standards otherwise we cannot be part of their systems. They also both audit us to ensure compliance and maintenance of standards. We know we would not be allowed to use CJSM with unmanaged devices attached to our network and it is very likely that we would fail a PSN audit.

For these reasons, you cannot merge Council emails into a personal email account (such as Apple) as we cannot “manage” that data.

- 7.16. Access to council emails and files from personal devices will require additional security steps. This is known as Multi-Factor Authentication (MFA) and is similar to methods used for accessing bank details. For example, a security number will be sent to your mobile phone that you will need to input in order to access the Camden facilities.

**8. YOU CAN GET MORE INFORMATION FROM**

- Corporate ICT Service Desk, on 020 7974 4321, who will refer your enquiry to the most appropriate person
- Member Support on 020 7974 6409
- Chief Digital and Information Officer on 020 7974 4583
- Borough Solicitor on 020 7974 5656
- The Council's Intranet

**ENDS**

## **SOCIAL MEDIA GUIDELINES FOR COUNCILLORS<sup>48</sup>**

### **1. INTRODUCTION**

- 1.1. Every day people discuss and share information about Camden Council, our services and our sector in thousands of online conversations. Social media opens up many new opportunities and channels that we now use to communicate with residents.
- 1.2. These guidelines have been developed to help you use social media when representing the council, talking about our services or engaging with residents.

### **2. SOCIAL MEDIA**

- 2.1. Social media is the term commonly given to websites and online tools which allow users to interact with each other in some way – by sharing information, opinions, knowledge and interests. As the name implies, social media involves the building of communities or networks, encouraging participation and engagement.
- 2.2. Facebook and Twitter are perhaps the most well-known examples of social media but the term encompasses other platforms. Examples include podcasts, message boards, social bookmarking websites (such as del.icio.us, Reddit and Digg), and content sharing websites (such as Instagram, Snapchat, Pinterest, YouTube).

### **3. BENEFITS TO HAVING A PRESENCE ON SOCIAL MEDIA AS AN ELECTED MEMBER**

- 3.1. While it's important for you to be mindful of how you conduct yourself on social media, it's equally important to be aware of the benefits that having a social media presence as a councillor can present.
  - With almost 90% of Camden residents being 'digitally active', social media offers a great opportunity to share your views amongst the community, in addition to other traditional channels you may be using.
  - It's a free and, in most cases, immediate form of communication.
  - It's a two way discussion – social media isn't just about you sharing your views. It's also a great way to ask residents what they think about issues impacting on them and their lives in the borough and enables to you demonstrate how you are, or are planning to help, or signposting them to further information to assist.
- 3.2. Depending on who you are trying to target, it's helpful to know, generally speaking, who uses which forms of social media:

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<sup>48</sup> Appendix to the 'Use of Information Technology – Guidance on the Member Code of Conduct'

- Around 16 million people are using Twitter in the UK with those aged 18-35 being the largest user group.
  - Facebook remains the most popular social networking site for almost all UK adults online, with over 35 million users.
  - LinkedIn now has more than 21 million UK users.
  - Snapchat has 10 million UK users and Instagram 15 million – both are good channels to engage in to reach younger audiences, though content needs to be impactful
- 3.3. These guidelines are here to assist you in how you present yourself and your views, but are not designed to deter you from exploring new ways to engage with residents. It can be helpful to look to other elected members to see how they are using social media to give you ideas of what is (and isn't) a good approach.

#### **4. ENGAGING ONLINE**

- 4.1. It is important you are aware of the legal and reputation implications of engaging in online conversations that refer to Camden Council and/or your relationship with the council. We recommend you:
- Are open and honest about your position as an elected representative so that you cannot be accused of hiding your identity or seeking to influence a debate under false pretences.
  - Never respond or publish in haste. Once information is published, it is part of a permanent record, even if you 'remove/delete' it later or attempt to make it anonymous.
  - Social media is transparent. It is ultimately a wiser move to admit to mistakes rather than try to cover them up (which isn't possible).
  - Be aware that other people can post comments or material to your blog, Instagram photo or Facebook profile unless you choose to disable comments. Occasionally you may not agree with these comments that are made, but deleting the comments of people who disagree with you can backfire. You may need to moderate comments and also be aware of your responsibilities around libel (see below).
  - Be aware that your comments may attract media interest in you as an individual, so proceed with care whether you are participating in an official or a personal capacity.
- 4.2. There is clear distinction between information published by the Council, such as on your councillor page on the Council's website, and using social media, which is your sole responsibility. But it's worth pointing out that there can be 'blurred identities', where you comment as a councillor as well as a private individual.
- 4.3. Such blurred identities might have implications if your views are taken as those your employer, your political party or other organisation which you are affiliated

with rather than your personal opinion. So make sure you are clear on your party's and employer's position on social media, as well as the council's. Then you can be clear and confident as to what you can and can't say when representing your organisation or party.

- 4.4. Some social media channels work better for professional use and some are better for personal use. The likes of Twitter works well for both through the same account as long as users remember that everything is public and you may be judged on your personal posts as much as you are on your professional ones.
- 4.5. It is now generally acceptable for a council to host publicity prepared by councillors but the council must have in place a system for removing (for example at the time of an election) and moderating unacceptable material.
- 4.6. The local authority code on publicity came into force on 31 March 2011 and it has been updated to take account of changes in the use of social media. We recommend you read the code. It is available here:  
<https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>
- 4.7. You can get further guidance about what is acceptable under the code by contacting the Borough Solicitor or the Head of Communications.

## **5. USING SOCIAL MEDIA DURING MEETINGS**

- 5.1. Many councillors use social media, particularly Twitter, during formal council meetings, and commenting on reports and speeches at meetings can help engage a wider audience in the decisions being taken and the issues being discussed.
- 5.2. You should however be mindful that members of the public might have concerns about how involved you are in the meeting should you be, for example, tweeting about issues not related to the meeting or during a public deputation.
- 5.3. Some particular care is needed when posting during quasi-judicial meetings. Commenting on planning and licensing applications brings with it an inherent risk of being seen as biased or having pre-determined an application (see below). Even commenting on a completely separate matter carries risks as you might be seen as having missed a key piece of evidence or not being interested in listening to the evidence being presented.

## **6. KEEPING SAFE**

- 6.1. Most people using social media do so in a polite, positive and friendly manner. However there are unfortunately some people who are rude and offensive on

social media and some messages you might receive might be threatening or amount to harassment, causing you distress. In such situations:

- Don't engage any further with the individual(s) making the post.
- Take a screenshot of the post and save it in case the individual deletes their post later on or you choose to do so.
- Delete, block or mute them, so they can't post anything further.
- Report them to the social media platform moderator, the Borough Solicitor and if necessary the Police. It might be that no action will be taken, but if the individual is a repeat offender it will certainly help build a case against them.

6.2. It's always worth checking your privacy settings where appropriate so you can control who can view and comment on your social media output.

## **7. AVOIDING THE LEGAL PITFALLS**

7.1. Almost all legal pitfalls can be avoided if the content of your posts is objective, balanced, informative and accurate. The general law has caught up with social media so concepts such as harassment and defamation apply to social media.

7.2. Bear in mind that social media posts can be lawful but still cause offence, resulting in damage to your reputation.

### Harassment

7.3. Anything that a reasonable person would conclude caused alarm or distress may amount to harassment.

### Defamation

7.4. If you publish an untrue statement about a person, which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous in your posts if you know about it and don't take prompt action to remove it. A successful libel claim against you will result in an award of damages against you personally. Note the dangers of, for example, re-tweeting (see the McAlpine case) even if something has been already widely circulated. Note also the more followers you have the greater the damages awarded against you.

7.5. Messages with the intent to injure another's commercial interests or recklessness as to the truth will amount to malicious falsehood. Some care is needed, for example, when commenting on the performance of our contractors.

### Deception

7.6. Avoid posting anything deceptive or designed to deceive whether wilfully or through recklessness.

### Obscene Material

7.7. It goes without saying that you should avoid publishing anything in your blog that people would consider obscene. Publication of obscene material is a criminal offence.

### Copyright

7.8. Placing images or text in your posts from a copyrighted source (e.g. extracts from publications, photos, etc.) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission in advance. Breach of copyright may result in an award of damages against you. Bear in mind even a tweet can be copyrighted, although it is very rare.

7.9. Related is the potential for a branded tweet and hashtag to create a likelihood of association or confusion with the products or services of a trademark owner. Large corporations monitor the web for such breaches.

### Data Protection

7.10. Social media posts that reveal personal details about another person without their consent may breach data protection laws. So avoid publishing the personal data of individuals unless you have their express written permission. You may want to publish a screenshot of an email for instance, but it's very easy to miss, for example, that there might be private email addresses shown on that image.

7.11. A breach of the Data Protection Act may be a criminal offence and or a cause of action in the civil courts for damages.

### Freedom of Information

7.12. Be mindful that the Freedom of Information Act applies to private email and social media accounts where the content relates to official Council business. So, for example, if you send a direct private Twitter message about a Council report to someone that might be disclosable under the Act. Party political and personal messages aren't generally covered.

### Agents

7.13 Be aware that you may remain legally responsible for any posts on your social media accounts, regardless of whether you can prove that you have delegated responsibility for social media activity to another person(s) and did not personally post or approve specific content

## **8. MEMBERS' CODE OF CONDUCT**

- 8.1. Aspects of the Members' Code of Conduct apply to social media. There have been plenty of cases from across the country of councillors posting comments which while not unlawful did breach their local codes of conduct.
- 8.2. The Code only applies when you are acting in your official capacity. This is defined as conducting the business of your authority or acting, claiming to act or giving the impression that you are acting as a representative of the Council:

*“you must comply with this Code whenever you—*

- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed);*
- (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.”*

- 8.3. The case of MC v Standards Committee of LB Richmond [2011] has clarified that merely giving the impression that you are “acting or claiming to act as a member” is not enough to engage the Code.
- 8.4. However whether you fall under this will depend on the particular facts of each case and the circumstances surrounding your posts. While we recommend that you identify yourself as a councillor for the reasons explained, this does not necessarily mean that everything and anything you say will be you acting in your official capacity.
- 8.5. Equally even if you make it clear that your social media is personal and not political, that does not mean you will never be caught by the Code if, for example, you are offensive about those linked with the Council or you are discussing council business. Each case will turn on its own facts.
- 8.6. There are ways to try and maintain a divide between your public and private personas:
  - Avoid putting the Council's logo on any of your posts. Use of the logo suggests that you are acting in your official capacity and/or that your posts represent official Council policy.
  - Don't use your Council email address to set up any social media accounts.
  - Consider having dual social media accounts on each platform – one public and one private. You can create a public page for yourself in Facebook rather than just a standard private user account.
- 8.7. Even when taking steps as suggested, there will be uncertainties. You should therefore comply with the general principles of the Code in what you publish (and what you allow others to publish). Be particularly aware of the following provisions:

- Treat others with respect - avoid personal attacks and disrespectful, rude or offensive comments.
- Comply with equality laws - avoid publishing anything that might be considered sexist, racist, ageist, homophobic or anti-faith.
- Refrain from publishing anything you have received in confidence.
- Ensure you don't bring the Council, or your role as councillor, into disrepute.

8.8. Members of the public (or other councillors or officers) may make a complaint about you that you have breached the Code by saying something on social media. That complaint, and the sanctions that may be imposed, will be considered by the Council's Standards Committee in accordance with its published procedures.

## **9. BIAS AND PRE-DETERMINATION**

9.1. If you are involved in determining planning or licensing applications or other quasi-judicial decisions, avoid publishing anything that might suggest you don't have an open mind about a matter you may be involved in determining. If not, the decision runs the risk of being invalidated. This doesn't prevent you from expressing views on current issues which demonstrate a predisposition to a particular position but you must not post anything that suggests that you have closed your mind – so significant caution is required.

## **10. PRE-ELECTION PERIOD GUIDANCE**

10.1. Particular care must be taken during times of elections and referendums to make sure any legal restrictions are not breached and this may require the suspension of material during such periods. Camden will remove links to anything it (with authority being delegated to the Borough Solicitor) considers to be of a political nature during the pre-election period. In addition the Borough Solicitor will remove links to any site which in his opinion contain offensive material of any nature. The originator of that link may appeal any decision by the Borough Solicitor to the Chief Executive whose decision will be final.

10.2. It is acceptable for publicity containing material prepared by third parties and hosted by a council to include logos of political parties or other organisations which the third parties are associated.

10.3. During the pre-election period particular care is needed when using council resources for anything that might be said to be overtly political. Before this period the Borough Solicitor issues advice to all councillors as to the use of these resources.

## **11. MAYOR OF CAMDEN'S SOCIAL MEDIA**

11.1. The Mayor of Camden has their own bespoke Twitter handle and Facebook page, which are passed on to the new Mayor at the start of each municipal year. The Mayor should discuss with the Mayor's officers at the start of their tenure how exactly the use of those accounts should be managed. The guidance above applies but additionally:

- Staff in the Mayor's office should be able to access the social media accounts even if you have agreed that you will do all of the posting yourself. That does not however mean you don't have full responsibility for something you post on the accounts.
- Posts on these accounts should be limited to Mayoral business only. You should particularly avoid party political posts as the role is non-political.
- While it's fine to advertise the Mayor's social media pages and to retweet/share posts from the Mayor's accounts on your own personal accounts, it's best to avoid posting on your personal social media accounts in your official capacity as the Mayor.

## **12. CONCLUSION**

12.1. This guidance aims to give a general overview of the issues to be aware of when using social media. Further explanation can be obtained from the Borough Solicitor but remember that content you publish is your responsibility.

12.2. If the content is objective, balanced, informative and accurate, and you maintain and demonstrate an open mind on any matters on which you may be called upon as a member to make a decision, you substantially reduce the possibility of a successful legal challenge or upheld complaint that you've breached the Members' Code. You should also find that you're able to engage more widely and effectively with the residents of Camden.

**ENDS**

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# **CODE OF CONDUCT FOR OFFICERS**

## **D. CODE OF CONDUCT**

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**Appendix A**

**Appendix B**

**Appendix C**

## **1. Introduction**

- 1.1 The people who live and work in Camden are entitled to high-quality services and a high standard of behaviour from all our staff. This code of conduct helps to achieve these aims.
- 1.2 The code applies to all staff, except if you work in a school with its own code. It contains the following main principles.

You are expected to:

- give the public the highest possible standards of service;
  - do nothing inside or outside working hours which could damage our reputation;
  - behave honestly; and
  - follow our policies and procedures all the time.
- 1.3 We know that we are only successful because of the loyalty, honesty, professionalism and hard work of our staff. The code cannot cover every area of working life but it does help everyone to understand the main standards that affect our work. It does not restrict your civil rights.
  - 1.4 This code is supplemented by other corporate standards of conduct, for example, the codes of conduct for members and staff contained in the constitution, and those set by departmental management. Appendix A sets out the key HR procedures that relate to standards of behaviour.
  - 1.5 It is important that you read and understand the code. If you are not sure about any part of it, you should ask your manager.
  - 1.6 If your behaviour falls below the standards in this code, or any other corporate and departmental standards, we may take formal action against you, including dismissal.

## **2. Working with the community**

- 2.1 Customer care is very important. You should always be polite and helpful to the public either on the phone, in writing or face-to-face.
- 2.2 We value our partnership with other public, private and voluntary organisations and you should create successful working relationships with these organisations.
- 2.3 You should never harass or discriminate against any member of the public. You cannot show 'pin-ups' of men and women or racist material, or make racist, sexist or improper remarks.
- 2.4 You should always follow the Camden Customer Care Standards for using the telephone. If you cannot answer the phone yourself, you should try and make sure that the call is still answered or as a last resort sent to voicemail.

- 2.5 You should always answer letters from the public within the time that is set by the Camden Customer Care Standards.
- 2.6 You should always be positive when you deal with the public. You should dress appropriately for your job when you are working with other employees, meeting clients or representing Camden Council. It is important that you give a good impression of yourself and us. You can wear clothes for cultural or religious reasons as long as they are not a risk to health and safety.
- 2.7 You should not drink any alcohol when you are **on duty** unless your manager has agreed you can on specific occasions
- 2.8 You should make sure that if you drink any alcohol when you are **off duty** but during your working day, it will not affect your ability to carry out your work or damage the reputation of Camden Council. For example, this could include if you have alcohol on your breath when you need to interview the public. If you use heavy machinery or drive Camden vehicles, you should never drink alcohol during the working day.
- 2.9 You should not take any non-medical substance, such as drugs, that may affect your ability to work. If your doctor gives you any medication that may have a negative effect, you should tell your manager in confidence.
- 2.10 If a member of the public is abusive or unreasonable and you cannot ease the situation, you should try to end the conversation politely and then tell your manager. Do not be rude or offensive in return.
- 2.11 If you are assaulted, you can take reasonable action to defend yourself, but you may break the law if you overreact. If you work in the reception or are security staff, you may use reasonable force to remove a person who has been violent and refuses to leave the building. You can call the police if you need their help. We have an assaults policy that will support you if you are assaulted at work, and we may take action against anyone who has committed an assault.
- 2.12 You should not mislead people who use our services or lie about our business.
- 2.13 You should never do anything that conflicts with our duties, for example, encouraging people not to pay money they owe to Camden Council or any other council.
- 2.14 You should never behave in any way, either inside or outside work, that damages our reputation.

### **3. Working with other employees**

- 3.1 You have a right to be treated with dignity at work. You should always respect your colleagues and other employees and treat them how you want to be treated. You should always help other employees if they need information,

advice or services.

- 3.2 You should always follow our equality policy and never harass or discriminate against other employees or make racist or sexist remarks. If you do not understand any part of the equality policy, please speak to your manager.
- 3.3 We will not accept you intimidating your colleagues or using offensive, threatening or insulting words or behaviour. It is not acceptable to fight with or assault other employees or stop them from working.
- 3.4 If you leave your job, you should make sure that you leave your files and records in good order for the person taking over from you. You should put a note on each file, unless your manager tells you otherwise, which should give a brief history of the case, any action that needs to be taken and when it should be done. You should highlight any important dates and deadlines.

#### **4. Working with your manager**

- 4.1 It is important that you have a good working relationship with your manager. Your manager will tell you what is expected from you, respond to any concerns you may have about your work, assess your performance and give you feedback, with advice on how you can improve.
- 4.2 Your manager should tell you about our HR policies and arrange for any appropriate training so you can develop your career. You should help your manager identify what training you need and how you can develop. Training will depend on our budget and should not significantly disrupt the service we provide.
- 4.3 Your manager must be polite, reasonable and fair to you all the time. Your manager must support you in your job and help you, if you need it, to deal with other employees or members of the public.
- 4.4 You must follow any instructions that your manager gives you to the best of your ability. You must not be negligent in your duties as this may seriously affect Camden Council or the people who use our services. If there is anything about your job that you are unclear about, you should ask your manager.
- 4.5 You must always be honest with your manager.
- 4.6 You should always follow our policies, procedures, standing orders, codes of practice and any other standards set by your manager.
- (i) 4.7 If you change your address you must always tell your manager, change your details on e-HR, or otherwise inform HR Direct, so that we can contact you if we need to.
- (ii) 4.8 If you have a complaint about another employee, you should tell your manager. We have a grievance procedure to deal with your complaint.

## **5. Working with councillors**

- 5.1 It is important that you have a good working relationship with our councillors so that we are successful and can give best-value services to the people who live in Camden. Councillors and employees should respect and be polite to each other.
- 5.2 Our constitution contains a code of conduct that tells you how we expect councillors and employees to behave. The Code has ten principles that govern public life. These principles come from Lord Nolan's Committee on Standards in Public Life (1995), and form the basis of this code of conduct (see Appendix B).
- 5.3 If your job involves you having contact with councillors, you should read and apply the standards shown in the code of conduct set out in the constitution. You can get a copy from the Democratic Services page on Camden's website. You cannot just read this code of conduct on its own.
- 5.4 You are employed by Camden Council, not by a councillor, so if a councillor pressures you to deal with a matter which goes against the code of governance, you must tell your manager.
- 5.5 You must not use councillors to ignore our formal procedures in any way, for example, to influence the outcome of any matter relating to misconduct.
- 5.6 You must not discuss any personal matters to do with your job directly with a councillor. You should speak to your manager and go through established procedures, for example, appraisal, grievance and appeal procedures. This will avoid any conflict between the councillor's and your role. However, you can still take up any relevant matters with your local ward councillor in their role as your elected representative.
- 5.7 If you have any complaints about other employees, you should speak to your manager and not a councillor.
- 5.8 You should always be polite and efficient when you deal with councillors. You should always make sure that you follow any departmental process for dealing with councillors, for example, when answering councillor's questions.
- 5.9 You should never interrupt any formal council business.
- 5.10 If you are not sure about any of the standards shown above, you should ask your manager.

## **6. Working safely**

- 6.1 We will try to give you a safe and healthy working environment. We will also try to protect the health and safety of the people who use our services.
- 6.2 You also have a responsibility for health and safety and are expected to:

- make sure the working environment is safe for you, your colleagues and the people who use our services and that you do not put employees or service users in danger;
- use any safety clothing and equipment that is needed for your work and make sure that safety equipment is not misused, neglected or damaged;
- report any accident or near misses you have at work as soon as you can, and accurately fill in an accident report form;
- have a medical examination if a manager asks you to;
- follow hygiene requirements;
- tell your manager if you are taking any medication that may affect your job;
- never use machinery or drive any vehicle if you have taken any medication or drug, including alcohol;
- co-operate with all health and safety activities, including training, that is organised to promote health and safety;
- comply with our smoking policy; and
- follow our health and safety policies and procedures. You can get copies of these from your manager or HR Direct.

6.3 Your manager will tell you if there are any other health and safety responsibilities that affect your work.

## **7. Working hours and attendance**

7.1 You should always be reliable and on time when you come to work and go to appointments.

7.2 If you want to ask for leave under any of our leave schemes, for example, maternity, sickness, flexible working hours or special leave, you must follow the conditions of the scheme and, where necessary, ask for leave beforehand.

7.3 You should fill in relevant paperwork such as 'annual leave cards' or 'flexi-scheme cards' within the time set by your manager.

7.4 If you are sick you should always follow our sickness reporting procedure, otherwise we may not pay you. You are responsible for doing the following.

- You must contact your manager on the first day that you are sick, either by the time you would normally start work or by 10am, unless your manager tells you differently.

- You should explain why you are absent, what is wrong with you and how many days you think you will be off work.
- You should keep in touch with your manager while you are off sick. If you are absent for more than three days, you must contact your manager on the fourth day.
- You must give your manager medical certificates from your doctor every week if you are sick for more than eight days. If your periods of absence become more frequent or problematic, your manager may ask for a medical certificate even if you are absent for less than eight days.
- You must go to see your manager as soon as you come back to work. You should record your absence details on e-Hr if you are off for less than eight days.

## **8. Working honestly**

### **Bribery Act 2010 and penalties**

8.1 The Bribery Act 2010 requires the Council to put safeguards into place to prevent bribery based on six guiding principles:

- Proportionate procedures
- Top-level commitment
- Risk assessment
- Due diligence
- Communication
- Monitoring and review

8.2 This code references anti-fraud procedures in line with the above to avoid the corporate offence of failing to prevent bribery. The penalty for the offence is an unlimited fine.

8.3 The Act simplifies the law on bribery of individuals as contained in the Prevention of Corruption Act 1916 and the Local Government Act 1972.

It does this by making it a criminal offence to give, promise or offer a bribe and to request, agree to receive or accept a bribe. The maximum penalty for individuals found guilty of bribery is ten years imprisonment, with an unlimited fine.

8.4 Improper inducements will also breach this Code, our Financial Regulations and our Anti-Fraud and Corruption Strategy, which may lead to formal action under the Council's Disciplinary Procedure.

8.5 Therefore, you must tell your manager if anyone tries to bribe you or another employee, or if there is any evidence of corruption or improper behaviour by others. If your manager is involved, you should report it to the Head of Internal Audit & Risk according to the Anti-Fraud & Corruption Strategy and Fraud Response Plan.

- 8.6 The exceptions regarding bona fide hospitality, promotional or other business expenditure, provided that it is proportionate and reasonable, are clarified in this Code, along with safeguarding processes to follow.

### **Gifts and hospitality**

- 8.7 You must not accept any gift, reward or benefit from members of the public, organisations or firms that you are in contact with during the course of your duties. Inclusive of any inducement meant to corrupt or influence, or could be seen to corrupt or influence or is against our interests.
- 8.8 If you know of others being offered or accepting gifts or hospitality you should report this immediately to a senior manager.
- 8.9 If you receive a gift or are offered hospitality, you should tell your manager and declare it on the Gifts and Hospitality Register in line with process 8.13 below. This can be accessed via the Executive Support Leads. The Gifts and Hospitality Policy and Procedure can be found on Essentials.
- 8.10 The exceptions that you do not need to declare are low value tokens - generally considered to be below £25- like company pens, calendars, diaries, mouse mats that are given out widely and offers of light refreshments at an external visit, providing you do not request them.
- 8.11 Otherwise, you should never accept hospitalities unless you genuinely need to give or receive information or to represent Camden Council in your work. Your manager must agree, beforehand wherever possible.
- 8.12 Significant gifts or offers of hospitality from companies seeking a contractual relationship with the Council should be rejected in general. Examples of influential hospitality when not representing Camden Council are drinks, meals, entertainment, sporting events, overnight accommodation, travel and holidays.

### **Declaration process to register gifts and hospitality**

- 8.13 If you receive a gift or are offered hospitality, you must:
- tell your manager immediately;
  - complete the Gifts and Hospitality Register accessed via the Executive Support Leads to include:
    - the name of the person/organisation that made the offer;
    - the approximate value of the gift/hospitality;
    - whether it was accepted, declined or donated to the Mayor's charity;
    - depending on the nature of the hospitality or gift the comments of the manager to justify any acceptance of an offer.
  - Return the completed Gifts and Hospitality Register to the Executive Support Leads.
- 8.14 If you refuse a gift or hospitality straightaway, you should still follow the

process to record the offer on the Gifts and Hospitality Register. When returning a gift or refusing hospitality, be polite but firm and tell the person why.

- 8.15 As above, the Executive Director may accept the gift or hospitality for donation to the Mayor's Charity. This is when it is not meant as an inducement and it is difficult or impolite to return it.

#### **Friends, partner, associates, relatives**

8.16 You must write and tell your manager if you have a friend, partner, associate or relative who provides Camden Council with goods or services or who is receiving grants or benefits from us and who you deal with directly or monitor in any way at work.

8.17 You must also tell your manager if you, your friend, partner, associate or relative is or could be:

- applying for a service or benefit that you supply, deal with or influence, for example, Housing Benefit and student grants; or
- affected by procedures that you carry out, deal with or influence, for example, environmental health inspections.

#### **Contract issues**

8.18 If you are responsible for both a client and contractor function, you must be responsible for your actions and be fair when you are dealing with customers, suppliers, and other contractors or sub-contractors.

8.19 If you have any confidential information on tenders or costs for either inside or outside contractors, you must not tell anybody who does not have a right to know. If you are not sure, ask your manager.

8.20 You must make sure that you do not give any special favours to current or former employees or their friends, partners, relatives or associates by awarding contracts to businesses run by them or employing them in a senior or managerial role.

#### **Disclosure process to register interests in contracts**

8.21 Failure by employees to disclose financial interests in contracts with Camden Council could be a criminal offence and be subject to a fine under the Local Government Act 1972. It can also breach this Code, our Financial Regulations and our Anti-Fraud and Corruption Strategy, which will lead to formal action under the Council's Disciplinary Procedure.

8.22 You must declare to your Executive Director, in writing, if you or your husband, wife, partner, or a relative, has a financial interest (direct or indirect and whether or not it benefits you) in any contract with Camden Council.

8.23 If you do have a financial interest, you must not take part in any negotiations

or preparations for the contract. If you do have an interest in a contract but you have to monitor it as part of your job, your chief officer will decide whether you can continue to work in your role.

8.24 This also applies in any case where we pay or propose to pay money, for example, a grant, to another organisation, whether or not there is a formal contract with that organisation.

8.25 You will have a direct financial interest in a contract or a proposed contract if in any way you stand to benefit financially from the contract. For example, if you are a director or partner of a business which is party to a contract with the Council.

8.26 You will have an indirect financial interest in a contract or a proposed contract if:

- (i) you are a member of an organisation or other body which has entered into or proposed to enter into a contract with the Council.
- (ii) You are a relative of someone whom the contract is made or is proposed to be made.

8.27 If you are in any doubt whatsoever as to whether you need to declare an interest, you should go ahead and disclose it in the fullest terms. The Disclosure of Interests template sets out possible areas of conflicting interests between you, or your spouse/partner or relative and the Council, as follows:

- direct financial interest in a contract relating to the Council;
- indirect financial interest in a contract relating to the Council;
- other employment held;
- other dealings with the Council over last five years;
- directorships and trusteeships held;
- large amount of shareholdings in companies;
- leasehold interests in property in Camden which you do not live;
- freehold interests in property in Camden which you do not live;
- grant aid applied for or received;
- direct loans from the Council;
- association with organisations in receipt Council grants/loans;
- other activities, relationships or conflicts of interest.

8.28 If any of the above applies, you must:

- tell your manager immediately;
- send your completed disclosure form to have the details recorded in your directorate's disclosure of interests register, see the contact list for directorate registers. The Executive Director will counter sign the register to indicate the action she/he has taken to address the conflict of interest.

8.29 If any details change during your employment, it is your duty to disclose again

within 21 days of the change.

### **Confidentiality**

- 8.30 The information you provide will be treated as confidential and held in accordance with the provisions of data protection legislation.
- 8.31 The information will only be used for the purpose of avoiding and detecting fraud and corruption, and solely disclosed on a need to know basis.
- 8.32 The information will be kept on your personal file held by HR Direct, or held by your line manager.

### **Fraud**

- 8.33 We have an Anti-Fraud and Corruption Strategy and Fraud Response Plan which support the code of conduct. You must follow the standards set out in the Anti-Fraud and Corruption Strategy.
- 8.34 If you think that an employee may be committing fraud, you must tell your manager who will then tell the Head of Internal Audit & Risk. If you cannot discuss the matter with your manager and don't want to be named, you can contact the confidential call-centre. (See section 16 of this code.)
- (iii) 8.35 If you report something to your manager but he or she doesn't do anything about it, you may contact the Head of Internal Audit & Risk directly.
- 8.36 *You must always co-operate with any investigation that Audit is carrying out and go to any meetings or give any information that they may need.*

### **Public information**

- 8.37 The law says that councillors, auditors, government departments, service users and the public must be able to see certain information, for example, committee reports and background documents. Some information is already available to the public, other information might be requested under the Freedom of Information Act 2000. We operate a specific process for dealing with Freedom of Information requests. If you are asked for this type of information, you should follow the guidance on our intranet in consultation with your departmental Freedom of Information Officer as well as your manager.
- 8.38 A lot of our information is confidential, for example, individual case files, employee records or tendering documents. You should not pass these documents to any outside person or organisation unless you have your manager's permission.
- 8.39 You must not use any information that you get in your job for personal gain or financial benefit, or pass it to anyone else. You must not give our competitors any information about tenders or our individual clients, either when you are working for us or after you leave.
- 8.40 You should follow the 'Confidentiality clause' in the Camden terms and conditions booklet, which tells you about revealing confidential information.

## **Review**

8.41 In accordance with the Bribery Act 2010, this section will be reviewed regularly to ensure the effectiveness of anti-bribery provisions and to implement legislative change.

## **9. Recruitment**

9.1 If you apply for a job, you should give us the following information that we will treat confidentially.

- If you are a friend, partner, associate relative, landlord or tenant of an elected councillor.
- If you have a personal or business relationship of any type with someone who may choose you for a job, manage you or be managed by you.
- Anything about your circumstances that may damage our reputation if people find out about it. For example, if you owe rent and you apply for a job which deals with rent recovery.
- Any criminal charge or conviction, binding over or caution unless it is excluded by the Rehabilitation of Offenders Act 1974.
- Any association which you, your friend, partner, associate or relative may have with any organisation which gives goods or services or which benefits financially from Camden Council if the job that you have applied for involves monitoring or dealing with that organisation in any way.
- Evidence that you can work and stay in the UK if you are not a UK citizen. This does not include if you live in the European Union and European Economic Area.

9.2 If you are related to an applicant or have a personal or business relationship with that person, you should not be involved in giving him or her a job, unless your manager gives you permission.

9.3 You must make sure that if you give anybody a job, it is because that person has the ability to do the work and not for any other reason.

9.4 You should follow our policy and practice in any recruitment process so you cannot be accused of being biased.

9.5 Do not give job references to any employer without consulting HR Direct. You can give a personal reference as long as it cannot be seen to be a reference from Camden Council.

9.6 You should behave in a non-political way in your work. In law, certain posts are politically restricted, which means you are not allowed to stand for

election, hold office in a political party, canvass at any election or poll , or encourage support for a political party.

- 9.7 'Politically restricted' posts are chief officers, along with senior managers and some principal officers who give advice regularly to the council or speak on our behalf.
- 9.8 If you are not sure if you are covered by this legislation, you should see the Politically Restricted Posts' page on essentials, or ask your manager or HR Direct.

## **10. Working for yourself and other organisations**

- 10.1 You must not have another job without your manager's permission. If your manager agrees that you can have another job, it must not affect the work you do for us or affect your ability to do your job. It must not damage our reputation or have a negative effect on our duties or interests.
- 10.2 You cannot carry out this extra work in Camden Council's offices and you must not use any of our facilities, for example, phones, computers, printers, faxes, photocopiers and so on.
- 10.3 You must not do any extra work during the time that we employ you, which includes when you are off sick.
- 10.4 You can give unpaid service to voluntary or other organisations and we welcome this involvement in community affairs. However, it is important that your unpaid service does not affect your job or our reputation. You should tell your manager if you give any unpaid service including:
- acting as a school governor within schools that we maintain;
  - giving service to any organisation that receives grant aid from us; or
  - giving service to any organisation or pressure group, which may try to influence our policies.
- 10.5 You must not use your position as our employee to favour any voluntary or other organisations, which you work for. For example, if your job means that you have to look at a funding application for a voluntary organisation you are involved in, you should write and tell your manager.
- 10.6 You should not do any private work for Camden Council clients, tenants or organisations unless you have written permission from your chief officer.
- 10.7 You must give us any money you receive for work you do such as lectures, broadcasts or magazine articles that are part of your job. However, you can keep money for any work which we do not pay you for and which you do in your own time, or when you are on holiday or flexi-leave.

10.8 You must not use your job with us to get extra work, for example, by giving more favourable service.

## **11. Working with our money and property**

11.1 You should not deliberately keep money that you owe to any council unless you are allowed to by law. If you have genuine problems with paying money to any council, you can speak to your line manager in confidence. However, you don't have to do this if you don't want to. We have a confidential counselling and support service, the Employee Advisory Resource (EAR), and you can also get help from the Citizens' Advice Bureau.

11.2 Sometimes, if you owe money to any council, you may not be able to carry on in your job. For example, it would not be acceptable if you are responsible for dealing with rent, Housing Benefit or Council Tax debts and you are in debt to us or any other council.

11.3 You must carry out any budget responsibilities properly and make sure that you use any public funds in a responsible and legal way. You should always follow our financial rules, regulations and procedures and if you are not sure about anything, you should ask your manager.

11.4 You should always fill in any document, form or record honestly and never damage, change or falsify it, particularly for financial gain. This includes flexi cards, attendance records, self-certification forms, time sheets, petty-cash forms, and overtime forms.

11.5 You must not steal, damage on purpose, or seriously neglect anything that belongs to Camden Council. You should not steal or damage on purpose anything belonging to our tenants, service users, employees, councillors or anyone who you come into contact with in your work, for example, their money, property, equipment and investments. This also includes short-term loans of property or equipment, for example, taking or using Camden Council's vehicles for private use without permission.

11.6 You must return any property or equipment which you have been allowed to borrow by your manager, as soon as you leave your job or when your manager tells you to.

11.7 Management will report any theft or improper behaviour involving our money, property, equipment or investments to the Head of Internal Audit & Risk and, if necessary, to the police.

11.8 You should give any lost property to a manager or reception or security staff immediately.

11.9 If you see anyone suspicious in any of our buildings, you should tell the reception or security staff.

### **Information technology:**

- 11.10 We have an ICT Code of Conduct and 'best practice guides' on specific topics such as data protection and passwords. These documents help to make sure that our ICT security is not put at risk. You can find the documents on the intranet, or from the CICT Service Desk. You must read and follow the standards in the ICT code and guides.
- 11.11 Do not use our computer equipment for private use unless your manager has given you permission – but you should never use it during work time.
- 11.12 We reserve the right to go into all our property and look at all personal information including e-mails and computerised data if needed.
- 11.13 Do not copy or take any of our software for your own use, or use your own software, including computer games, on our equipment.
- 11.14 **Phones and the Internet** - You should normally use our phones and the Internet for council business. You can make personal calls or e-mails if these are essential but only if they are in line with any rules that are set out by your manager. You must make sure such calls are brief. You are not allowed to make phone calls outside the United Kingdom unless your manager gives you permission but you will have to pay for them. You are never allowed to make phone calls to premium-rate lines including chat lines.

## **12. Working and the law**

- 12.1 You are expected to keep within the law during your employment at all times.
- 12.2 You must tell your manager if you are charged with any offence, including driving offences. Your manager will decide if our reputation may be damaged as a result, taking account of your job, or whether the charge makes you unfit to do your job. For example, if you are charged with a theft and your job involves dealing with money.
- 12.3 You should tell your manager in writing if you have any criminal convictions, binding over or caution unless it is excluded by the Rehabilitation of Offenders Act 1974.
- 12.4 If you find out or think that an employee is breaking the law in his or her work, you must tell your manager, the Head of Internal Audit & Risk or contact the confidential call-centre – see section 16.

## **13. Working and contact with the media**

- 13.1 All organisations need rules for dealing with the media. We have a press

office and special officers who deal with the press and media.

- 13.2 You should not speak, write, give interviews, or take phone calls for 'information' if you are seen to work for us or are referring to council business, unless the press office and your manager have given you permission.
- 13.3 You should pass on all inquiries from the press, radio or television to the press office and your manager, unless you normally deal with the media as part of your job.
- 13.4 You may write or give an interview about things that are not connected with Camden Council as long as you are not seen to work for us.
- 13.5 You should tell your manager if you think that any articles may appear in the press about you that will show you work for us.
- 13.6 You must never publicise material which is confidential or against our interests or our employees' interests. If you have any concerns, you should speak to your manager or go through recognised procedures, such as the grievance procedure.

#### **14. Being a member of non-public organisations**

- 14.1 If you are a member of any non-public organisation that has secrecy about rules, membership and behaviour, you should register this with your chief officer.
- 14.2 Councillors and the Chief Executive will be able to see this register.
- 14.3 You should make sure that any such membership does not make you act in a way that will damage our reputation or seriously affect your work.

#### **15. Misconduct**

- 15.1 Your manager may take formal action if you break any of the rules in this code or any other corporate or departmental standards. Appendix C sets out examples of misconduct and serious (gross) misconduct. The examples are not a complete list. Serious misconduct will normally lead to dismissal.

#### **16. Whistleblowing**

- 16.1 *We operate a policy on whistleblowing which you should follow if you wish to report any fraud, irregularity, corruption or concern that the law has been broken. The policy gives details of who you should call, or if you felt unable to do so, the details of the independent call-centre to which you can give your information in confidence.*

## **Appendix A**

### **The Constitution's Code of Conduct**

This deals with the relationship between employees and councillors.

**Disciplinary Policy and Disciplinary Procedure** – these deal with formal action where your behaviour or ability falls below our standards.

**Sickness notification procedure** – this sets out the standards when you report sickness.

**Anti-fraud and corruption strategy** – this sets out our policy on dealing with fraud.

**ICT code of conduct and best practice guides** – these set the standards when you use information technology.

**Grievance Policy and Grievance Procedure** – this deals with staff complaints.

**Whistleblowing policy** – this includes a confidential call-centre facility for reporting fraud, irregularity, corruption or if the law has been broken.

These documents are not included in this constitution (save for the Code of Conduct).

## Appendix B

### *The Ten General Principles of Public Life*

Building on Lord Nolan's Committee on Standards in Public Life (May 1995) which set out seven principles of public life, the Standards Board for England recommended the following ten principles, adopted on 27th June 2001 in the LB Camden Constitution:

**Selflessness** – member should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – member should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Personal judgement** – member may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** - members should promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Duty to uphold the law** – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** - member should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

**Leadership** – members should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

## **Appendix C**

### *Misconduct*

The following examples are neither exhaustive nor exclusive and misconduct not referred to here may also lead to disciplinary action, nor does it preclude such acts being considered gross misconduct:

- Breaches of the Council's Equalities Policies.
- Breach of the Code of Conduct
- Breaches of any other Council policies, procedures, standing orders, codes of practice, and operational regulations.
- Failure to carry out reasonable and justified instructions (i.e. when an employee without sufficient cause omits or neglects to carry out justified instructions).
- Failure to account for, or negligence in taking due care of, any property or money which came into the employee's possession or area of responsibility in the course of duty, and to ensure its safe return.
- Failure to co-operate with any relevant health and safety provisions required by or of the Council.
- Failure to give due care and attention for the health and safety of other people who may be affected by the employee's conduct at work, e.g. tenants, users, members of the public, employees of the Council, Members of the Council, and failure to give due care and attention for the health and safety of herself or himself (as stated in the Health and Safety at Work Act).
- Hampering an investigation arising from an allegation of misconduct
- Unauthorised absence from the work place
- Persistent lateness
- Conduct or behaviour which falls below the Council's standards e.g. rudeness or abusive behaviour to tenants, users, members of the public, employees of the Council or Members of the Council.
- Failure to carry out duties and responsibilities in a satisfactory manner, under the influence of drink or drugs. (Employees under the influence of medically prescribed drugs should inform the supervisor if this may in any way affect their ability to carry out their duties or responsibilities).
- Failure to declare directorship or membership of any organisation, company, association or society (secret or otherwise) which may compromise the Council, its Members, employees, tenants or users, or membership of which adversely affects the manner in which an employee carries out their duties/responsibilities

(This list is not exhaustive and may need to be added to by particular business areas to reflect specific issues relevant to the nature of the activities of that business.)

### *Gross Misconduct*

The following examples are neither exhaustive nor exclusive and examples of misconduct not referred to here or indicated above might also be considered gross misconduct:

- Serious breaches of the Council's Equal Policies, including discrimination or harassment of any individual or group specified in the Council's Equalities Policies.
- Serious breaches of the Code of Conduct
- Serious breaches of any other Council policies, procedures, standing orders, codes of practice and operational regulations.
- Stealing from or defrauding the Council, its tenants, users, members of the public, employees of the Council, Members of the Council or any other person with whom the employee comes into contact whilst on official duty. For example falsification for financial gain of any document, such as petty cash slips, receipts, timesheets, bonus sheets, overtime and subsistence claims, invoices, accounts etc.
- Physical violence including fighting, assault, aggression, verbal abuse indecent and insulting behaviour or possession of offensive weapons - against tenants, users, members of the public, employees of the Council, Members of the Council or any other person.
- Deliberate damage to/serious neglect of/misappropriation of property, assets, equipment, money, investments etc. belonging to the Council, its tenants, users, members of the public, employees of the Council, Members of the Council or any other person with whom the employees comes into contact whilst of official duty.
- Corruption or other improper practices such that an employee improperly uses or attempts to use her/his official position for the private advantage of her/himself or some other individual or group. This includes the soliciting or acceptance of bribes or gratuities from, or the use of abusive, harassing or threatening behaviour towards, Council users, tenants, other employees or Council Members.
- Knowingly making any false, misleading or inaccurate oral or written statement or entry in any record or document that is made, kept or required for the purposes of the Council.
- Misconduct in relation to official documents, e.g. destroying or mutilating any record made or kept for the purposes of the Council, or altering or erasing or adding to any entry in such a record or document without legitimate reasons.

- Serious breaches of statutory health and safety regulations endangering the employee and/or other people including deliberate damage to, neglect of or misappropriation of safety equipment.
- Engaging in unauthorised employment during hours, when contracted to work for the Council or during periods of specially designated leave e.g. sick leave, study leave, etc.
- Deliberate and wilful negligence in the performance of duties which has serious implications for the Council, its tenants, users, members of the public, employees of the Council, or Members of the Council.
- Unauthorised disclosure of Council information or information gained in the Council's employment, or dishonest or improper use of such information (that is when an employee, without proper authority, communicates to any person information which was given to her/him as an employee of the authority), e.g. disclosure of personal/confidential information about users.
- The membership of any organisation/company/association or society (secret or otherwise) which leads to an employee behaving in manner which is directly to the detriment of the Council, its Members, employees, tenants or users, or which membership of seriously adversely affects the manner in which an employee carries out her/his duties and responsibilities.

(This list is not exhaustive and may need to be added to by particular business areas to reflect specific issues relevant to the nature of the activities of that business).

**MINISTERIAL AND POLITICAL  
VISITS TO COUNCIL SERVICES  
GUIDANCE**

## **E. MINISTERIAL AND POLITICAL VISITS TO COUNCIL SERVICES - GUIDANCE (Note: this document does not form part of the constitution)**

### *Introduction*

As a high profile local authority, Camden Council has hosted a number of visits by government ministers, shadow ministers, opposition spokespeople, and high profile regional politicians such as the Mayor of London. Visits have been to a wide variety of council facilities and services, including schools, daycare centres, swimming pools and recycling facilities.

Camden is selected for visits by politicians and civil servants for a variety of reasons. These include launching new policy initiatives, checking progress made in implementing current policies, reviewing problems areas or raising public awareness of an issue.

This guidance explains why such high-profile visits are important and what you should do if a government department or political party approaches you.

### *The value of ministerial and political visits*

An official visit from a government minister, shadow minister, opposition spokesperson or other high profile politicians can provide a valuable boost to our efforts to raise our profile within central government and parliament on specific issues and influence policy outcomes.

In the past, visits have proven to be highly successful and have generated new opportunities to access the national and regional executives and influence the policy-making process. Our work has left a lasting impression on politicians and civil servants, and future policy developments have been guided by the concerns we have expressed and issues we have raised with them. Whilst gratifying in itself, this has also proved beneficial for the borough.

Visits can also generate new opportunities to secure additional funding and resources. In addition to the extra resources this can often bring, the prestige can make the council a centre of best practice for other local authorities, thus enhancing our national reputation.

Visits can also provide an excellent opportunity to publicise the work of your department or team to local residents, wider stakeholders and opinion formers through the local, regional and national media.

However, organising visits is time consuming. So as we move towards a tighter financial climate, both in terms of the resources we have to deliver a visit and any potential grant or other incentives on offer, we need to satisfy ourselves about the benefits of doing it.

### *The role of the communications team*

The Head of Communications is responsible for communicating with central government departments and political parties ensuring that the council's position on various issues is clearly expressed to them, with the hope of influencing policy outcomes.

The responsibility for liaising with government departments, and monitoring our contact with these departments, rests with the Head of Communications.

### *Ministerial and political visits*

Every year, many departments within the council receive direct requests from a government department or political party that wishes to organise a visit. Where these have gone ahead, the vast majority have proven to be a great success. With careful and coordinated planning, and liaison with the Head of Communications, the benefits this opportunity offers can be maximised.

If you are contacted with a request for a ministerial or political visit, please contact the Head of Communications for advice on how to proceed. You should also inform your director and assistant director. If the visit goes ahead you should inform the Chief Executive's office.

You do not have to accept a request, particularly if it comes in at the last moment and there may be a risk we cannot organise it well with the right people attending and properly briefed.

You should only approach a government department yourself about a visit in exceptional circumstances and after discussion with your chief officer and the Head of Communications.

### **Ministerial visits during elections**

In the run-up to elections it is more important than ever that the council takes a balanced approach to its dealings with government ministers and the main political parties.

Purdah is the period during which, by law, the council is prohibited from publishing anything which appears to affect public support for a political party in the lead up to an election. This means there can be no publicity about the candidates or politicians directly involved in the elections at this time.

Purdah begins six weeks before the election day and applies to local, regional, national and European elections, including by-elections.

It is therefore important we do not accept requests for ministerial or political visits during this period if approached by a government department or politician, including a local MP or prospective parliamentary candidate [PPC].

Any ministerial or political visits should take place before purdah begins or are pushed back until after the election. Visits requested outside of the six-week purdah period but in the period when an election is presumed or likely to take place must be

treated with extreme caution too. These must be tightly organised and should only be agreed to after discussion with your Executive Director and the Head of Communications. You should also ensure the Chief Executive's office is made aware of visits.

Outside of the formal period of purdah, while ministerial and political visits should go ahead, the council takes decisions on a case by case basis as to whether to promote visits to the media and allow journalists to attend.

# **(i) PETITION SCHEME**

## F. PETITION SCHEME

### 1. Introduction

1.1. Camden Council has agreed a Petition Scheme ('the Scheme') setting out how petitions received by the Council should be treated. The Council considers a petition to be any communication, which:

- is signed by 10 or more people who live, work or study in the borough of Camden; and
- asks the Council to either take action on a matter or to not to enact an action already agreed.

The Council has an e-Petitions facility on its website that people can use to submit petitions.

Petitions related to parking policies, Controlled Parking Zones and single parking issues will be addressed as per section 8.

### 2. What should your petition contain?

2.1. Every petition should contain the following elements in order to be valid:

a) **A clear statement of the issue and what action you would like the Council to take or action not to enact**

2.2. The subject matter of any petition must relate to something which is:

- the responsibility of the Council, or
- relates to an improvement in the economic, social or environmental wellbeing of Camden to which any of the Council's partner organisations could contribute.

2.3. If your petition relates to a forthcoming decision or matter to be considered by the Council, then please identify this as part of the statement.

b) **Contact details for a Petition Organiser**

2.4. A name and contact details, preferably including address, telephone number and email address of a Petition Organiser or Organisers, who officers can contact to discuss the petition.

c) **The names and signatures of at least 10 persons, together with the address at which they live, work or study in Camden**

- 2.5. Electronic signatures will be accepted in respect of an e-Petition. Part-addresses are acceptable as long as it is clear the person lives, works or studies in the borough e.g. a street name or postcode.
- 2.6. These details will be maintained in line with data protection rules and any petitioners should be aware of the Council's Privacy Notice, available on the Council's website.

### **3. What types of petition are not accepted under this Scheme?**

3.1. Petitions will not be accepted under this Scheme where they:

- a) Are not signed by at least 10 people who live, work or study in Camden.
- b) Do not relate to something that is the responsibility of the Council, or to an improvement in the economic, social or environmental wellbeing of the Camden area to which another local public authority could contribute.

Where a petition falls within the responsibility of another public authority, we will ask the petition organiser whether s/he would like us to redirect the petition to that other authority.

- c) Relate to a planning decision, including about a development plan document or the Community Infrastructure Levy.

Petitions related to a general failure of the planning system rather than individual decisions will be acceptable.

- d) Relate to an alcohol, gambling or sex establishment licensing decision.

Petitions related to a general failure of the licensing system rather than individual decisions will be acceptable.

- e) Relate to any matter regarding an individual or an organisation where that individual or organisation has a statutory right of a review or appeal.

- f) Concern alleged councillor misconduct, which will be considered under the Council's 'Dealing with misconduct complaints against Members' process.

- g) Concern alleged incompetence or misconduct by an officer, which will be addressed under the Council's corporate complaints process.

- h) Would be considered a statutory petition. The law requires the Council to consider certain types of petition, for example, a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, you should submit it as required in the legislation and we will report, consider and respond to it in accordance with the statutory requirements.

- i) Relate to substantially the same matter as a petition received in the previous 12 months, other than in exceptional cases.
- j) Are otherwise inappropriate through due to:
  - being vexatious or frivolous such as by seeking only to create disproportionate and/or unjustified disruption to the work of the Council or being unjustified or repetitious;
  - having abusive, provocative, discriminatory or otherwise offensive language or intent;
  - aiming to cause distress to any individual;
  - being defamatory; or
  - containing false statements.

3.2. The Monitoring Officer will decide if a petition falls into one of the above categories and the decision is final.

#### **4. What is the role of the Petition Organiser?**

4.1. The Petition Organiser(s) will generally be responsible for:

- Communicating with the Council regarding the petition and arrangements thereto;
- Speaking at any agreed meeting about the petition, or nominating others to do so, including answering questions.
- Receiving any response in respect of the petition.  
Notifying Committee Services of their intention to appeal to a scrutiny committee against the decision of the Council relating to the petition in accordance with paragraph 7 below.

#### **5. Who should I send my petition to?**

5.1. Petitions responding to consultations by the Council should be returned to the address identified in that consultation.

5.2. All petitions covered under this Scheme should be sent to:

Vicky Wemyss-Cooke  
Committee Services Manager  
Town Hall  
Judd Street  
London WC1H 9JE  
020 7974 5726  
[vicky.wemyss-cooke@camden.gov.uk](mailto:vicky.wemyss-cooke@camden.gov.uk)

5.3. An acknowledgement of the petition will be sent to the Petition Organiser within 10 working days of it being received and will explain how the petition will be

dealt with. If it has been deemed invalid or exempt then the reasons why will be explained as part of this response.

- 5.4. For any queries on submitting a petition or the processes within this Scheme please use the contact details above.

## **6. What will happen to my petition?**

- 6.1. When the Council receives a valid petition it will take the following steps:

### **1) Determine if it is valid and not exempt**

- 6.2. Officers will firstly consider if the petition meets all of the requirements set out in Section 2 to be valid and is not exempt as per Section 3. The Council's Monitoring Officer will be ultimately responsible for making this decision and this may involve validating some of the signatures on the petition through whatever means the Monitoring Officer deems necessary and proportionate.

### **2) Set out to the Petition Organiser what options are available in response**

- 6.3. Officers will then set out the options available to the Petition Organiser, which will vary depending on the number of signatures on the petition:

#### **a) Petitions with more than 10 signatures**

- 6.4. Where a petition has more than 10 signatures, officers will ask the Petition Organiser if they want the petition to be presented to the next available ordinary meeting<sup>1</sup> of the Council or relevant committee, where the deputations/petitions deadline for that meeting has not yet passed, subject to the agreement of the Mayor/Chair of the committee.
- 6.5. If the petition relates to a forthcoming Cabinet decision, the Petition Organiser will also be offered the opportunity to present the petition to Cabinet or Cabinet Member meeting, subject to the agreement of the Leader of the Council or Cabinet Member.
- 6.6. The petition will then be considered in line with the relevant procedure rules and standing orders as set out in Part 4 of the Constitution.
- 6.7. Steps that the Council body hearing the petition can take in response include:
- making a decision to take the action or stopping the action requested in your petition, if they have the power to do so;
  - establishing an inquiry;
  - requiring further consultation, which may include a public meeting;

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<sup>1</sup> To be defined as the next ordinary meeting of the Council/committee i.e. not the statutory annual Council meeting or an extraordinary meeting of the Council or relevant committee.

- arranging a meeting between the Petition Organiser and officers and/or councillors;
  - seeking a further report from officers.
- 6.8. If the petitioner is not permitted to present the petition to a formal Council body, or does not wish to do so then they will receive a written response from a relevant Chief Officer setting out what, if anything, they propose to do in response. Such a response will be sent within 10 working days of it being agreed that a Chief Officer response will be provided.
- 6.9. Steps a Chief Officer responding in writing may also take include:
- making decision to take the action or stopping the action requested in your petition, if they have the power to do so;
  - establishing an inquiry;
  - requiring further consultation, which may include a public meeting;
  - arranging a meeting between the Petition Organiser and officers and/or councillors;
  - referring the matter to a relevant Council body;
  - outlining that more time is needed to consider the matter and a further response will be provided.
- 6.10. The response will set out the reasons for the decision.
- b) Petitions with more than 2000 signatures related to boroughwide issues or 500 signatures on a matter related to one or two electoral wards**
- 6.11. A petition with more than 2000 signatures on a boroughwide issue, or 500 signatures on a matter affecting one or two electoral wards, will be eligible to be debated at the relevant scrutiny committee meeting. Where a petition is in relation to no more than 2 electoral wards, the signatures for that petition must come from those wards.
- 6.12. The petition will be considered at the next available meeting<sup>2</sup> of the relevant scrutiny committee. This will generally be the next meeting for which the agenda has not already been despatched, though the Monitoring Officer will decide what is appropriate in the circumstances.
- 6.13. The petition will be presented to the Committee as follows:
- a) The Petition Organiser(s) introduces the petition for up to 5 minutes;
  - b) A relevant Chief Officer responds to the petition. They may invite other officers and/or Cabinet Members to participate in this response.

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<sup>2</sup> This will not include extraordinary meetings of the relevant scrutiny committee.

- c) The Committee can then pose questions to all parties and debate the matter. At the conclusion of the discussion, the Committee will make a decision on what should be done in response, including that:
- No further action is necessary;
  - A further report should come back to the Committee;
  - The matter should be referred to the relevant decision-making body or officer of the Council with a recommendation on what to do.

6.14. The Petition Organiser will be formally notified of the outcome of consideration of the petition, normally within 5 working days of such decision.

**c) Petitions with more than 4000 signatures related to boroughwide issues**

6.15. A petition with more than 4000 signatures will be eligible to be debated at full Council. The petition will generally be presented to the next available Council meeting. This will be defined as being the next ordinary Council meeting<sup>3</sup> where there are at least 10 working days between submission of the petition and Council meeting. The Monitoring Officer will have discretion to decide which meeting of the Council the petition will be presented to having considered the circumstances.

6.16. The petition will be presented to the Council to debate as follows:

- a) The Petition Organiser(s) introduces the petition for up to 3 minutes;
- b) Councillors can ask questions of the Petition Organiser(s) for up to 3 minutes;
- c) The Council will then debate the subject matter of the petition for up to 12 minutes;
- d) After the petition has been debated the appropriate Cabinet Member or Committee Chair may respond in a speech of no longer than 3 minutes and will put to the meeting a suggested course of action.
- e) At the end of the debate the Council will decide what action should be taken, including:
  - Referring the matter to be considered by the relevant decision-making body (e.g. the Cabinet) or relevant Chief Officer with its recommendation for action;
  - Referring the matter to the relevant scrutiny committee for further consideration within its powers;
  - Referring the matter to a relevant partner organisation;

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<sup>3</sup> To be defined as the next ordinary meeting of the Council i.e. not the statutory annual Council meeting or an extraordinary meeting.

- Where the matter is one which is not an executive function, call for a report from the relevant Director to be brought to a future meeting of the Council;
- Deciding to take no further action

## **7. How do I appeal if I am not satisfied?**

- 7.1. If the Petition Organiser is not satisfied with the outcome of the consideration of the petition, s/he may appeal to a scrutiny committee (or, if the complaint relates to the actions of a scrutiny committee, to another scrutiny committee) by notifying the Committee Services Manager of their appeal within 20 working days of the petition having been considered by a Council body or a response having been received.
- 7.2. Within 5 working days of receipt of intention to appeal, the Monitoring Officer will determine if the grounds to appeal are reasonable. Where the appeal relates to a decision or response by the Monitoring Officer, the Executive Director Corporate Services will determine the appeal. Reasonable grounds will include, but are not limited to:
- The Chief Officer response or body did not provide sufficient reasoning for their decision;
  - The decision/response suggests the Chief Officer or body misunderstood or did not consider the petition in full;
  - The decision was disproportionate to the issue raised by the petition;
  - An unjustified procedural irregularity in the way the petition was considered.
- 7.3. Matters which are not reasonable grounds for appeals include, but are not limited to:
- The Petition Organiser is unhappy with the decision / response, for which clear, justifiable reasons have been given;
  - A course of action has been agreed but not implemented, unless the decision was to implement it immediately;
  - The Petition Organiser wishes to introduce new or different information.
- 7.4. If the appeal is accepted, the Committee Services Manager will, in consultation with the Monitoring Officer, determine the relevant scrutiny committee to hear the appeal and will notify the Petition Organiser accordingly. The appeal will be considered in line with the rules of hearing deputations and petitions at scrutiny committees set out in Part 4 of the Constitution.
- 7.5. The scrutiny committee may not override the decision made by the officer or body that has made the original decision, but may either:
- make recommendations, which must be considered by that officer or body; or
  - confirm that they agree with the original decision-maker.

7.6. There will be no further right of appeal.

## **8. Petitions to challenge parking policies**

8.1. Camden Council regularly reviews and agrees its parking policies and undertakes consultation on various parking schemes as part of this process. However, residents can also submit petitions regarding relevant parking policies between such reviews, which call for changes to policies in response to changes to local circumstances.

### **i) Validity**

8.2. Parking related petitions should relate to either:

- a) Boroughwide parking strategies and policies such as levels of fees and charges for parking permit schemes, parking bay policies and enforcement practices in general; or
- b) A single issue or specific Controlled Parking Zone (CPZ). Single and CPZ issues could include, for example, alteration to yellow lines on a single street, CPZ operational hours or CPZ boundaries.

8.3. In order to be valid a petition must have all of the same elements of any petition as set out in section 2:

- a) A clear statement of the issue and what action you would like the Council to take or action not to enact;
- b) Contact details for a Petition Organiser;
- c) The names and signatures of at least 10 persons, together with the address at which they live, work or study in Camden.

8.4. In addition, parking petitions should set out the parking policy and the area of concern. For example, a petition should cite the specific traffic regulation the petition relates to along with what aspects of those traffic regulation orders they want to be reviewed.

8.5. The Monitoring Officer will determine if a parking petition is valid and the decision is final.

### **ii) Exemptions**

8.6. Valid parking petitions will be rejected if they fall into one of the categories set out in Section 3 and additionally for parking petitions where:

- A review of the relevant parking policy has been undertaken in the past 2 years, unless a significant material change has occurred, such as a change in the parking controls of a neighbouring borough or a development of significant size and scale;

- A review of the relevant parking policy is underway or due to begin within the next six months;
- The resolution being sought by the petition would significantly compromise the Council's wider strategic objectives;
- The petition calls for a review of many traffic regulation orders over too wide an area.

8.7. The Monitoring Officer will determine if the petition is exempt and the decision is final.

### iii) Thresholds

8.8. Parking petitions are also subject to different thresholds as follows:

#### a) Petitions with 10 or more signatures

8.9. Petitions with 10 or more signatures which do not meet the higher thresholds for parking petitions will be dealt with as per normal petitions as set out in the earlier part of this Scheme.

**b) Petitions on a single parking issue signed by at least 10% of the adult<sup>4</sup> population based on the census Output Areas (OAs) in which the street is located.<sup>5</sup>**

**c) Petitions related to a CPZ signed by at least 5% percent of the adult<sup>4</sup> population within the relevant CPZ.**

**d) Petitions on boroughwide parking issues with at least 4000 signatures.**

8.10. Illustrative examples of single issues and CPZs are set out in Appendix A, including a table setting out how many signatures 5% equates to for CPZs.

8.11. Where a petition meets one of these thresholds, the Council will undertake a review of the matter. Officers will inform the Petition Organiser(s) of:

- The form of the review;
- What, if any, consultation will be undertaken as part of the review;
- The timescales for the review to be conducted.

8.12. The review may result in a report with recommendations for action. Any decision on such recommendations will be made by councillors and the appropriate route for such a decision will be determined according to the nature of the petition, the current delegation scheme and with regard to the statutory guidance. The Petition Organiser(s) will be made aware of any such recommendations and decision-making and may, where able, submit a deputation request in line with the process for doing so.

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<sup>4</sup> 18 years or older

<sup>5</sup> An OA is the smallest geographical area for which census figures are available.

- 8.13. If following the review, officers conclude no action is needed then the petition and review will be reported to the next available meeting<sup>6</sup> of the relevant scrutiny committee. The Petition Organiser(s) will be informed of which meeting the petition and review will be consider at and may submit a deputation request in line with the process for doing so.
- 8.14. There will be no right of appeal in respect of parking petitions that have been subject of a review and reported to councillors.

## **Appendix A: Single issues and Output Areas and Controlled Parking Zone guidance**

### **Single issues and Output Area examples:**

A resident in Shirlock Road wishes to petition the Council to change a motorcycle bay in their street into a resident parking bay. Shirlock Road falls within a single Output Area (OA) with an adult population of 197 (2011 census data). In order for the petition to be considered, a minimum 10% threshold in favour of the change should be achieved from residents within the relevant OA which equates to 19 signatures.

A resident in Downshire Hill wishes to petition the Council to replace all the paid for parking bays in their street with residents' parking. Downshire Hill falls within a multiple OA, with a combined adult population of 900. In order for the petition to be considered, a minimum 10% threshold in favour of the change should be achieved from residents within the relevant OAs, which equates to 90 signatures.

A resident in North End wishes to change the use of a single yellow line to a double yellow line as they and other residents are experiencing high levels of parking outside of controlled hours. North End falls within an OA with an adult population of 120. In order for the petition to be considered, a minimum 10% threshold in favour of the change should be achieved from residents within the relevant OA, which equates to 12 signatures.

### **Controlled Parking Zone thresholds**

The table below provides the approximate adult population in each of the Council's CPZs. The 5% minimum threshold figure is provided for guidance purposes.

<b>Controlled Parking Zone</b>	<b>No of adults<sup>7</sup></b>	<b>5% threshold</b>
CA-B (Belsize)	24,700	1,235
CA-C (Holborn and Covent Garden)	5,700	285
CA-D (King's Cross area)	24,000	1,200
CA-E (Bloomsbury and Fitzrovia)	5,900	295
CA-F (Camden Town)	14,600	730
CA-G (Somers Town)	22,100	1,105
CA-H (Hampstead)	10,300	515

<sup>6</sup> Defined as the next meeting where there is time to prepare and publish a report in line with all the relevant constitutional and legal requirements.

<sup>7</sup> 2019 figures based on latest available data, and rounded to nearest 100/10 as appropriate

CA-J (Primrose Hill)	7,800	390
CA-K (Kilburn Priory)	9,500	475
CA-L (West Kentish Town)	11,600	580
CA-M (East Kentish Town)	13,500	675
CA-N (Camden Square)	6,400	320
CA-P (Fortune Green)	11,800	590
CA-Q (Kilburn)	12,400	620
CA-R (Swiss Cottage)	9,600	480
CA-S (Redington and Frognal)	3,600	180
CA-U (Highgate)	9,100	455
CA-V (North End)	220	11
CA-X (Elm Village)	1,500	75

## **G. PENSION BOARD**

The terms of reference of the Pension Board of the LB Camden (the 'Administering Authority') a Scheme Manager as defined under Section 4 of the Public Services Pensions Act 2013 is set out below. The Pension Board is established in accordance with Section 5 of that Act and under Regulation 106 of the Local Government Pension Scheme Regulation 2013 (as amended).

The Board operates independently of the Pension Committee (which administers all matters concerning the Council's pension investments in accordance with any applicable law and policy on behalf of the Scheme Manager). Relevant information about the Board's creation and operation is contained within these terms of reference.

The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committee or to sub-committee or officers under the Constitution, standing orders or scheme of delegation of the Administering Authority apply to the Pension Board unless expressly included within these terms of reference.

### **1. Role of the Pension Board**

The Pension Board as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013, will be responsible for:

- Assisting the LB Camden Administering Authority as Scheme Manager to:
  - secure compliance with the LGPS regulations and any other legislation relating to the governance and administration of the LGPS
  - secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator
  - carry out such other matters as the LGPS regulations may specify
- Securing the effective and efficient governance and administration of the LGPS for the LB Camden Pension Fund

The role is one of providing oversight of assurance in and governance of the scheme administration and not decision making

The Pension Board will ensure that the LB Camden Pension Fund is managed and administered effectively and efficiently and complies with any code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

The Pension Board shall have the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

## 2. Core functions

The core role of the Pension Board is set out as above.

1. The first core function of the Board is to assist<sup>1</sup> the Administering Authority in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme. Within the extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:
  - a) Review regular compliance monitoring reports which shall include reports to and decisions made under the Regulations by the Committee.
  - b) Assist with the development of and continually review such documentation as is required by the Regulations including Governance Compliance Statement, Funding Strategy Statement and Statement of Investment Principles.
  - c) Review the implementation of revised policies and procedures following changes to the Scheme.
  - d) Review the arrangements for the training of Board members and those elected members and officers with delegated responsibilities for the management and administration of the Scheme.
  - e) Review the outcome of external audit reports.
  - f) Review draft accounts and Fund annual report.
2. The second core function of the Board is to ensure the effective and efficient governance and administration of the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:
  - a) Review the effectiveness of processes for the appointment of advisors and suppliers to the Administering Authority.
  - b) Monitor investment costs including custodian and transaction costs.
  - c) Review the risk register as it relates to the scheme manager function of the authority.
  - d) Review the outcome of actuarial reporting and valuations.
  - e) Monitor in the development of asset voting and engagement processes and compliance with the UK Stewardship Code.
3. In support of its core functions the Board may make a request for information to the Pension Committee with regard to any aspect of the Administering Authority's function. Any such request should be reasonably complied with in both scope and timing.
4. In support of its core functions the Board may make recommendations to the Pension Committee which should be considered and a response made to the Board on the outcome within a reasonable period of time.

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<sup>1</sup> Please see paragraph 3.28 of the Guidance for more information on what assisting the Administering Authority means.

### **3. Adoption of Terms of Reference**

The Pension Board shall adopt these terms of reference at its first convened meeting.

### **4. Membership and Appointment of members of the Pension Board**

The process for selecting members of the Pension Board is set out below.

The Pension Board shall consist of 4 voting members and be constituted as follows:

- i) 2 employer representatives (1 Councillor and one representing admitted bodies);
- ii) 2 scheme member representatives (one union representative and 1 scheme members - one active or one deferred/retired).  
(The appointment process is set out in the section on Appointment Process below).

There shall be an equal number of Scheme member and employer representatives who together form the Board's membership.

Any person to be appointed an employer or member representative must demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

Any person who is applying for or appointed as a member of the Pension Board must provide the Scheme Manager with such information as and when the Scheme Manager requires, to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest.

No officer or councillor who is responsible for the discharge of any function under the LGPS (Amendment) (Governance) Regulations 2015 (apart from any function relating to local pension boards or the Local Government Pensions Scheme Advisory Board) may be a member of the Pension board.

The first Pension Board will serve a 3 year term renewable annually at statutory Council. Subsequently, each employer representative and scheme member representative so appointed shall serve for a fixed 4 year period to tie in with the local elections renewable annually at statutory Council. Re-appointment of existing members is permitted and extensions to terms of office may be made by the Administering Authority.

Each Board member should endeavour to attend all Board meetings during the year. Given the substantial training requirements no substitutes are permitted. In the event of consistent non-attendance by any Board member, then the tenure of that membership will be reviewed by the other Board members in liaison with the Executive Director Corporate Services on behalf of the Scheme Manager.

The Scheme Manager will have due regard to any relevant statutory guidance when appointing members of the Pension Board.

## **5. Appointment Process**

Employer representatives who are councillors will be appointed by full Council.

The Employer representative for Admitted Bodies will be selected through nomination(s) from the admitted bodies and, if more than one nomination, selected after a transparent recruitment and interview process led by the Executive Director Corporate Services.

One Member representative will be nominated by the largest recognised trade union representing employees who are scheme members of the Fund.

One member representative will be selected after expressions of interests are requested from the pool of active and deferred/ retired members of the fund through written or electronic communication as applicable and then selected following a transparent recruitment and interview process led by the Executive Director Corporate Services.

## **6. Termination of appointment**

Appointments will terminate at the expiry of a member's term of office.

The Scheme Manager may terminate any appointment to the Pension Board which shall include if any of the following situations arise:

- A member representative appointed on the basis of their membership of the scheme no longer being a scheme member in the Fund<sup>2</sup>.
- A member representative no longer being a representative of the body on which their appointment relied.
- An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied.
- A Board member no longer being able to demonstrate their capacity to attend and prepare for meetings or to participate in required training.
- The representative being withdrawn by the nominating body and a replacement identified.
- A Board member has a conflict of interest which cannot be managed in accordance with the Pension Board's conflict policy.
- A Board member who is an elected member becomes a member of the Committee.
- A Board member who is an officer of the Administering Authority becomes responsible for the discharge of any function of the Administering Authority under the Regulations.
- A Board member fails to attend meetings or otherwise comply with the requirements of being a Board member, for example fails to attend the necessary knowledge and understanding training. Where issues of this nature arise, the chair of the Pension Board should have lead responsibility for an initial informal discussion with the member about the concerns. The Chair of the Pension Board will be advised by the Executive Director Corporate

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<sup>2</sup> This includes active, deferred and pensioner members.

Services, and in the case of an issue arising concerning the Chair then the Executive Director Corporate Services will be responsible for ensuring a resolution.

If any member of the Pension Board wishes to resign, they should give three months' notice to the Scheme Manager.

## **7. Undertaking**

Board members will be required to sign a written undertaking that they understand the requirements of the role and commit to those requirements. This will include without limitation:

- disclosing all dual interests and responsibilities which have the potential to become conflicts of interest and providing the Scheme Manager with such information as and when the Scheme Manager requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest
- committing to attend meetings as required;
- committing to undertake and attend the necessary knowledge and understanding training;
- undertaking to abide by the Board's terms of reference and wider constitutional documents.
- complying with the Council's code of conduct
- complying with the Council's obligations and policies on data protection, information security and acceptable use.
- agreeing that they have read and understood a knowledge and policy document including a list of the core documents recording policy about the administration of the fund as set out by the Executive Director Corporate Services on behalf of the Scheme Manager.

## **8. Appointment and duties of Chair**

The Chair of the Pension Board will be appointed by the employer and employee members of the Board and will be drawn from amongst the membership of the board. If voting by members of the board is inconclusive the Executive Director Corporate Services will nominate the Chair after considering the voting by the Pension Board. A chair will be appointed at the first meeting of the Pension Board.

The term of office for the Chair will be for three years for the first term of the Board and for four years thereafter, renewable annually at statutory Council. If elected mid-term, the term of office will be until the end of the relevant three or four year term of the Board, renewable annually at statutory Council. If the Chair wishes to resign, they should give three months' notice to the Scheme Manager.

If the Chair is absent at a meeting and there is a quorum then the attending members must elect a Chair to preside over that meeting.

The Chair of the Pension Board shall:

- (a) ensure the Pension Board delivers its purpose as set out in these terms of reference;
- (b) ensure that meetings are productive and effective;
- (c) ensure that all members of the Pension Board show due respect for process and that opportunity is provided for the views of all members to be expressed;
- (d) Shall seek to reach consensus and ensure that decisions are properly put to vote when it cannot be reached. Instances of a failure to reach a consensus position will be recorded and put to vote; and
- (e) agree an agenda prior to each Pension Board meeting.

## **9. Quorum**

The Board shall have a formal quorum of 2 members (one drawn from the employer representatives and one from the member representatives).

Should at any time there not be the required quorum of members present the meeting shall stand adjourned for fifteen minutes. During this time a quorum will be sought. If after fifteen minutes (or should the Proper Officer believe that a quorum may be possible within the time up to a maximum of thirty minutes) a quorum is still not present the meeting shall stand adjourned and the remaining business carried forward to the next meeting of the body.

## **10. Advisers to the Board**

The Board may be primarily supported in its role and responsibilities by officers of the LB Camden. The following advisers could support the Board, subject to their use and any fees being agreed by the Executive Director Corporate Services on behalf of the Scheme Manager in advance:

- The Fund's Actuary;
- The Fund's Administrator;
- The Fund's Investment Adviser(s);
- The Scheme Manager;
- Other advisers, so approved by the Scheme Manager.

The Board shall ensure that the performance of the advisers so appointed is reviewed on a regular basis.

## **11. Knowledge, Understanding and Training**

A member of the Pension Board must be conversant with:

1. The legislation and associated guidance of the Local Government Pension Scheme (LGPS).
2. Any document recording policy about the administration of the LGPS which is for the time being adopted by the LB Camden Pension Fund.

A member of the Pension Board must have knowledge and understanding of:-

- The law relating to pensions, and

- Any other matters which are prescribed in regulations and/or guidance.

Knowledge and understanding must be considered in light of the role of the Board to assist the Administering Authority in line with the requirements of their role. The Board shall establish and maintain a Knowledge and Understanding Policy and Framework to address the knowledge and understanding requirements that apply to Board members under the Act. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.

Pension Board members shall:

- (i) undertake a personal training needs analysis and regularly review their skills, competencies and knowledge to identify gaps or weaknesses.
- (ii) complete any e-learning programme available from the Pensions Regulator.
- (iii) maintain a written record of relevant training and development and commit sufficient time to learning and development alongside their other duties in order to meet and maintain the requirements set out in the Boards knowledge and understanding policy and framework.
- (iv) keep their knowledge up to date to enable them to properly exercise their functions as a member of the Pension Board.

The Pension Board will designate a person to take responsibility for ensuring that the training policy is adequately implemented.

The Pension Board should prepare and keep updated a list of the core documents recording policy about the administration of the Fund and make sure that the list and documents (as well as the rules of the LGPS) are accessible to its members (see publication of Pension Board information below).

## **12. Pension Board Meetings – Notice and Minutes**

The Board was established on 2<sup>nd</sup> March 2015.

There will be 2 Pension Board meetings per year to be held at the Council offices. In order to ensure that all business is considered within a reasonable time, the Chair of the Pension board shall draw attention to the time three hours after the commencement of the meeting, and unless the members of the Pension board agree to a maximum of a further 30 minutes for discussion, will call an end to debate on the item then under consideration, and move to a decision upon it.

The Chair of the Board with the consent of the Board membership may cancel scheduled meetings or call additional meetings.

The Pension Board shall not meet during the sitting of Council, except by special authority of the Council.

The Scheme Manager shall give notice to all Pension Board members of every meeting of the Pension Board. The Scheme Manager shall ensure that a formal record of Pension Board proceedings is maintained.

The Pension Board shall approve the minutes of the previous meeting, which shall then be signed by the Chair.

No business shall be transacted at a meeting of the Pension board other than that specified in the agenda, except matters of urgency brought forward by leave of the Chair.

### 13. Standards of Conduct

The role of Pension Board members requires the highest standards of conduct and therefore the “seven principles of public life<sup>3</sup>” will be applied to all Pension Board members and embodied in their code of conduct. These are:

- **Selflessness** - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- **Integrity** - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- **Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability** - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness** - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.
- **Honesty** - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership** - Holders of public office should promote and support these principles by leadership and example.

As members of a publicly-funded body involved in the discharge of public business, all members of a Pension Board should comply with these principles in the exercise of their functions. They require the highest standards of conduct. The Board and its individual members should at all times act in a reasonable manner in the conduct of its responsibilities.

Members of the Pension Board will also be expected to adhere to the Council's Code of Conduct which will be issued to them upon appointment.

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<sup>3</sup> Standards Matter: a review of best practice in promoting good behaviour in public life”, Committee on Standards in Public Life, January 2013

## **14. Conflicts of Interest**

The Public Services Pensions Act 2013 requires that members of the Pension board do not have conflicts of interest. As such all members of the Pension board will be required to declare any interests and any potential conflicts of interest in line with legal requirements in the Public Service Pensions Act 2013, the Pensions Regulator's code and any policy set out by the Scheme Manager. These declarations are required as part of the appointment process, as well as at regular intervals throughout a member's tenure.

A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the Scheme

An appointed member of a Pension Board is under a duty to provide the Administering Authority with such information as the Administering Authority reasonably requires to satisfy itself that such person has no conflicts of interest.

On appointment to the Board and following any subsequent declaration of potential conflict by a Board member, the Administering Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Board's conflicts policy and the requirements of the Code.

Conflicts of interest will be included as an open agenda item at Pension Board meetings and revisited during the meeting where necessary.

Members of the Pension Board should review conflicts of interest annually and maintain a register of interests.

Conflicts of Interest shall be treated akin to, and have the same effect as, disclosable pecuniary interests under the Members' Code of Conduct.

Members of the Pension Board will also be expected to adhere to the Council's Code of Conduct which will be issued to them upon appointment.

## **15. Voting rights**

Each member of the Pension Board will have an individual voting right but it is expected the Pension Board will as far as possible reach a consensus.

Voting shall be by a show of hands.

The Chair of a meeting who is a voting member shall have a second or casting vote which may be exercised if there is an equality of votes. The Chair may exercise his/her casting vote even if they abstained or did not take part in the first vote.

## **16. Publication of Pension Board information**

Scheme members and other interested parties will want to know that the LB Camden Pension Fund is being efficiently and effectively managed. They will also want to be confident that the Pension Board is properly constituted, trained and competent in order to comply with scheme regulations, the governance and administration of the scheme and requirements of the Pension Regulator.

Up to date information will be posted on the LB Camden Pension Fund website showing:

- The names and information including contact details of the Pension Board members;
- The representation of employers and members on the Board;
- The responsibilities of the Pension Board as a whole;
- The full terms of reference and policies of the Pension Board;
- Any specific roles and responsibilities of individual Pension Board members;
- An annual report on the work of the Board.

All or some of this information may also be published as part of the Pension Fund's Annual Report and/or as part of the Governance Compliance Statement.

Pension Board papers, agendas and minutes of meetings will be published on the LB Camden Pension Fund website. These may, at the discretion of the Scheme Manager, be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A (2) of that Act and/or they represent data covered by the Data Protection Act 1998.

All agenda, reports and other documents and proceedings of the Pension Board shall be treated as confidential unless and until they have been published on the LB Camden Pension Fund website or made public in the ordinary course of the Council's business.

The Scheme Manager will also consider requests for additional information to be published or made available to individual scheme members to encourage scheme member engagement and promote a culture of openness and transparency.

## **17. Expense Reimbursement, remuneration and allowances**

The policy for expenses shall be determined by the Executive Director Corporate Service on behalf of the Scheme Manager. Members of the Board shall comply with this policy.

Expenses of a Pension Board shall be regarded as part of the costs of administration of the Fund.

## **18. Requests for Information and Reporting Requirements**

1. In support of its core functions the Pension Board may make a request for information to the Pension Committee with regard to any aspect of the Administering Authority's function. Any such request should be reasonably complied with in both scope and timing.
2. In support of its core functions the Pension Board may make recommendations to the Pension Committee which should be considered and a response made to the Pension Board on the outcome within a reasonable period of time.
3. The Pension Board should in the first instance report its requests, recommendations or concerns to the Pension Committee. In support of this any member of the Pension Board may attend a Pension Committee meeting as an observer.
4. Requests and recommendations should be reported under the provisions of paragraphs 1 and 2 above.
5. The Pension Board should report any concerns over a decision made by the Pension Committee to the Pension Committee subject to the agreement of at least 50% of voting Board members provided that all voting members are present. If not all voting members are present then the agreement should be of all voting members who are present, where the meeting remains quorate.
6. On receipt of a report the Pension Committee should, within a reasonable period, consider and respond to the Pension Board.
7. Where the Pension Board is not satisfied with the response received it may request that a notice of its concern be placed on the website and in the Pension Fund's annual report.
8. Where the Pension Board is satisfied that there has been a breach of regulation which has been reported to the Pension Committee under paragraph 5 and has not been rectified within a reasonable period of time it is under an obligation to escalate the breach. The appropriate internal route for escalation is to the Section 151 Officer.
9. The Pension Board may report concerns to the LGPS Scheme Advisory Board for consideration subsequent to, but not instead of, using the appropriate internal route for escalation.
10. Pension Board members are also subject to the requirements to report breaches of law under the Act and the Code.

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# Scheme for the Payment of Members' Allowances

1 APRIL 2020 TO 31 MARCH 2021

Local Authorities are legally<sup>1</sup> required to make a scheme for the payment of allowances to councillors. They are also required to set up an independent remuneration panel to review their members' allowances schemes<sup>2</sup> and before making, amending or reworking its allowances scheme, are required to have regard to the recommendations of an independent remuneration panel<sup>3</sup>. Camden uses the Independent Remuneration Panel for London ('the Panel'). The Panel last issued a report in January 2018 and is required to do so a minimum of every 4 years.

The Members' Allowances Scheme for 2020-21 was approved by full Council on 2 March 2020.

Where the Scheme is amended during the period to which it relates, any increases in allowances agreed shall have effect from the beginning of the financial year.

## 1. BASIC ALLOWANCE

- 1.1. Each Member of the Council will be entitled to receive a Basic Allowance of £10,505, which is intended to cover the cost of intra-borough travel and subsistence.

## 2. SPECIAL RESPONSIBILITY ALLOWANCES

- 2.1. Members holding the following posts will be entitled to receive the amounts listed in addition to their Basic Allowance:

Band	Post	Amount
1	Leader of the Council	£40,800
2	Cabinet Members (x 9)	£25,500
3	Leader of the opposition	£16,600
	Mayor	£16,600
4	Chief Whip of the administration group	£11,065
	Chair of Planning Committee	£11,065
5	Chairs of Scrutiny Committees (x 5)	£9,180
	Chair of Pension Committee	£9,180
	Chair of Licensing Committee	£9,180
	Chair of Audit and Corporate Governance Committee	£9,180
	Member of the Adoption, Fostering and Permanence Panel	£9,180
6	Leader of the second opposition group	£5,610
	Deputy Leader of the largest opposition group	£5,610
	Whip of the largest opposition group	£5,610
	Deputy Whip of the administration group	£5,610
	Deputy Mayor	£4,080
7	Cabinet Advisors (x4)	£2,040

<sup>1</sup> Local Government and Housing Act 1989; Local Authorities (Members' Allowances) Regulations 1991; Local Authorities (Members' Allowances) (Amendment) Regulations 1995, Local Authorities (Members' Allowances) (England) Regulations 2001

<sup>2</sup> Local Government Act 2000

<sup>3</sup> By virtue of Regulation 3 of the Local Authorities (Members' Allowances) (England) Regulations 2001

2.2. No Member may receive more than one Special Responsibility Allowance.

### 3. WITHHOLDING ALLOWANCES

3.1 If a Member of the Council does not serve as an elected member for the whole of the 12 month period, becomes disqualified or if they cease to perform the duties for which the allowance is payable in respect of Special Responsibility Allowances, they will only be entitled to pro-rata payments for the period(s) during which they undertake the duties.

### 4. TRAVELLING, SUBSISTENCE, MOTOR MILEAGE AND CYCLE ALLOWANCES

4.1. Travelling, subsistence, motor mileage and cycling allowances will be paid at the rates set out below, subject to the clauses in each sub-section. The following clauses apply to all of these allowances:

- i) The rate payable is the rate in force on the day on which the qualifying duty is undertaken;
- ii) Payments will only be made for approved meetings outside of the borough, bar the cycle allowance. Intra-borough travel and subsistence is incorporated into the basic allowance;
- iii) The amount reimbursed will be the actual amount spent, subject to any cap as set out below; and
- iv) Receipts must be produced in respect of all claims.

#### a) Travelling Allowance

4.2. Payments in respect of the travelling allowance are capped as follows:

<b>Type of transport</b>	<b>Method of capping</b>
Public transport	The amount of the standard fare or any available cheap fare.
Taxis	In cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid.
	In any other cases, the amount of the fare for travel by appropriate public transport.
Hired motor vehicles other than a taxi	The applicable motor mileage allowance rate.
Air	Where it is agreed that the saving in time is so substantial as to justify the payment of the fare for travel by air, or the cost of the airfare is less than other appropriate means of transport, the standard fare or any available cheap fare.
	Where no appropriate alternative means of transport is available or in cases of urgency, the fare paid.
	In all other cases, the rate payable had the journey been undertaken by appropriate alternative means of transport.

**b) Subsistence**

4.3. Subsistence rates are based on the time at which the meal is taken and the number of hours away from the normal place of residence. The current maximum amounts which may be claimed, are as follows:

<b>Meal</b>	<b>Requirement to make claim</b>	<b>Maximum claimable</b>
Breakfast	More than 4 hours away before 11.00	£6.18
Lunch	More than 4 hours away including 12.00 to 14.00	£11.03
Tea	More than 4 hours away including 15.00 to 18.00	£3.40
Evening	More than 4 hours away ending after 19.00	£10.61
Overnight	Normal overnight absence	£91.69
	Stays in London or where attending an approved conference.	£104.25

4.4. Where a meal is provided free of charge, the subsistence rate payable for a particular period is reduced accordingly.

4.5. Where there is an entitlement to subsistence, the reasonable cost of a meal taken on a train may be reimbursed in line with the relevant meal allowance.

**c) Motor Mileage Claims: casual users**

4.6. Mileage allowance claims must be submitted with the required information regarding vehicle capacity. Where the relevant information is not supplied; payment will be made at the lowest rate applicable on the day to which the claim relates.

<b>Engine Capacity (cc)</b>	<b>Up to 8500 miles per annum</b>	<b>After 8500 miles per annum</b>
451 to 999cc	44.2 pence per mile	13.7 pence per mile
1000 to 1199cc	48.3 pence per mile	14.0 pence per mile
1200+	60.5 pence per mile	16.3 pence per mile
Motorcycle	19.6 pence per mile	

**d) Cycle Allowance**

4.7. Members who regularly use their cycles to travel to and from the Town Hall and for travelling around the borough whilst carrying out their official duties may claim a regular casual user's allowance of £186.48 per annum, noting:

- i) The Borough Solicitor may remove the allowance at any time but will consult the Member in advance;
- ii) The allowance is paid in 12 monthly instalments;
- iii) Members must notify the Borough Solicitor if the cycle is no longer available for use.

## **5. CO-OPTED MEMBERS OF SCRUTINY COMMITTEES**

- 5.1. Statutory co-opted members of scrutiny committees are entitled to claim back reasonable travel and subsistence expenses incurred in respect of their attendance at approved meetings.
- 5.2. Co-opted members will be expected to produce tickets and / or any receipts to the clerk of the Scrutiny Committee for onward transmission and processing by the Head of Member Support.
- 5.3. Letters explaining the scheme will be sent to all co-opted members at the start of their term of office.

## **6. INDEPENDENT PERSONS OF THE COUNCIL AND INDEPENDENT MEMBER OF THE AUDIT AND CORPORATE GOVERNANCE COMMITTEE**

- 6.1. Independent Persons<sup>4</sup> appointed by the Council and an independent member of the Audit and Corporate Governance Committee are entitled to an allowance of £1,080 per annum, which will be paid in monthly instalments.

## **7. DEPENDENT CARERS' ALLOWANCES**

- 7.1. Members who are the main carers of dependent relatives, and require care provision for a dependent relative or co-habitee to enable the councillor to perform an approved duty, may be reimbursed their actual costs incurred up to a maximum gross hourly rate equal to the London Living Wage (currently £10.55).
- 7.2. The allowance is payable for the length of the qualifying duty plus up to half an hour each side to cater for care during the councillor's travel to and from the duty.
- 7.3. Dependants are defined as:
  - Children aged fifteen or less;
  - Relatives and co-habitees requiring full time care.
- 7.4. The list of qualifying duties are set out in Appendix A.
- 7.5. Payments made under this scheme are considered by Her Majesty's Revenue and Customs as a taxable benefit and as such both tax and National Insurance are payable.
- 7.6. The allowance is not payable in respect of a close relative or member of the councillor's household who has provided the care, nor if the carer is under the age of sixteen.
- 7.7. Councillors wishing to claim the allowance will need to complete a Dependent Carers' Allowance claim form, the form of which will be determined by the Borough Solicitor.

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<sup>4</sup> As defined and statutorily appointed under Section 28(7) of the Localism Act 2011

## **8. MATERNITY, ADOPTION, SHARED PARENTAL, PATERNITY AND SICKNESS PAY**

- 8.1. All Members shall continue to receive their Basic Allowance in full in the case of maternity, adoption, shared parental, paternity and sickness leave.
- 8.2. Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, adoption, shared parental, paternity and sickness leave. The Council (or Leader in case of Cabinet Members) may, depending on the circumstances, appoint a replacement to cover the period of absence who will be entitled to the SRA pro rata for the period of the temporary appointment.
- 8.3. Full details of entitlement to leave and allowances as a result of maternity, adoption, shared parental, paternity and ill health are attached at Appendix B.

## **9. PAYROLL ARRANGEMENTS**

- 9.1. All elected Members of the Council will automatically be put onto the Council's payroll to receive their Basic Allowance and any Special Responsibility Allowance payment to which they may be entitled.
- 9.2. Councillor claims for other payments not covered by monthly payroll transfer such as out of borough travel and subsistence are to be made on forms, which are obtainable from Member Support.
- 9.3. Members should write to the Head of Member Support if they do not wish to receive any/all of their allowances.

## **10. TIME LIMIT ON CLAIMS**

- 10.1. All claims for allowances not covered by automatic monthly payroll transfers, must be submitted to the Head of Member Support, together with the appropriate receipts, within 2 calendar months of the date on which the qualifying duty was carried out.

## **11. ANNUAL UPLIFT**

- 11.1 The Council has decided to annually uplift all allowances – other than the Dependent Carers Allowances which is set at the London Living Wage – in line with the national cost of living increase in the local government pay settlement for officers awarded for the previous financial year.

## **12. MEMBER ACCESS TO THE LOCAL GOVERNMENT PENSION SCHEME (LGPS)**

- 12.1. Following regulations issued by the Government, no new councillors elected after 1 April 2014 are able to join the Local Government Pension Scheme. Any councillor who was a member of the Local Government Pension Scheme previously has ceased to have access to the Scheme but retains their previously accrued rights in accordance with the regulations.

### 13. ADVICE / ASSISTANCE

- 13.1. Elected members, Independent Persons, the independent member of the Audit and Corporate Governance Committee, and co-opted members of the scrutiny committees who require advice or assistance regarding their claims should use the following contacts:

Head of Member Support Olivia Mensah 020 7974 6409 Email: <a href="mailto:olivia.mensah@camden.gov.uk">olivia.mensah@camden.gov.uk</a>	HR Services Phone: 020 7974 6655 Email: <a href="mailto:HRServices@camden.gov.uk">HRServices@camden.gov.uk</a>
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## Appendix A: Duties of a councillor

The following categories are those duties defined in legislation<sup>5</sup> for which claims for travel, subsistence and dependent carers' allowances can be made:

- (a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
- (b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that -
  - (i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited, or
  - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
- (c) the attendance at a meeting of any association of authorities of which the authority is a member;
- (d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;
- (e) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- (f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- (g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 (approval of non-maintained special schools) of the Education Act 1996, and
- (h) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees.

The Borough Solicitor will interpret these categories where there is any uncertainty in connection with an allowances claim, and their ruling will be final.

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<sup>5</sup> The Local Authorities (Members' Allowances) (England) Regulations 2003

## **Appendix B: Members' entitlement to leave and allowances as a result of maternity, adoption, shared parental, paternity or ill-health**

### **1. INTRODUCTION**

- 1.1. This document sets out Members' entitlement to allowances in cases of maternity, adoption, shared parental, paternity and sickness leave.

### **2. ALLOWANCES DURING MATERNITY, ADOPTION, SHARED PARENTAL AND PATERNITY LEAVE**

- 2.1. A Member on maternity, adoption, shared parental or paternity leave will continue to receive the basic allowance as long as they remain a councillor. They will continue also continue to receive their SRA allowance for a six month period subject to review and possible extension by six months.

### **3. DURATION AND NOTIFICATION OF MATERNITY, ADOPTION, SHARED PARENTAL AND PATERNITY LEAVE**

- 3.1. On receipt of the information set out below, Democratic Services will within two weeks acknowledge that the period of absence has been noted and forward the information to HR services as appropriate.
- 3.2. The Head of Member Support will write to the Member to confirm the continuation of allowances and until what date they will continue subject to review.
- 3.3. Leave arrangements are unaffected by the number of children born from a single pregnancy or placed as part of a single adoption.

#### **a) Maternity Leave**

- 3.4. A Member is entitled to take up to 52 weeks maternity leave starting no earlier than the 11<sup>th</sup> week before the expected week of childbirth.
- 3.5. The Member must notify the Head of Member Support of their intention to take maternity leave in writing no later than 28 days before the date they wish the period of maternity leave to start and:
  - i) Confirm the expected date of childbirth;
  - ii) Provide a copy of the MATB1 (available from a doctor or midwife);
  - iii) Confirm the dates which the Member will be absent.

#### **b) Adoption Leave**

- 3.6. A Member is entitled to take up to 52 weeks of adoption leave starting no earlier than 14 days before the child is expected to be placed and no later than the expected placement date.
- 3.7. The Member must notify the Head of Member Support of their intention to take adoption leave in writing no later than 28 days before the date they wish the period of adoption leave to start and:

- i) Confirm they are the Main Adopter and the date the child is expected to be placed for adoption (UK Adoption) or the date on which the date on which the child is expected to enter Great Britain (Overseas Adoption);
- ii) Provide a copy of the matching certificate/official notification;
- iii) Confirm the dates which the Member will be absent.

**c) Shared Parental Leave**

- 3.8. A Member is entitled to Shared Parental Leave if they have (or share with the other parent) the main responsibility for the care of the child and are either the Mother, Father, Main Adopter or Other Adopter of the child, or the spouse, civil partner or partner of the Mother/Main Adopter.
- 3.9. A Member may share up to 50 weeks leave if the Mother/Main Adopter curtails their maternity/adoption leave before using their full entitlement of 52 weeks. The number of weeks available as Shared Parental Leave will be reduced by the number of weeks maternity or adoption leave that has already been taken by the Mother or Main Adopter.
- 3.10. Shared Parental Leave can be taken as one continuous block or in multiples of complete weeks, but must end no later than one year after the birth/placement of the child.
- 3.11. The Member must notify the Head of Member Support of their intention to take shared parental leave in writing no later than 28 days before the date they wish the period of shared parental leave to start and:
  - i) Confirm their entitlement to shared parental leave and the expected (or actual) date of birth/placement;
  - ii) Confirm the start and end dates of the Mother/Main Adopter's maternity/adoption leave, the amount of shared parental leave available and how much each parent intends to take;
  - iii) Provide a copy of the MATB1 or matching certificate/official notification;
  - iv) Confirm the dates which the Member will be absent.

**d) Paternity Leave**

- 3.12. A Member is entitled to take up to two weeks paternity leave to help care for the child if they are either: the biological father of the child; the spouse, civil partner or partner of the Mother/Single Adopter; or are the Other Adopter of the child.
- 3.13. The Member may take one week or two consecutive weeks of paternity leave, but not single days or less than a week's duration. Paternity leave must be taken within two months of the birth or adoption.
- 3.14. The Member must notify the Head of Member Support of their intention to take paternity leave in writing no later than 28 days before they wish the period of paternity leave to start and:

- i) Confirm the expected date of childbirth; or date the child is expected to be placed for adoption (UK Adoption); or the date on which the date on which the child is expected to enter Great Britain (Overseas Adoption);
- ii) Provide a copy of the MATB1 or matching certificate/official notification;
- iii) Confirm the dates which the Member will be absent.

#### **4. VARYING THE DATES OF MATERNITY, ADOPTION, SHARED PARENTAL AND PATERNITY LEAVE**

- 4.1. If the Member wishes to change the start date of a period of leave they should write to the Head of Member Support no later than 28 days before either the original start date or the new start date (whichever is earlier). The Head of Member Support will ensure that HR Services are informed within 2 working days of receipt of the details.
- 4.2. If the Member wishes to change the end date of a period of leave they should write to the Head of Member Support at least 28 days before either the original end date or the new end date (whichever is earlier). The Head of Member Support will ensure that HR Services are informed within 2 working days of receipt of the details.
- 4.3. HR Services will provide confirmation that the information on revised dates has been received and that relevant re-instatement or adjustment of any SRA has taken place, with a copy to Democratic Services, within 10 working days.

#### **5. SICKNESS LEAVE**

- 5.1. A Member who is sick for a period longer than 2 months will continue to receive the basic allowance as long as they remain a councillor. They will also continue to receive any SRA for a six month period subject to review and a possible extension by six months.

#### **6. RESIGNING FROM OFFICE AND ELECTIONS**

- 6.1. If a Member decides not to return to office following during their maternity, adoption, shared parental, paternity or sickness leave the Head of Member Support must be notified. HR Services must then be informed within two working days of receiving notification. Allowances will cease from the effective resignation date.
- 6.2. If an election is held during the Member's maternity, adoption, shared parental, paternity or sickness leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

**ENDS**

# Camden Council top level structure chart



Chief Executive  
**Jenny Rowlands**



**Executive director corporate services**  
Jon Rowney [Section 151 Officer]

<p><b>Inclusive innovation network lead</b> Priya Banati from 13<sup>th</sup> Jan 2020</p>	<p><b>Participation, policy &amp; communications</b> Kathryn Myers</p>	<p><b>Chief digital and information officer</b> Ed Garcez</p>	<p><b>Borough solicitor, law &amp; governance [monitoring officer]</b> Andrew Maughan</p>	<p><b>People &amp; inclusion</b> Jo Brown (reporting to CE)</p>	<p><b>Finance and procurement</b> Kathy Freeman</p>	<p><b>Customer services</b> Kate Robertson</p>
<p>Media &amp; external Relations</p>	<p>Digital transformation</p>	<p>Principal lawyers</p>	<p>HR strategic leads</p>	<p>Finance, corporate services</p>	<p>Parking operations</p>	<p>Customer and registration services</p>
<p>Internal communications</p>	<p>Data &amp; analytics</p>	<p>Business support</p>	<p>Organisational development and learning &amp; development</p>	<p>Finance, supporting communities</p>	<p>Customer and registration services</p>	<p>Customer and registration services</p>
<p>Strategic communications</p>	<p>Applications &amp; business solutions</p>	<p>Committee services</p>	<p>Specialist HR advice (Pay, Policy and Equality)</p>	<p>Finance, supporting people</p>	<p>Council tax and business rates</p>	<p>Council tax and business rates</p>
<p>Creative services</p>	<p>Business Management</p>	<p>Electoral services</p>	<p>Health &amp; safety</p>	<p>Procurement &amp; social value</p>	<p>Benefits</p>	<p>Benefits</p>
<p>Strategy and change</p>	<p>Technology</p>	<p>Mayor's office</p>	<p>Employee relations</p>	<p>Treasury &amp; financial transactions</p>	<p>Credit control</p>	<p>Credit control</p>
<p>Chief Executive's office</p>	<p>Resourcing</p>	<p>Internal audit &amp; risk</p>	<p>Internal audit &amp; risk</p>	<p>Internal audit &amp; risk</p>	<p>Customer insight</p>	<p>Customer insight</p>
<p>Cabinet office</p>	<p>Programme and change support</p>	<p>Programme and change support</p>	<p>Programme and change support</p>	<p>Programme and change support</p>	<p>Income management</p>	<p>Income management</p>

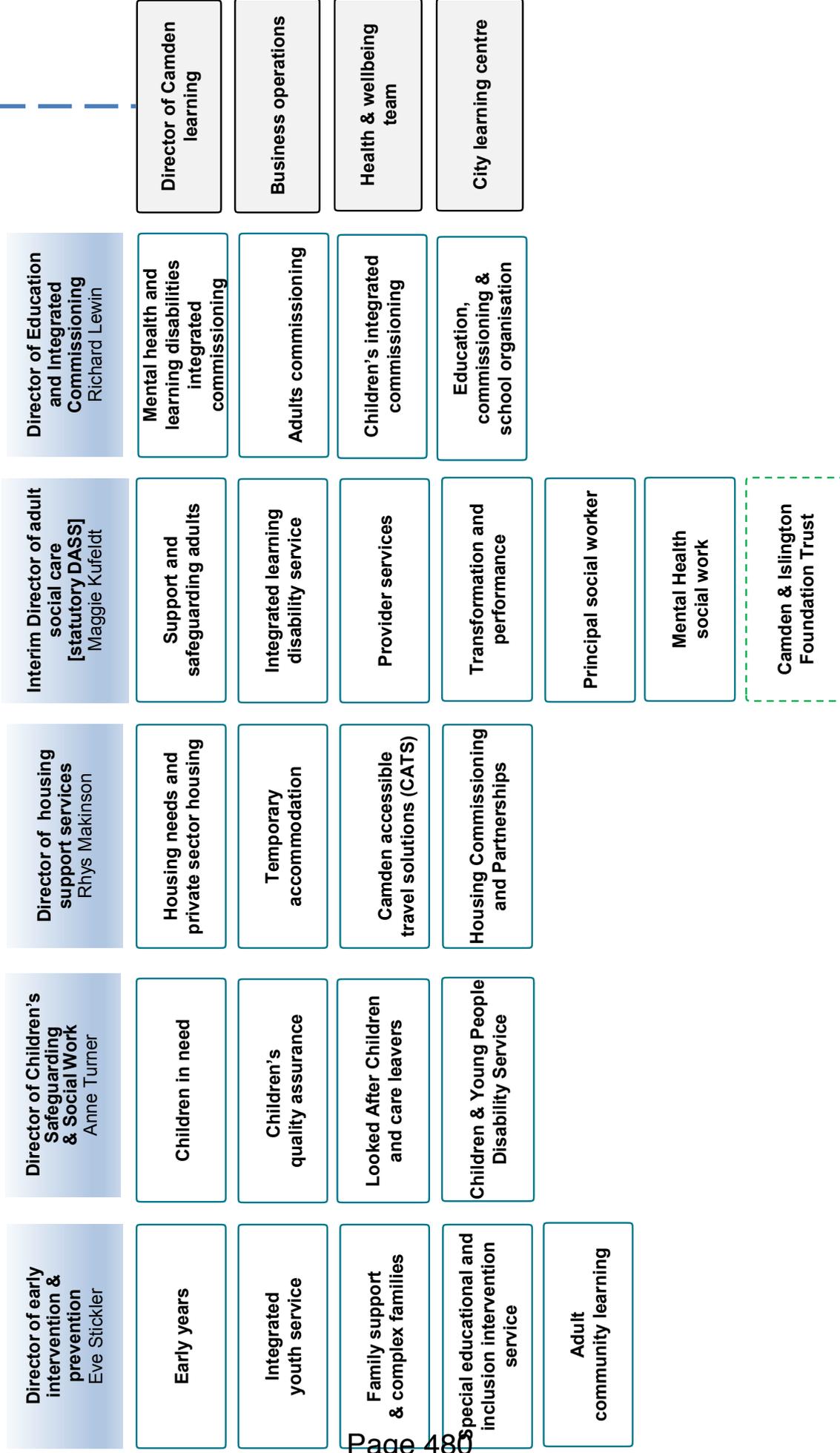
## Executive Director supporting communities

Gillian Marston

Director of resident safety John Brett	Director of regeneration & planning David Joyce	Director of property management Gavin Haynes	Director of development Neil Vokes	Director of community services Hanad Mohamed (interim) Carole Stewart from 3 <sup>rd</sup> Feb 2020	Director of housing management Mary McGowan
Safer places	Placeshaping & economic development (growth & business)	Planned works (planned maintenance of council homes)	Regeneration & development	Sports and physical activity	Tenancy services
Safety performance and governance	Development management	Repairs and operations (reactive repairs to council homes)	Community investment & regeneration programme management	Community safety and emergency management	Tenant & leaseholder participation
Resident safety engagement	Transport planning and parking strategy	Facilities management	Asset strategy and valuation	Communities and third sector	Estate services
	HS2 Programme	Property planning and asset management	Corporate accommodation programme management	Libraries, arts and tourism	Leaseholder services
	Sustainability			Safer Camden network	Landlord review
	Environment Services				Camden safety programme
	Engineering				
	Building control				
	Public protection (temporary arrangement)				
	Green spaces (temporary arrangement)				

# Deputy Chief Executive & Executive director supporting people [statutory DCS]

Martin Pratt



**Public Health**  
Shared Service with Islington  
Julie Billett

PH Consultant  
Sexual Health  
Jonathan O'Sullivan

PH Consultant  
Healthy Ageing  
Core offer  
Aparna Keegan

PH Consultant  
Chief Analytical  
Officer  
Sarah Dougan

PH Consultant  
Weight Management  
Piers Simey

PH Consultant  
Islington Deputy  
Director  
Charlotte Ashton –  
mat leave

PH Consultant  
Mental Health  
Wider Determinants  
Sue Hogarth

PH Consultant  
Weight Management  
Leonora Weil

PH Consultant –  
STP / Data  
Rob Marr

PH Consultant -  
STP  
Hannah Logan

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## **Directorate Authorisation Scheme**

The Council's delegation scheme delegates all matters not reserved to Members to the relevant Executive Director. Executive Directors are permitted to authorise others within their Directorates to exercise those powers delegated to them. The following is the scheme recording those standing authorisations. Executive Directors may in addition to these standing authorisations also on an ad-hoc and time-limited basis (for example during periods of leave) authorise other officers to exercise delegations for them or to act as their deputy. These time-limited authorisations must be given in writing. Executive Directors remain accountable for any action or decisions taken under this authority.

The following list details the matters for which authorisation has been given and the post holder to whom it has been given. Please note that the authorised post holder must personally make, and to what extent is appropriate in the circumstances, record their decision making when exercising this authorisation.

Set out below are for each Directorate two columns – that on the left being the function for which the Executive Director has granted authorisation and that on the right being the person or persons by job title to who the authorisation has been given. Without prejudice to the fact that matters not authorised below remain with the Executive Director some particular matters which remain with the Executive Directors are listed below for the sake of clarity.

None of the below delegations prevent the Executive Director from exercising those functions or make the decisions which have been delegated.

## Delegations by the Executive Director Supporting People

Education		
1.	Preparation of a written statement of any action the Council proposes to take as a result of any report of the Chief Inspector of Schools stating that special measures are required or that a school requires significant improvement, and taking any action reasonably necessary following an inspection report to implement any of its recommendations.	Director of Education (Commissioning)
2.	Decisions to inspect any maintained school and to exercise the right of entry to any school premises to conduct that inspection, and decisions to issue a warning notice to any maintained school.	Director of Education (Commissioning)
3.	Ensure that every school maintained by the Authority (including nursery schools and nursery education funded through the LA) meets the general requirements for the curriculum in particular the National Curriculum (including where relevant the Foundation Stage) and religious worship, and to have regard to any guidance issued by the Secretary of State under section 403(1A) Education Act 1996 with regard to sex education. Decisions to investigate complaints concerning alleged failures of schools to comply with the National Curriculum, and, after consultation with governing bodies, make arrangements related to curriculum to voluntary aided (VA) and foundation schools.	Director of Education (Commissioning)
4.	Provide on behalf of the Authority any information, which the Secretary of State may by regulation require, including through the Education (School Performance Information) (England) Regulations 2001 and the Education (Pupil Information) (England) Regulations 2000, and comply with requirements on setting of annual targets in respect of educational performance.	Director of Education (Commissioning)
5.	Supplying Chief Inspector with information requested for the purpose of investigating a complaint about a school, and facilitate a meeting of parents.	Head of Learning, Schools Improvement and Partnership  Primary Learning Support Service (PLSS) – Headteacher (PLSS)

6.	Maintain an oversight of school standards.	Director of Education (Commissioning)
7.	Exercising any human resources, personnel or staffing functions in relation to schools maintained by the Local Authority that are not exercised by school governing bodies in line with the Education Act 1996 and s.142 of the Education Act 2002. This includes decisions on appointments and removal of LA School Governors in Camden; to appoint to School Governing Bodies in situations where a vacancy needs to be filled in less than three weeks and/or in exercising the LA's powers in relation to schools causing concern; to establish temporary school governing bodies.	Director of Education (Commissioning)
8.	Decisions on arrangements for staffing schools of schools without delegated budgets.	Director of Education (Commissioning)
9.	Applying staffing regulations to federated schools with reference to the Federation of Schools (Community, Schools, Community Special Schools, Voluntary Controlled Schools and Maintained Nursery Schools) (England) Regulations 2003.	Director of Education (Commissioning)
10.	Agree appointments to the Standing Advisory Council for Religious Education.	Director of Education (Commissioning)
11.	Decisions to make written representation within 14 days to a voluntary aided or foundation school Governing Body if an applicant is deemed not suitable for appointment by the LA.	Director of Education (Commissioning)
12.	Decisions to appoint persons selected by governing bodies as their clerks.	Head of Learning, Improvement and Partnerships
13.	Decisions to exercise powers and duties under the Education (School Teachers' Appraisal) Regulations 2012 in respect of teachers.	Director of Education (Commissioning)
14.	To agree minor changes to the names of existing schools.	Director of Education (Commissioning)
15.	Fixing the academic calendar for schools including school terms and holidays.	Executive Director Supporting People

16.	Ensure schools carry out pre-employment checks on all teaching and non-teaching staff to ensure that the Authority does not employ anyone barred from teaching by the Secretary of State, in case of teachers that they are registered with GTC, have qualified teacher status, and have completed their induction, plus check for criminal backgrounds of staff whose posts involve substantial unsupervised access to children, in accordance with the Protection of Freedoms Act 2012.	Director of Education (Commissioning)
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School Attendance and Discipline		
17.	Exercising the Authority's reserve powers under the School Standards and Framework Act 1998 to prevent a breakdown of discipline in schools.	Director of Education (Commissioning)
18.	Exercising the Authority's functions under the Crime and Disorder Act 1998 Sections, 1 (anti-social behaviour), 16 (removal of truants to designated premises) and 115 (disclosure of information).	Director of Early Intervention and Prevention
19.	To serve school attendance orders on the parents of any children failing to perform their duty to secure the education of their children and to institute proceedings against any parent who fails to comply with the requirements of such an order. (Education Act 1996, Sections 437, 438 and 443 and Anti-Social Behaviour Act 2003).	Director of Early Intervention and Prevention
20.	To apply to the Family Proceedings Court for an Education Supervision Order and to exercise the powers of the LEA in respect of Education Supervision Orders and to institute proceedings in the Magistrates' Court if the parent fails to comply with the directions of the Order. (Children Act 1989, Section 36 & Schedule 3 (Part III)).	Director of Early Intervention and Prevention
21.	To institute proceedings on behalf of the Authority against the parent of a child of compulsory school age in respect of the failure of such child to attend regularly at the school or appropriate provision (Education Act 1996, section 155 of the Education and Skills Act 2008).	Director of Early Intervention and Prevention

22.	To make provision for children excluded for more than 5 days from school.	Director of Education (Commissioning)
23.	Decisions to recoup all or part of the costs incurred in providing education to a permanently excluded pupil.	Director of Education (Commissioning)
24.	Provided the health of the child will not suffer, to grant licences to children resident in the Borough who are taking part in public entertainment. (Sections 437, 438 and 444 of the Education Act 1996).	Director of Early Intervention and Prevention
25.	To issue licences in respect of the employment of children and to institute proceedings under any employment of children byelaws. (Children & Young Persons Act 1933 (part II) and 1963 (part II), and all other enabling powers relating to the employment of children and young people.)	Director of Early Intervention and Prevention

Admissions		
26.	Agreeing changes to the admissions criteria for schools, including temporary changes to planned admission numbers.	Executive Director Supporting People
27.	Implementing the admissions process in accordance with section 2002 Education Act, Education (co-ordination of Admissions Arrangements) (Primary Schools) (England) Regulations 2002 as amended by the Education (Co-ordination of Admissions Arrangements) (Primary Schools) (England) (Amendment) Regulations 2003, and the Education (co-ordination of Admissions Arrangements) (Secondary Schools) (England) Regulations 2002. Consulting and otherwise following the procedures in respect of annual admission limits for schools for which the Authority is the admissions authority and allocating pupils to schools, including directing a governing body to admit to the named school within the Authority's area under section 96 and 97 School Standards and Framework Act 1998.	Director of Education (Commissioning)
28.	Power to direct schools to admit Children in Care.	Executive Director Supporting People

29.	Agreeing changes to the policies on home to school transport. Making arrangements for sustainable modes of transport for pupils and students to school or college. Making determinations on eligibility of pupils or students to use home to school transport, including hearing and deciding, or making arrangements for the hearing and deciding of appeals, against such determinations.	Director of Early Intervention and Prevention
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Special Education Needs (SEN)		
30.	To respond to appeals made by parents to the Special Educational Needs Tribunal. (Education Act 1996 and Regulations made there under).	Head of Special Education and Inclusive intervention service
31.	To authorise Education, Health and Care (EHC) needs assessments and issue EHC plans determining the appropriate provision for children with special educational needs in accordance with the requirements of the Children and Families Act 2014 and the SEN and Disability Act 2001.	Head of Special Education and Inclusive intervention service
32.	To authorise funding for placements of children in non-maintained Schools.	Head of Special Education and Inclusive intervention service
33.	Authorising students to receive education at an institution of further or higher education maintained by another local education authority.	Head of Special Education and Inclusive intervention service
34.	Authorising payment of claims for recoupment by another local education authority in respect of the provision of education to a Camden pupil of compulsory school age with special educational needs or "looked after" by that authority.	Head of Special Education and Inclusive intervention service
35.	Authorising in exceptional cases variations from approved scales of fees, charges or allowances.	Head of Special Education and Inclusive intervention service
36.	Undertaking statutory assessment of Education, Health and Care (EHC) needs, and preparing and maintaining an EHC plan under Part 3 of the Children and Families Act 2014, for children and young people who require provision beyond that which is ordinarily available in a school or setting.	Head of Special Education and Inclusive intervention service

School Funding		
37.	Decisions in respect of the Schools Forum in accordance with Regulations.	Director of Education (Commissioning)
38.	In consultation with schools and Schools Forum, to determine which services should be provided centrally in accordance with statutory requirements.	Director of Education (Commissioning)
39.	Determining the annual distribution of funding to individual Camden maintained schools and early year's providers in accordance with statutory regulations and in consultation with the lead member.	Director of Education (Commissioning)
40.	Schools eligible for intervention to decide on the suspension of a school teacher and whether the circumstances warranted suspension with or without pay, and decisions to support any governing body proposal of payments in respect of the dismissal/discontinuation of employment of any member of staff.	Director of Education (Commissioning)
41.	Schools eligible for intervention: suspension of a school's delegated budget.	Executive Director Supporting People

Capital Strategy and School Premises		
42.	Arrangements and decisions to prioritise capital spend on the school estate.	Director of Property Management
43.	Authorising the exercise of the Authority's statutory duty to transfer sites to the trustees of voluntary schools, and facilitating the transfer of land to Academies as agreed by Cabinet.	Executive Director Supporting People
44.	Authorising the removal of a person from premises and to institute legal proceedings against an individual who is unlawfully present on educational premises who is causing or permitting a nuisance or disturbance on said property. (Education Act 1996, section 547 and Local Government (Miscellaneous Provisions) Act 1982,	Director of Education (Commissioning)

	section 40).	
45.	Giving statutory notice of any proposal for the change of character, closure, opening or expansion of a school or educational institution. (Education and Inspection Act 2006).	Executive Director Supporting People
46.	To approve proposals that should be determined by the Authority and referring those raising significant issues, including statutory objections, to Cabinet for determination, in consultation with the Portfolio Holder.	Executive Director Supporting People
47.	To act as the Council's Statutory Officer under s.18 of the Children Act 2004. Representing, or arranging for the representing of, the Authority as Local Education Authority in relation to matters concerned with the provision of education and skills.	Executive Director Supporting People

Safeguarding		
48.	Making any representations on behalf of the Authority as children's services authority or otherwise to the Committee exercising the Authority's functions under the Licensing Act 2003 or the Gambling Act 2005 for the purpose of protecting children from harm.	Director of Children's Safeguarding and Social Work.
49.	To make arrangements for the provision of services and assistance whether in kind or in cash to children in need, their families and others, pursuant to Section 17 of the Act, or direct payment to qualifying persons under Section 17A. (Children Act 1989)	Director of Children's Safeguarding and Social Work
50.	Exercising all the duties and functions of the Authority under Parts IV and V of the Children Act 1989, sections 31-52 (including section 47 – local authority's duty to investigate) and all other enabling powers with regard to the care, supervision and protection of children and young people, including determining applications for Residence Orders under Section 8 Children Act 1989. This includes:	Director of Children's Safeguarding and Social Work
a)	Decision to initiate S.47 (child protection) Enquiry	Head of Service in CSSW. Any part of the service can make this decision.

b)	Recommendation not to proceed to conference following S.47 Enquiry where child protection concerns have been substantiated	Head of Service in CSSW
c)	Decision to have or remove the Child Protection (CP) Plan	Independent Chair of Child Protection Conference
d)	Decision to call a Serious Case Review	Independent Chair of Camden Safeguarding Children's Board
51.	Under section 31 (care and supervision orders) this includes the following:	
a)	Authorisation of passports	Head of Service in CSSW
b)	Authorisation of travel abroad	Director of Children's Safeguarding and Social Work
c)	Authorisation of the placement of a child in secure accommodation for up to 72 hours in a 28-day period.	Director of Children's Safeguarding and Social Work
d)	Authority to apply for Secure Orders (via a court application)	Director of Children's Safeguarding and Social Work
e)	Authority to extend Secure Orders (via a court application)	Director of Children's Safeguarding and Social Work
f)	Consent to termination of pregnancy	Director of Children's Safeguarding and Social Work
g)	Consent to HIV Testing	Director of Children's Safeguarding and Social Work
h)	Consent to surgical operation	Director of Children's Safeguarding and Social Work
i)	Acceptance of criminal injury compensation awards	Head of Service in CSSW
j)	Initiating legal proceedings	Head of Service in CSSW
k)	Approval of final agreed care plan in care proceedings	Head of Service in CSSW

l)	Authority to make a court application to discharge Care Orders	Head of Service in CSSW
m)	Authorisation for Criminal Records Bureau check (relatives)	Head of Looked After Children
n)	Planned admission to Section 20 accommodation	Head of Looked After Children
o)	Emergency admission to Section 20 accommodation	Head of Service in CSSW
p)	Agreement to transfer case responsibility for a child/young person from one local authority to another	Head of Service in CSSW
q)	Placement with parents agreement (planned and emergency)	Director of Children's Safeguarding and Social Work
r)	Removal from care placement	Head of Looked After Children
s)	Decisions to give consent to the marriage of a young person in care	Director of Children's Safeguarding and Social Work
t)	Agreement to a young person remanded to local authority care being placed at home or with friends.	Director of Children's Safeguarding and Social Work
52.	Under the Children Act 1989, to institute the following applications for:	
a)	Child Assessment Orders under Section 43 of the Act	Head of Service in CSSW
b)	Emergency Protection Orders under Section 44 of the Act	Head of Service in CSSW
c)	Care and Supervision Orders under Section 31 of the Act	Head of Service in CSSW
d)	Exclusion Requirements in Emergency Protection Order applications under Section 44A and applications for Exclusion	Head of Service in CSSW
e)	Varying or discharging Care or Supervision Orders under Section 39	Head of Service in CSSW

f)	Prohibited Steps or Specific Issue Orders under Section 8 of the Act	Head of Service in CSSW
g)	Orders defining restricting or terminating contact with a child in care under Section 34 of the Act	Head of Service in CSSW
h)	Recovery Orders under Section 50 of the Act.	Head of Service in CSSW
i)	Leave to invoke the inherent jurisdiction of the High Court.	Director of Children's Safeguarding and Social work.
j)	Leave to place a child in accommodation restricting liberty under Section 25 of the Act.	Director of Children's Safeguarding and Social Work
k)	Leave for a child in the care of the local authority to live abroad. (Section 13)	Director of Children's Safeguarding and Social Work
l)	Leave for a child in the care of the local authority to be known by a new surname.	Director of Children's Safeguarding and Social Work
53.	Ensure maintenance payment for children placed under Residence Order or Special Guardianship Order.	Head of Looked After Children
54.	Decisions to approve payments for the reasonable legal expenses for proceedings in respect of a child where the costs are not met by Legal Aid.	Director of Children's Safeguarding and Social Work.
55.	Exercising all the duties and functions of the Authority with regard to children and young people under Sections 22 to 24 of the Children Act 1989, including any decisions reasonably necessary for their health and well-being.	Director of Children's Safeguarding and Social Work
56.	Exercising all the powers and functions of the Authority under the Adoption and Children Act 2002 and all other enabling powers:  1) in relation to the Adoption Service; 2) as an adoption agency; and 3) generally.  This includes:	Director of Children's Safeguarding and Social Work

a)	Authorisation for Disclosure and Barring check (family placements)	Director of Children's Safeguarding and Social Work
b)	Seeking dispensation of parents' consent in adoption proceedings	Director of Children's Safeguarding and Social Work
c)	Approval of adopters	Director of Children's Safeguarding and Social Work
d)	Decision to present adoptive parent application to Adoption Panel	Director of Children's Safeguarding and Social Work
e)	Decision to present child/young person to Adoption Panel	Director of Children's Safeguarding and Social Work
f)	Approval of adoption/permanency applications where offences disclosed by the Disclosure and Barring Service.	Director of Children's Safeguarding and Social Work
g)	Exercising all the powers and functions of the Authority in relation to the fostering of children under Part IX of the Children Act 1989, Section 48 of the Care Standards Act 2000, Part 5 of the Children Act 2004 and all other enabling powers. This includes	Director of Children's Safeguarding and Social Work
h)	Approval of foster carers	Director of Children's Safeguarding and Social Work
i)	Supporting foster carers' application for a Residence Order	Director of Children's Safeguarding and Social Work
j)	Decision to present foster carer application to Fostering Panel	Director of Children's Safeguarding and Social Work
k)	Decision to present child/ young person to Fostering Panel	Director of Children's Safeguarding and Social Work
l)	To authorise the exercise of the local authority's responsibilities under the Foster Service Regulations 2011 as amended by Care Planning Placement and Case Review and Foster Services Regulations 2013.	Director of Children's Safeguarding and Social Work

m)	Approval of foster carer applications where offences are disclosed by Disclosure & Barring Service.	Director of Children's Safeguarding and Social Work
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Early Years		
57.	Significant decisions regarding the provision of council-funded day care for pre-school and other children.	Director of Early Intervention and Prevention
58.	To secure sufficient childcare for working parents.	Director of Early Intervention and Prevention
59.	To ensure sufficient early years provision free of charge.	Director of Early Intervention and Prevention
60.	To assess childcare provision.	Head of Service for IEYS
61.	To provide information, advice and training to childcare providers.	Head of Service for IEYS

Youth Offenders		
62.	Informing court that electronic monitoring is suitable when imposing bail on a person aged between 12 and 17.	Head of Integrated Youth Services
63.	Assessing a young person and arranging for him/her to participate in a rehabilitation programme if appropriate	Head of Integrated Youth Services
64.	Exercising any function of the Authority under 75 of the National Health Service Act 2006 (pooled budgets and commissioning) so far as those functions relate to children and young persons.	Executive Director Supporting People
65.	Authorising prosecution for breach of a Youth Offending Service Court Order.	Youth Offending Services Officers

Other Children and Schools Delegations		
66.	Submit plans/bids that the Department of Education or other Government Directorates may from time to time require, following appropriate consultation.	Executive Director Supporting People
67.	To authorise officers to appear on behalf of the Authority in proceedings being conducted in the Magistrates Court. (Local Government Act 1972 sections 222 & 223).	All Chief Officers in the Directorate
68.	To decide, following a risk assessment, whether a complaint should be referred to an external investigator.	All Chief Officers in the Directorate
69.	In consultation with the Head of Service of Property Management to authorise the temporary use of Children's Services buildings by outside bodies.	Director of Integrated Commissioning
70.	To approve the registration of voluntary organisations providing community education and youth services.	Director of Early Intervention and Prevention
71.	Award of Grants: (a) Below £25k (b) Up to £25k (c) Up to £100k in consultation with Lead Member.	(a) Director of Integrated Commissioning (b) Executive Director Supporting People (c) Executive Director Supporting People

Adult Social Care		
72.	To vary assessments on assistance and remit charges or payments in individual cases where statutorily permissible in respect of the following: a) Home Care and Day Care Service; b) Provision of accommodation and services for disabled persons.	Head of Service ASC Camden and Islington Foundation Trust Chief Operating Officer

73.	To authorise the admission of persons to accommodation provided by the Council and other local authorities, and by National Assistance Act 1948.  To authorise the protection of property of adults being cared for away from home.	Head of Service ASC Camden and Islington Foundation Trust Chief Operating Officer
74.	To accept variations in charges for persons resident in accommodation of other local authorities and in Independent Homes.	Head of Service ASC or a Service Manager in one of those services
75.	To authorise the provision of equipment and works of adaptation in accordance with any scheme adopted by the Council for people who are disabled and to determine applications for grants made under Part I of the Housing Grants, Construction and Regeneration Act 1996 for the provision of facilities for disabled persons.	Head of Support and Safeguarding/Service Manager
76.	To make applications for the registration of the Council's residential homes and domiciliary care services to the Care Quality Commission	Head of Service Provision
77.	To arrange for burials and cremations of persons under the care (for whatever reason) of Supporting People	Service Manager, Personal Finance Teams
78.	To act as a Deputy in accordance with the Rules and Directions of the Court of Protection.	Director of Adult Social Care and Head of Support and Safeguarding/Head Community Learning Disability Service
79.	To authorise in consultation with the Head of Property Services the temporary use of Adult Services buildings by outside bodies.	Head of Service Provision
80.	In consultation with the Borough Solicitor to make an application and to exercise any function (other than discharge from guardianship) in relation to the guardianship of a patient by or under the Mental Health Act 1983	Head of Support and Safeguarding/Head Community Learning Disability Service

81.	To exercise any of the functions and duties of a nearest relative under the Mental Health Act 1983 (as amended) in respect of a patient	Head of Support and Safeguarding/Head Community Learning Disability Service/ Head of Mental Health Social Work
82.	To assess and provide services and equipment for the welfare of persons with disability	Head of Support and Safeguarding/Service Manager
83.	To make application for the admission to hospital of persons with mental health problems for the purposes of assessment, detention and treatment.	Approved Mental Health Social Worker
84.	To appoint approved mental health professionals.	Principal Social Worker/Head of Mental Health SW/Adult Safeguarding and Care Management/Head Community Learning Disability Service
85.	To authorise Approved Mental Health Professionals to remove a person from a private place and to take them to a place of safety.	Head of Mental Health SW/Support and Safeguarding
86.	To bury or cremate the body of any person found dead in the borough outside of hospital where no suitable arrangements have been made	Service Manager, Personal Finance Teams
87.	Section 256 agreements (transfers of funds from the NHS to the Council)  Section 76 agreements – (Transfer of funds from the Council to NHS)	Director of Integrated Commissioning
88.	Section 75 Camden and Islington Foundation Trust delegated budget setting out services and specifications.	Director of Integrated Commissioning

**Housing Support**

89.	<p>To authorise officers to determine and review applications in relation to homelessness and allocation of housing.</p> <p>To authorise officers to allocate temporary and permanent council housing to applicants</p>	Head of Housing Needs
90.	To determine applications and payments for financial assistance in accordance with the Council's Housing Renewal and Financial Assistance Policy	Private Sector Housing Team Manager / Supervising Principal Environmental Health Officer
91.	<p>To authorise the provision of equipment and works of adaptation for people who are disabled and to determine applications for grants made under Part 1, Housing Grants, Construction &amp; Regeneration Act 1996</p>	Private Sector Housing Team Manager / Supervising Principal Environmental Health Officer
92.	To determine grant payments in accordance with the under occupation scheme, to free up property for overcrowded families	Head of Housing Needs /Housing Advice & Options Services Manager / Mobility Team Manager
93.	To make incentive payments to private sector landlords to secure property for homeless families.	<p>Private Sector Initiatives Officers /</p> <p>Private Sector Sustainment Team Manager / Private Sector Initiatives Services Manager / Head of Housing Supply, Initiatives and Partnerships</p>
94.	<p>To exercise the functions of the Council under the Building Act 1984, the Public Health Acts 1936 and 1961, Caravan Sites and Control of Development Act 1960, Environmental Protection Act 1990, Health and Safety at Work etc. Act 1974, Local Government (Miscellaneous Provisions) Acts 1976 and 1982 and Prevention of Damage by Pests Act 1949, National Assistance Act 1948, Clean Air Act 1993, Control of Pollution Act 1974, Clean Neighbourhoods and Environment Act 2005, Refuse Disposal (Amenity Act) 1978 in so far as they relate to or affect housing or residents and to the management of housing.</p>	Private Sector Housing Manager / Supervising Principal Environmental Health Officer / Environmental Health Officer / Environmental Health Technician
95.	Exercise of powers under Section 16, Local Government (Miscellaneous Provisions) Act 1976 - Power of local authorities to obtain particulars of	Private Sector Housing Manager / Supervising Principal Environmental Health Officer

	persons interested in land.	Environmental Health Officer / Environmental Health Technician
96.	Generally – and in consultation with the Borough Solicitor where appropriate - to take action and operate all legislative and administrative procedures in relation to private sector housing when enforcement is the responsibility of the Council.	Private Sector Housing Manager
97.	To provide the “Right-to-Review” on homelessness and suitability of housing decisions.	Head of Housing Needs / Implementation and Quality Service Manager / Customer Assurance Team Leader / Customer Assurance Officer
98.	To make compensation payments for service failure or other appropriate reason.	All Heads of Service in Housing Support Services (within financial scheme of delegation)
99.	To issue certificates, licences, notices, consents, orders and authorise registration in connection with the following:	
a)	Housing Act 1985 Part X (Overcrowding) and Part XVIII (Miscellaneous and General Provisions);	Head of Housing Supply, Initiatives and Partnerships / Private Sector Housing Team Manager
b)	Housing Act 1985, Schedule 1 (non- secure tenancy / licences)	Head of Temporary Accommodation / Tenancy Services Manager
c)	Criminal Law Act 1977, s7 Notices in respect of displaced residential occupiers and protected intending occupier;	Head of Housing Needs / Head of Tenancy Services (Supporting Communities Directorate)
d)	HA 1983 Schedule 3 – formal notification of a decision following a request to exchange;	Head of Housing Needs / Housing Option & Advice Service Manager / Mobility Team Manager
e)	Housing Act 2004 – Improvement Notices;	Private Sector Housing Team Manager / Supervising Principal Environmental Health Officer / Environmental Health Officer / Environmental Health Technician
f)	Housing Act 2004 – Prohibition Orders (which may involve home loss and disturbance payment, but	Private Sector Housing Team

	which may not invoke compensation);	Manager
g)	Housing Act 2004 - Prohibition Orders (which are likely to involve the payment of compensation)	Director of Housing Support Services
h)	Housing Act 2004 - Emergency Remedial Action, including work in default	Private Sector Housing Team Manager / Supervising Principal Environmental Health Officer
i)	Housing Act 2004 - Hazard Awareness Notice	Private Sector Housing Team Manager / Supervising Principal Environmental Health Officer / Environmental Health Officer / Environmental Health Technician
j)	Housing Act 2004 - Interim and Final Management Orders and Empty Dwelling Management Orders	Director of Housing Support Services
k)	Housing Act 2004 - HMO Licensing Actions including Licenses, Variations to Licenses and Temporary Exemption Notice, License Revocations	Private Sector Housing Team Manager / Supervising Principal Environmental Health Officer / HMO Licensing Officer
l)	Housing Act 2004 - Demolition Orders	Director of Housing Support Services
m)	Housing Act 2004 - Authorise entry to housing or demands for documents under Sections 235 and 239	Director of Housing Support Services
n)	Housing Act 2004 – Overcrowding Notice under Section 139	Private Sector Housing Team Manager
o)	Housing Act 2004 - Schedule 2, Part 2 - Notice of Revocation or Variation	Private Sector Housing Team Manager / Supervising Principal Environmental Health Officer / Environmental Health Officer / Environmental Health Technician
p)	Housing Regeneration & Urban Development Act 2003	Head of Housing Supply, Initiatives and Partnerships
100.	To impose (after consultation with the Borough Solicitor) and determine the amount of financial penalties for certain housing offences under Section	Director of Housing Support Services / Head of Housing Supply Initiatives and Partnerships / Private

	249A, Housing Act 2004.	Sector Housing Team Manager
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Fleet and Transport		
101.	Making determinations on eligibility of disabled applicants for the statutory Disabled Persons' Freedom Pass concession across the TfL network and off peak bus travel across England. Including hearing and deciding, or making arrangements for the hearing and deciding of appeals, against such decisions.	Head of CATS / Accessible Service Improvement Team Manager
102.	Making determinations on eligibility of older people for the statutory Older Persons' Freedom Pass concession across the TfL network and off peak bus travel across England. Including hearing and deciding, or making arrangements for the hearing and deciding of appeals, against such decisions.	Head of CATS / Accessible Service Improvement Team Manager
103.	Making determinations on eligibility of disabled adults and children for the statutory Disabled Blue Badge Parking concession. Including hearing and deciding, or making arrangements for the hearing and deciding of appeals, against such determinations.	Head of CATS / Accessible Service Improvement Team Manager
104.	Making determinations on eligibility of disabled adults and children for the Disabled Green Badge Parking concession, for those who live, work or study in the Designated Green Badge area of Camden. Including hearing and deciding, or making arrangements for the hearing and deciding of appeals, against such determinations.	Head of CATS / Accessible Service Improvement Team Manager
105.	Making determinations on eligibility of disabled adults and children for the Disabled Persons Taxicard Scheme. Including hearing and deciding, or making arrangements for the hearing and deciding of appeals, against such determinations.	Head of CATS / Accessible Service Improvement Team Manager
106.	Agreeing changes to the policies granting access to the discretionary Taxicard transport scheme in conjunction with London Councils who manage the scheme on behalf of London Boroughs.	Head of CATS / Customer & Business Improvement Team Manager

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107.	Agreeing changes to the policies granting access to discretionary Plusbus door-to-door (minibus) transport scheme for disabled adults and children.	Head of CATS / Customer & Business Improvement Team Manager
108.	Agreeing changes to the policies granting access to the discretionary ScootAbility transport scheme in conjunction with London Borough of Islington as co-funder of the scheme. Including hearing and deciding, or making arrangements for the hearing and deciding of appeals, against such decisions.	Head of CATS / Customer & Business Improvement Team Manager
109.	Making travel provisions for eligible children to access Special Education Needs schools or specialist centres.	Head of CATS / Head of SEN/ Transport Manager /Operational Team Manager
110.	Making travel provisions for eligible older and disabled people to access Day Centre provision as outlined in the Care Act and stipulated in a support plan.	Head of CATS / Head of Provider Services/Transport Manager / Customer & Business Improvement Team Manager
111.	Making provision for sustainable modes of accessible transport for disabled adults and children to access education and community facilities.	Head of CATS / Transport Manager / Operations Manager
112.	Adherence to the maximum time limits for travel on board vehicles to and from school as outlined in the DfE guidelines.	Head of CATS / Passenger Transport Manager / Customer & Business Improvement Team Manager
113.	Authorise the suspension or termination of entitlement to a travel concession where the terms and conditions have been breached or there is evidence of fraudulent activity	Head of CATS
114.	To ensure Vehicle Roadworthiness and compliance as outlined in the DVSA Guidance and with "O" Licence conditions	Director of Housing Support Services / Head of CATS / Transport Manager PSV
115.	To ensure Compliance with the Council's Heavy Goods Vehicle (HGV) Operator's Licence as required in statute and regulated by the Traffic Commissioner's Office, and stated in the conditions attached to the "O" Licence	Director of Housing Support Services / Head of CATS / Transport Manager - HGV

116.	To ensure compliance with the Council's Passenger Services Vehicle (PSV) Operator's Licence, as required in statute and regulated by the Traffic Commissioner's Office, and stated in the conditions attached to the "O" Licence	Head of CATS / Transport Manager
117.	To ensure driver compliance including Drivers Hours, Working Time Directives, PCN's, licence verification as outlined in the DVSA guidance.	Head of CATS / Transport Manager / Operations Manager
118.	Agreeing changes to the Occupational Road Risk Policy in conjunction with Health and safety and Human Resources.	Head of CATS / Head of Health and Safety / Transport Manager /
119.	Ensure that the Council's re-procurement of vehicles adheres to the council's green agenda and statutory bodies codes of conduct and local and national legislation on emissions and air quality	Head of CATS / Transport Manager / Fleet Manager
120.	To ensure compliance with the DVSA standards for running a MoT test station. And MoT testing standards.	Head of CATS / Transport Manager / MOT Manager
121.	To manage a diesel filling station in accordance with all applicable regulations governing storage of petroleum products and dispensing.  To manage and operate a CNG gas dispensing facility in accordance with all applicable regulations governing the storage and dispensing of CNG  To manage and operate electrical charging facilities for electric vehicles in accordance with all applicable regulations governing such facilities	Head of CATS / Transport Manager / Fleet Manager
122.	To provide transport services to external organisations commensurate with its overall transport offer (principally through accessible bus services to disabled people and vulnerable adults, and bus services to schools)	Head of CATS / Transport Manager / Operations Manager
123.	To ensure that services provided by CATS are correctly and promptly invoiced as appropriate and monies due to the Council are collected in line with the Council's financial regulations.	Head of CATS / Transport Manager / Customer & Business Improvement Team Manager
124.	To provide vehicle maintenance in a workshop environment and to run a workshop in accordance	Head of CATS / Transport Manager

	with HSE HASAW Act 1974 and all subsequent acts governing workshops and garages.	/ Fleet Manager
125.	To run a depot in accordance to HSE HASAW ACT 1974.	Head of Property Services/ Head of CATS / Transport Manager / Fleet Manager

Property		
126.	Approval of disposal by the granting of leases within the commercial investment portfolio, on the Council's usual terms at full market rental for 20 years or less), in accordance with the Constitution.	Head of Asset Strategy and Valuation / Senior Valuer



**Martin Pratt**

**Executive Director Supporting People**

**Date:**

1st November 2018

### **General Note**

1. The exercise of any functions of the Council in respect of any particular matter which has been delegated shall include the power to take any action incidental, conducive or ancillary thereto.
2. Where authority is given for the service of any notice, authority is also given for the taking of appropriate action by the relevant Executive Director in the event of noncompliance with such notice.
3. Any power delegated to an Executive Director may be delegated by them to an Officer within their Directorate provided that this is permitted by law.

## **Directorate Authorisation Scheme**

The Council's delegation scheme delegates all matters not reserved to members to the relevant Executive Director. Executive Directors are permitted to authorise others within their Directorates to exercise those powers delegated to them. The following is the scheme recording those standing authorisations. Executive Directors may in addition to these standing authorisations also on an ad-hoc and time-limited basis (for example during periods of leave) authorise other officers to exercise delegations for them or to act as their deputy. These time-limited authorisations must be given in writing. Executive Directors remain accountable for any action or decisions taken under this authority.

The following list details the matters for which authorisation has been given and the post holder to whom it has been given. Please note that the authorised post holder must personally make, and to what extent is appropriate in the circumstances, record their decision making when exercising this authorisation.

Set out below are for each Directorate two columns – that on the left being the function for which the Executive Director has granted authorisation and that on the right being the person or persons by job title to who the authorisation has been given. Without prejudice to the fact that matters not authorised below remain with the Executive Director some particular matters which remain with the Executive Directors are listed below for the sake of clarity.

None of the below delegations prevent the Executive Director from exercising those functions or make the decisions which have been delegated.

## Delegations by the Executive Director Supporting Communities

Licensing		
1.	<p>Licensing Applications (General):</p> <p>To determine if an application meets the statutory requirements and policy requirements where applicable.</p>	Contact Camden, Corporate Services Directorate: Customer Services Officers
2.	<p>Licensing Appeals:</p> <p>To act on behalf of the Licensing Authority as the respondent to licensing appeals, and to manage those appeals according to the Protocol for Licensing Appeals in Part 5 of the Constitution.</p>	Regulatory Services: Noise and Licensing Enforcement Manager / Senior Licensing Officer
3.	<p>Film Classification:</p> <p>To determine the appropriate film classification or issue waivers to film classification requirements in accordance with the agreed protocol.</p>	Contact Camden, Corporate Services Directorate: Head of Customer Services
4.	<p>Closure Notices and Orders under the Criminal Justice and Police Act 2001 (CJPA):</p> <p>To sign closure notices under section 19 of the CJPA and to apply to the Magistrates Court for a closure order under section 20.</p>	Regulatory Services: Noise and Licensing Enforcement Manager
5.	<p>Applications for review of a Premises Licence (Licensing Act 2003):</p> <p>To make an application to review a premises licence or club premises certificate under the Licensing Act 2003.</p>	<p>Various services on behalf of the Licensing Authority (Regulatory Services): Noise and Licensing Enforcement Manager / Principal Environmental Health Officers / Environmental Health Technicians / Senior Licensing Officer / Licensing Officer</p> <p>On behalf of the Environmental Health Responsible Authority (Regulatory Services): Noise and Licensing Enforcement Manager / Principal Environmental Health Officers / Environmental Health Officers / Environmental Health Technicians</p> <p>On behalf of the Health and Safety Responsible Authority (Regulatory</p>

		<p>Services): Business Compliance Manager / Principal Environmental Health Officers / Environmental Health Officers / Environmental Health Technicians</p> <p>On behalf of the Trading Standards Responsible Authority (Regulatory Services): Business Compliance Manager / Principal Trading Standards Officer / Trading Standards Officers / Consumer Protection Officers</p>
6.	<p>Licensing Act 2003 Representations:</p> <p>a) To determine if representations from Responsible Authorities or any other person are relevant to the application and the licensing objectives, and reject those representations that are not relevant; and</p> <p>b) To determine if representations from any other person are frivolous or vexatious, and reject those representations if they are.</p>	Contact Camden, Corporate Services Directorate: Customer Services Officers
7.	<p>Granting Applications (Licensing Act 2003):</p> <p>Where no relevant representations (or objections as the case may be) have been received or where they have been withdrawn:</p> <p>a) To grant a premises licence or club premises certificate;</p> <p>b) To grant a provisional statement;</p> <p>c) To grant a variation of a premises licence or club premises certificate;</p> <p>d) To grant or renew a personal licence;</p> <p>e) To grant a transfer of a premises licence;</p> <p>f) To grant an application to vary a Designated Premises Supervisor;</p> <p>g) To grant applications for consent for the holding of displays of hypnotism.</p>	Contact Camden, Corporate Services Directorate: Customer Services Officers
8.	<p>Signing Authority (Licensing Act 2003):</p> <p>To sign and issue licences or club premises certificates after determining that the details on the</p>	Contact Camden, Corporate Services Directorate: Customer Services Team Manager / Customer Service Officers

	<p>licence are correct and reflect the terms on which it has been granted, and where appropriate, that the conditions on the licence or club premises certificate are consistent with the operating schedule.</p>	
9.	<p>Minor Variations (Licensing Act 2003):</p> <ul style="list-style-type: none"> <li>a) To determine which Responsible Authorities are appropriate to consult;</li> <li>b) To take in to account any relevant representations made by those authorities or any other person, and determine if the proposed variation could have an adverse effect on the licensing objectives; and</li> <li>c) To grant the application where there could be no adverse effect on the licensing objectives, and the reject the application in all other cases.</li> </ul>	<p>Contact Camden, Corporate Services Directorate: Customer Services Team Manager</p>
10.	<p>Temporary Event Notices (Licensing Act 2003):</p> <ul style="list-style-type: none"> <li>a) To determine if permitted limits have been exceeded, and to issue a Counter Notice where those limits are exceeded; and</li> <li>b) To acknowledge receipt of a Temporary Event Notice.</li> </ul>	<p>Contact Camden, Corporate Services Directorate: Customer Services Officers</p>
11.	<p>Gambling Act 2005 Representations:</p> <p>To determine if representations from Responsible Authorities or interested parties are frivolous or vexatious, or if they will certainly not influence the authority's determination of the application, and to notify the person who made those representations as soon as reasonably practicable of that view.</p>	<p>Contact Camden, Corporate Services Directorate: Customer Services Officers</p>
12.	<p>Determining Applications (Gambling Act 2005):</p> <p>In cases where:</p> <ul style="list-style-type: none"> <li>i) no representations have been received or</li> <li>ii) where all representations have been withdrawn; or</li> </ul>	<p>Contact Camden, Corporate Services Directorate: Customer Services Officers</p>

	<p>iii) the representations are vexatious, frivolous or will certainly not influence the authority's determination of the application; or</p> <p>iv) the applicant and all parties who made representations consent to the application being determined without a hearing:</p> <p>The following types of application may be determined by granting or refusing the application, or endorsing the notice, including (where appropriate) attaching conditions under section 169 (1) (a) or excluding conditions under section 169 (1) (b) that would otherwise be attached to the licence under section 168:</p> <p>a) a new Premises Licence;</p> <p>b) a variation of a Premises Licence;</p> <p>c) a transfer of a Premises Licence;</p> <p>d) a Provisional Statement;</p> <p>e) a Temporary Use Notice.</p>	
13.	<p>Signing Authority and issue of licences (Gambling Act 2005):</p> <p>To sign and issue premises licences after determining that the licence can be issued, and that the details on the licence are correct and reflect the terms on which it has been granted.</p>	Contact Camden, Corporate Services Directorate: Customer Services Team Manager / Customer Service Officers
14.	<p>Revocation for non-payment of the annual fee (Gambling Act 2005):</p> <p>To revoke a Premises Licence when the licence holder fails to pay the annual fee.</p>	Contact Camden, Corporate Services Directorate: Customer Services Team Manager
15.	<p>Applications for review of a Premises Licence (Gambling Act 2005):</p> <p>To apply for the review of a Premises Licence (Gambling Act 2005).</p>	<p>On behalf of the Licensing Authority (Regulatory Services): Noise and Licensing Enforcement Manager / Principal Environmental Health Officers / Environmental Health Technicians / Senior Licensing Officer / Licensing Officer</p> <p>On behalf of the Environmental Health Responsible Authority (Regulatory Services): Noise and Licensing Enforcement Manager / Principal Environmental Health Officers /</p>

		Environmental Health Officers / Environmental Health Technicians
16.	To initiate a review of a Premises Licence (Gambling Act 2005)	On behalf of the Licensing Authority (Regulatory Services): Noise and Licensing Enforcement Manager / Principal Environmental Health Officers / Environmental Health Technicians / Senior Licensing Officer / Licensing Officer
17.	Temporary Use Notices (Gambling Act 2005): To acknowledge a Temporary Use Notice.	Contact Camden, Corporate Services Directorate: Customer Services Officers
18.	Applications for street entertainment licences under the London Local Authorities Act 2000 (Part V): To determine if an application meets the statutory requirements and policy requirements where applicable, and grant licences as appropriate.	Contact Camden, Corporate Services Directorate: Customer Services Officers
19.	Signing Authority (London Local Authorities Act 2000 (Part V)): To sign and issue street entertainment licences determining that the details on the licence are correct and reflect the terms on which it has been granted	Contact Camden, Corporate Services Directorate: Customer Services Officers
20.	Applications for review of a street entertainment licence (London Local Authorities Act 2000 (Part V)): To apply for the review of a street entertainment Licence (London Local Authorities Act 2000 (Part V))	On behalf of the Licensing Authority (Regulatory Services): Noise and Licensing Enforcement Manager / Principal Environmental Health Officers / Environmental Health Technicians / Senior Licensing Officer / Licensing Officer
21.	To determine the revocation of a street entertainers (buskers) licence under the London Local Authorities Act 2000 (Part V)	Director of Place Management

22.	Family Entertainment Centre Gaming Machine Permits (Gambling Act 2005):	
a)	To grant new or renew applications for Family Entertainment Centre Gaming Machine Permits according to schedule 10 of the Gambling Act 2005.	Contact Camden, Corporate Services Directorate: Customer Services Officers
b)	To refuse an application, having given the applicant an opportunity to make written or oral representations, or both.	Contact Camden, Corporate Services Directorate: Customer Services Team Manager
c)	To refer the application to a Licensing Sub-Committee if it is felt that the matter should be considered by the Sub-Committee.	Contact Camden, Corporate Services Directorate: Customer Services Team Manager
23.	Exempt Lotteries (Gambling Act 2005):	
a)	To register small society lotteries under part 5 of schedule 11 of the Gambling Act 2005.	Contact Camden, Corporate Services Directorate: Customer Services Officers
b)	To refuse to register the lottery, or to revoke the registration, having given the applicant an opportunity to make representations.	Contact Camden, Corporate Services Directorate: Customer Services Team Manager
c)	To refer the registration to a Licensing Sub-Committee if it is felt that the matter should be considered by the Sub-Committee.	Contact Camden, Corporate Services Directorate: Customer Services Team Manager
24.	To grant or renew applications for Club Gaming permits and Club Machine permits where no objections are made, or all objections are withdrawn under Section 12 of the Gambling Act 2005.	Contact Camden, Corporate Services Directorate: Customer Services Officers
25.	Licensed Premises Gaming Machine Permits (LPGMP) and Prize Gaming Permits – Gambling Act 2005:	
a)	To grant a new permit or variation.	Contact Camden, Corporate Services Directorate: Customer Services Officers

b)	To refuse the permit or variation, or to cancel the permit, having given the applicant an opportunity to make representations.	Contact Camden, Corporate Services Directorate: Customer Services Team Manager
c)	To refer the permit to a Licensing Sub-Committee if it is felt that the matter should be considered by the Sub-Committee.	Contact Camden, Corporate Services Directorate: Customer Services Team Manager
26.	To authorise officers of the Council under Section 34 of the Gambling Act 2005.	Head of Environmental Health, Business and Consumer Services
27.	Subject to consultation with appropriate Officers and authorities, where no representations have been received or they have been withdrawn:	
a)	To grant applications for consent for the holding of displays of hypnotism.	Contact Camden, Corporate Services Directorate: Customer Services Team Manager
b)	To review street trading consents under the London Local Authorities Act 1990.	Head of Environmental Services / Market Development Manager
c)	To grant street trading consents for traders who wish to trade for a period of up to one calendar month under the London Local Authorities Act 1990.	Market Development Manager
d)	To authorise street collections taking place on any day of the week and location within the authority's area, under the Police, factories, etc. (Miscellaneous Provisions) Act 1916, subject to there being no objections received from the Metropolitan Police or the Deputy Chief Executive.	Market Development Manager
e)	To authorise House to House Collections under the House to House Collections Act 1939.	Head of Environment Services
f)	To propose a resolution (designation resolution) to designate any street within the borough as a licensed streets following prescribed consultation process.	Head of Environmental Services / Markets Development Manager
g)	To propose a resolution in relation to any such street or any part of a street the class or classes of articles, things or services which will be permitted to be included in any licence granted, or other than which articles, things or services which they will not be permitted to be included in any licence granted by the Council in respect of the street following the prescribed consultation process.	Head of Environmental Services / Markets Development Manager

28.	To undertake the enforcement of all legislation relating to the Council's powers, duties and functions in connection with the following areas:	
a)	Animal health, welfare and protection (including protection from dangerous animals).	Environmental Health Officers/Technicians
b)	Consumer Protection/Trading Standards (including Sunday Trading and protection of children from tobacco and alcohol).	Trading Standards Officers/Consumer Protection Officers/Environmental Health Technicians
c)	Environmental protection (including pollution, nuisance prevention and control, littering and unauthorised tipping).	Environmental Health Officers/Technicians
d)	Food safety.	Environmental Health Officers/Technicians
e)	Health and safety at work (including cinematography safety).	Environmental Health Officers/Technicians
f)	Medicines, poisons and chemicals.	Trading Standards Officers / Consumer Protection Officers
g)	Vehicle safety.	Trading Standards Officers / Consumer Protection Officers
h)	Weights and measures.	Trading Standards Officers
i)	Control of the following trades:	
i)	Acupuncture, ear piercing, electrolysis revised, hairdressers/barbers.	Environmental Health Officers/Technicians
ii)	Motor salvage operators, scrap metal dealers.	Market Development Manager / Retail Market Officers / Market Analyst (Licensing)
iii)	Tattooists.	Environmental Health Officers /Technicians
iv)	Gambling and licensable activities under the Gambling Act 2005 and Licensing Act 2003.	Environmental Health Technicians
v)	London Local Authorities Act 1990 (as amended) Part III Street Trading Section 34 Offences as detailed	Street Trading Licensing Officers / Retail Market Officers / Market

		Development Manager / Education and Enforcement Officers
vi)	Street entertainment under the London Local Authorities Act 2000 (Part V).	Environmental Health Officers /Technicians Street Trading Licensing Officers / Retail Market Officers / Market Development Manager / Education and Enforcement Officers
29.	To issue certificates, licences, notices (including fixed penalty notices and enforcement notices), consents and orders, the authorisation of registration and the maintenance of registers and lists in connection with the following areas:	
a)	Animal health, welfare and protection (including protection from dangerous animals).	Environmental Health Officers /Technicians / Customer Service Officers
b)	Consumer Protection/Trading Standards (including Sunday Trading and protection of children from tobacco and alcohol).	Trading Standards Officers / Consumer Protection Officers
c)	Environmental protection (including pollution, nuisance prevention and control, littering and unauthorised tipping).	Environmental Health Officers /Technicians / Customer Service Officers
d)	Food safety.	Environmental Health Officers /Technicians / Customer Service Officers
e)	Health and safety at work (including cinematography safety).	Environmental Health Officers /Technicians
f)	Medicines, poisons and chemicals.	Trading Standards Officers / Consumer Protection Officers / Customer Service Officers
g)	Vehicle safety.	Trading Standards Officers / Consumer Protection Officers
h)	Weights and measures.	Trading Standards Officers / Consumer Protection Officers
i)	Control of the following trades:	
i)	Acupuncture, ear piercing, electrolysis revised, hairdressers/barbers.	Environmental Health Officers /Technicians
ii)	Motor salvage operators, scrap metal dealers.	Market Development Manager / Retail Market Officers / Market Analyst (Licensing)

iii)	Tattooists.	Environmental Health Officers /Technicians
iv)	Gambling and licensable activities under the Gambling Act 2005 and Licensing Act 2003.	Environmental Health Technicians
v)	London Local Authorities Act 1990 (as amended) Part III Street Trading Section 34 Offences as detailed	Street Trading Licensing Officers / Retail Market Officers / Market Development Manager / Education and Enforcement Officers
vi)	Street entertainment under the London Local Authorities Act 2000 (Part V).	Environmental Health Officers /Technicians
30.	To undertake the Council's functions as Burial and Cremation Authority.	Head of Green Spaces / Delegated to Islington Camden Cemeteries Service Board
31.	To authorise the registration of scrap metal dealers and to grant exemption to the keeping of records by itinerant collectors under the Scrap Metal Dealers Act 1964 and 2013.	Market Development Manager / Retail Market Officers / Market Analyst (Licensing)
32.	To undertake enforcement of the Sunday Trading Act 1994 including the maintenance of a Register of Shops in accordance with Paragraph 5 of Schedule 1 with the maintenance of a register of notices serviced in respect of shops occupied by persons of the Jewish religion under paragraph 8 of Schedule 2, and the acceptance of shorter periods of notice pursuant to Paragraph 4(3) of Schedule 1.	Trading Standards Officers /Consumer Protection Officers
33.	To undertake enforcement of all legislation relating to the Council's powers, duties and functions as weights and measures authority and food authority to trading standards and consumer protection.	Business Compliance Manager / Trading Standards Officers / Consumer Protection Officers / Environmental Health Officers (Food Safety)
34.	To undertake the functions of the Council under Regulation 6(2) of the Control of Asbestos Regulations 2012.	Environmental Health Officers /Technicians
35.	To enforce and execute such of the provisions of the Animal Health Act 1981 as are to be enforced and executed by the Council.	Environmental Health Officers /Technicians

36.	To undertake the Authority's powers, duties and functions of Part 1 of the Vehicles (Crime) Act 2001 in relation to the Regulation of Motor Salvage Operators, including the granting and renewal of registrations, the refusal of applications for registration or renewal of registration and the cancellation of registration.	Market Development Manager / Retail Market Officers
37.	To:	
a)	To grant and renew street trading licenses in accordance with the London Local Authorities Act 1990 (as amended).	Market Development Manager
b)	To consider, grant or refuse the transfer of licence to a nominated relative in accordance with the LLA 1990(as amended) on the grounds specified within the Act.	Market Development Manager
c)	To consider, grant or refuse the variation application of a permanent licence upon receipt of a request from the permanent licensee wishing to vary their licence by means of a change of pitch, licensed street, commodity or any other permitted change.	Market Development Manager
d)	To attach or vary conditions attached to street trading licenses where the license-holder has applied for such an attachment or variation.	Market Development Manager
e)	To remove, sell, let, hire or otherwise provide receptacles for trading or for the deposit of refuse to licensees and maintain accommodation for the storage of receptacles.	Market Development Manager
f)	To seize any article, thing or equipment as evidence of a prosecution for unlicensed street trading under S38 of the LLA 1990 (as amended) and request forfeiture of any item. To dispose of such item as appropriate once/if forfeiture has been granted.	Market Development Manager / Market Development Officer / Retail Market Officers / Education and Enforcement Officers
g)	To refuse an application or renewal application on any of the grounds detailed in the London Local Authorities Act 1990 (as amended).	Market Development Manager
h)	To propose to revoke or vary any licence where there are grounds to do so under S28 of the London Local Authorities Act 1990 (as amended).	Market Analyst / Market Development Officer / Retail Market Officers

i)	Authority to approve the institution of legal proceedings subject to the nominated legal officer being satisfied with the sufficiency of evidence.	Market Development Manager
j)	Authority to approve the defending of legal proceedings subject to the nominated legal officer being satisfied with the sufficiency of evidence.	Market Development Manager
k)	To consider, grant or refuse the issue of a temporary registration.	Market Development Manager / Market Development Officer / Market
l)	To authorise the issue of a daily temporary licence for trading in a licensed street upon receipt of the appropriate payment.	Market Analyst / Retail Market Officers / Market Analyst / SAMOs
m)	To authorise the issue of a temporary licence for a period of up to six months for trading to take place in a licensed or unlicensed street in accordance with the grounds described in the LLA 1990 (as amended).	Market Development Manager / Market Development Officer / Market Analyst (for unlicensed street only the Head of Environmental Services and Market Development Manager)
n)	Authority to act as a proper officer, authorised officer, inspector or other designation and exercise powers for all relevant legislation after being appropriately nominated.	All Market staff in authorised posts
o)	To make decisions to determine the outcome of matters put before the Markets Revocation Panel in relation to revocation, variation and refusal to grant or renew a licence:	The Markets Panel – Minimum of three Panel Members from the below list or their nominated representatives: Director of Place Management / Head of Environmental Services / Market Development Manager / Borough Monitoring Manager / Business Manager / Education and Enforcement Manager / Environmental Services Manager / Environmental Operations Manager/Business Compliance Manager
p)	To make decisions with regard to the writing of debts that is deemed unrecoverable.	As above.
q)	To make decisions with regard to the applying of discounts for some street trading fees and charges.	As above.

38.	To grant permission for events of a non-contentious nature within parks, open spaces and sports centres.	Head of Libraries, Arts and Tourism
39.	To authorise outside bodies to carry out filming in the Council's parks, cemeteries, sports centres and open spaces.	Head of Libraries, Arts and Tourism
40.	Generally to take action and operate all legislative and administrative procedures in relation to the regulation to cemeteries.	Head of Green Spaces / Delegated to Islington Camden Cemeteries Service Board
41.	To extinguish rights of interment.	Head of Green Spaces / Delegated to Islington Camden Cemeteries Service Board
42.	To approve and sign grave grants and extinguish rights in respect of graves.	Head of Green Spaces / Delegated to Islington Camden Cemeteries Service Board
43.	Liaise with the Coroners Service.	Regulatory Services
44.	To:	
a)	Approve any changes to parking arrangements on street.	Director of Regeneration and Planning
b)	Authorise the provision of parking bays for persons with disabilities.	Director of Regeneration and Planning
45.	To issue graffiti removal notices and issue fixed penalty notices in relation to graffiti and flyposting under the Antisocial Behaviour Act 2003.	Head of Environment Services / Education and Enforcement Manager / Borough Monitoring Manager / Senior Education and Enforcement Officer / Senior Area Monitoring Officer
46.	Sign off applications for closure orders under the Anti-Social Behaviour, Crime and Policing Act 2014.	Executive Director of Supporting Communities
47.	Authorisation of requests for covert surveillance under the Protections of Freedoms Act 2012.	Executive Director of Supporting Communities
48.	To undertake the Council's powers and duties in respect of the transport of waste and unlawfully deposited waste and litter (Control of Pollution Amendment Act 1989 (as amended) and Environmental Protection Act 1990 (as amended).	Director of Place Management / Head of Environment Services / Education and Enforcement Manager / Borough Monitoring Manager / Senior Education

		and Enforcement Officer / Senior Area Monitoring Officer
49.	To enforce the provisions of Section 55 of the Clean Neighbourhoods and Environment Act 2005 and any regulations made thereunder, in relation to dog control.	Director of Place Management / Head of Environment Services / Education and Enforcement Manager / Borough Monitoring Manager / Senior Education and Enforcement Officer / Senior Area Monitoring Officer
50.	To enforce the provisions of Section 54 of the Clean Neighbourhoods and Environment Act 2005 and any regulations made thereunder, in relation to site waste management plans.	Director of Place Management
51.	To authorise the removal and disposal of abandoned vehicles in line with: <ul style="list-style-type: none"> <li>• Refuse Disposal Amenity Act</li> <li>• The Removal and Disposal of Vehicles Regulations 1986</li> <li>• Road Traffic Regulations Act 1984</li> <li>• Theft Act 1968</li> <li>• Clean Neighbourhoods and Environmental Act 2005 (Section 10–14)</li> <li>• London Local Authorities Act 2004 (Part 2)</li> </ul>	Environmental Services Officers / Environmental Services Manager
52.	To approve business recycling and waste refunds.	Head of Environment Services / Environment Services Manager / Principal Environment Services Officer
53.	To enforce the provisions of Part 1 of the Health Act 2006 in relation to smoke free premises, places and vehicles, including the power to issue fixed penalty notices in relation to offences thereunder.	Business Compliance Manager / Noise and Licensing Manager / Principal Environmental Health Officers and Technicians / Trading Standards Officers/ Consumer Protection Officers
54.	To authorise the granting of licenses to erect building structures such as scaffolding, hoardings to facilitate building work as provided under the Highways Act 1980, the New Roads and Street Works Act 1991, and the Traffic Management Act 2004 including the exercise of all those functions in relation to highways contained in paragraph B of	Head of Engineering

	Schedule 1 of the Local Authorities (Functions and Responsibilities) England Regulations 2000.	
55.	To make decisions to determine applications put before the Table and Chair Panel in relation to the grant, refusal, renewal, variation or revocation of a licence to place table and chairs on the public highway as provided under the Highways Act 1980.	The Table and Chair Panel – Minimum of three Panel Members from the below list of nominated representatives: Contact Camden Customer Service Manager/Contact Camden Customer Service Officer/Environmental Health Technician/Engineering Service Officer/Transport Planner/Area Monitoring Officer
56.	To authorise the granting of licenses to place skips, building materials, tables and chairs on the public highway as provided under the Highways Act 1980.	Corporate Services Directorate: Head of Contact Camden
57.	To permit or restrict the placing of litter bins, dog bins, waste containers, recycling containers and grit bins on the public highway as provided under the Highways Act 1980.	Head of Environment Services
58.	To permit or restrict the planning of trees on the public highway as provided under the Highways Act 1980.	Head of Green Spaces
59.	To adopt highways and arrange for alterations to the layout of highways.	Director of Place Management (in consultation with the Director of Regeneration and Planning)
60.	To authorise the entering into of any agreement under the Highways Act 1980 and the subsequent adoption of highways constructed under such agreements and to require the making up of any private streets.	Director of Place Management (in consultation with the Director of Regeneration and Planning and the Director of Development
61.	To approve plans and specifications in respect of retaining walls and other structures.	Head of Engineering / Structures Manager – Engineering
62.	To authorise the display of posters on lamp columns.	Head of Engineering / Head of Development Management
63.	To approve the erection of promotional banners under Section 132 of the Highways Act 1980.	Head of Engineering / Head of Development Management

64.	To authorise the stopping-up and diversion of highways under the Highways Act 1980 and the Town and Country Planning Act 1990 provided that if any statutory representations or objections are received to any Order which the Council is required to consider they shall be reported to the Planning and Highways Committee for determination.	Director of Place Management
65.	To make orders as provided under the Road Traffic Regulations Act 1984 S.14 S.15, as amended by the Local Government Act 1985, the Road Traffic (Temporary Restrictions) Act 1991, London Local Authorities and Transport for London Act 2008 Part 4 12, and of all other enabling powers and to serve notices under section 14(2), 16(2A) to make temporary restrictions and prohibitions provided that if any statutory representations or objections are received to any order which the Council is required to consider they shall be reported to the Director of Place Management.	Head of Engineering / Director of Place Management (where objections are received).
66.	To agree individual traffic management schemes for approval including any alterations to parking, waiting and loading restrictions where not reserved to the Cabinet Member.	Director of Regeneration and Planning / Head of Transport Planning and Parking Strategy (in consultation with the Director of Regeneration and Planning if there are objections to the scheme).
67.	To approve applications and to authorise the serving of Notices under the New Roads and Street Works Act 1991.	Head of Engineering
68.	To approve permit applications to carry out road and street works submitted under the Traffic Management Act 2004.	Head of Engineering

69.	To serve notices under the Highways Act 1980	Head of Engineering / Head of Environment Services / Head of Green Spaces / Education and Enforcement Manager / Senior Education and Enforcement Officer / Borough Monitoring Manager / Senior Area Monitoring Officer Senior Bridges and Structures Engineer
70.	To liaise generally with Thames Water Limited with regard to sewerage, sewage disposal and land drainage and in particular to see adoption of sewers by Thames Water Limited under section 104 of the Water Industry Act 1991.	Head of Engineering
71.	To exercise all those functions relating to public rights of way contained in Part I of Paragraph I of Schedule 1 of the Local Authorities (Functions and Responsibilities) England Regulations 2000 as amended, including the power to authorise, and where no objections or representations are received, to confirm the making of any Orders in respect of highways, footpaths, bridleways, and streets. Provided always that if any objections or representations are received to such Orders which the Council is required to consider they shall be reported to the Director of Place Management for consideration.	Head of Engineering / Director of Place Management (if there are objections)
72.	To name or rename streets.	Director of Place Management
73.	To exercise the powers of Traffic Manager and other functions under the Traffic Management Act 2004.	Head of Engineering
74.	To act as the Technical Approval Authority for bridges and other highway structures.	Engineering Structures Team
75.	To receive, pass or reject all plans, certificates and notices pursuant to the Building Regulations 2000.	Building Control Officer / Building Control Administration Officer
76.	To take enforcement action under planning legislation, to issues appropriate statutory notices under planning legislation and or other relevant	Head of Development Management / Team Managers

	legislation and to issue and serve enforcement notices.	
77.	To accept or reject all notices pursuant to the Building (Approved Inspectors etc.) Regulations 2000 and to take any necessary action under Regulation 20 thereof in relation to partly completed work.	Building Control Officer / Building Control Administration
78.	To administer and collect fees including Value Added Tax pursuant to The Building (Local Authority Charges) Regulations 1998.	Building Control Administration Officer
79.	To exercise the Council's functions in respect of dangerous and dilapidated buildings and other structures including authorising service of Notice under the Public Health Acts 1936 and 1961 and the Building Act 1984.	Building Control Technical Manager and Building Control Officers – Dangerous Structures
80.	To grant exemptions under the Building Regulations 2000 for cavity wall insulation works.	Building Control Technical Manager
81.	To number and renumber houses.	Contact Camden, Corporate Services Directorate: Customer Services Team Leader
<b>Planning</b>		
82.	To determine all forms of planning and other applications under Part III and VII of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act, the Planning (Hazardous Substances) Act 1990, the Planning Act 2008 or under or under any related secondary legislation except those reserved to the Planning Committee.	Approvals: Senior Planner Refusals: Head of Development Management / Team Manager
83.	To declare highways and environmental schemes as Council approved for development management purposes.	Head of Development Management unless referred to Planning Committee

84.	To decide whether an application for planning permission is for a development which is likely to have significant effects on the environment, and if he so decides, to require the applicant to submit an environmental statement and/or to determine the scope of matters to be addressed within that environmental statement under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.	Head of Development Management / Team Managers
85.	To determine applications for reserved matters and conditions following the granting of planning permission (and for non-material and minor material alterations to existing permissions under S96A and S73 of the Town and Country Planning Act 1990. except those reserved to the Planning Committee.	To determine applications for reserved matters and conditions following the granting of planning permission (and for non-material and minor material alterations to existing permissions under S96A and S73 of the Town and Country Planning Act 1990. except those reserved to the Planning Committee.
86.	To determine applications for consent under Orders under Section 198 of the Town and Country Planning Act 1990 to the cutting down, topping, lopping or felling of trees.	Tree and Landscape Officer (Planning)
87.	To determine applications for consent under Regulations made under Section 220 of the Town and Country Planning Act 1990 for the display of advertisements.	Approvals: Senior Planner Refusals: Head of Development Management / Team Managers
88.	To determine whether or not prior approval should be sought for proposed works, including works, of demolition under the Town & Country Planning (General Permitted Development) Order 2015.	Senior Planner
89.	To decline to determine applications for planning permissions pursuant to Sections 70A, 70B & 70C of the Town and Country Planning Act 1990, and where the power exists to decline to determine other relevant applications including applications for Listed Building Consent under Sections 81A & 81B of the Planning (Listed Building & Conservation Areas) Act 1990.	Senior Planner

90.	To secure the proper maintenance of land adversely affecting the amenity including the service of notices.	Head of Development Management / Team Managers
91.	To exercise the Council's functions to control advertisements under Part VIII of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 including the service of any notices.	Head of Development Management / Team Managers
92.	Subject to matters reserved for Members to take all steps necessary with regard to dangerous trees on private land, to determine applications for the felling of trees, to make Tree Preservation Orders and to grant or refuse permission to remove, top or lop trees that are the subject of Tree Preservation Orders or are situated in conservation areas. To plant street trees, to remove dangerous trees and to approve work to trees on the highway.	Tree and Landscape Officer (Planning)
93.	To maintain the Local Land Charges Register and to issue official search certificates.	Local Land Charges Manager / Local Land Charges Officer
94.	To exercise the Council's functions in relation to the approval or refusal, of applications in respect of the Building Regulations.	Building Control Officer
95.	To exercise the Council's functions with regard to temporary markets under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.	Head of Environment Services
96.	To exercise the functions of the Council in respect of dangerous and dilapidated buildings and other structures, neglected sites, and the control of injurious weeds.	Technical Manager / Building Control Officer – Dangerous Structure
97.	To exercise the functions of the Council in respect of oil pollution planning, storm tide warnings under the Civil Contingencies Act 2004.	Director of Community Services
98.	To authorise the service of Building Preservation Notices and Repair Notices requiring the repair of Listed Buildings and the taking of action in default if necessary.	Executive Director of Supporting Communities

99.	To make representations to the Department of Culture, Media and Sport concerning the listing of historic buildings.	Conservation and Historic Buildings Advisor
100.	To authorise the making or modification of planning obligation agreements under Section 106 of the Town and Country Planning Act 1990 including applications under S106A and S106BA except those reserved to the Planning Committee.	Senior Planner / Head of Development Management or Team Managers (for applications under S106A and S106BA)
101.	To exercise the Council's powers in relation to breaches of planning control, including authorising the service of enforcement notices, stop notices, breach of condition notices, and listed building enforcement notices.	Head of Development Management / Team Managers
102.	To authorise all aspects related to the making and confirmation of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015.	Director of Regeneration and Planning
103.	To approve or refuse Improvement Area Grant and Security Grant applications under the Inner Urban Areas Act 1978 or similar applications under the Local Government and Housing Act 1989.	Executive Director of Supporting Communities
104.	To approve or refuse grants for works to ancient monuments under the Ancient Monuments and Archaeological Areas Act 1979.	Director of Regeneration and Planning
105.	To approve or refuse grants for works to listed buildings and other buildings of historical or architectural interest under the Planning (Listed Buildings and Conservation Areas) Act 1990.	Director of Regeneration and Planning
106.	To make Orders under Part X of the Town and Country Planning Act 1990.	Head of Development Management / Team Managers
107.	Generally to take action and operate all legislative and administrative procedures in relation to building control and regulation.	Building Control Officer
108.	To impose conditions for the provision and maintenance of precautions against fire in relation to certain high or oversize buildings.	Building Control Officer
109.	To approve plans and issue certificates of compliance in relation to protection against fire.	Building Control Officer
110.	To survey and certify dangerous structures.	Technical Manager / Building Control Officer – Dangerous Structures

111.	To secure dangerous structures and erect hoardings or fences for the protection of the public.	Building Control Officer – Dangerous Structure / Structures Team Officer – Engineering
112.	To remove any immediate danger in a dangerous structure.	Building Control Officer – Dangerous Structure / Structures Team Officer – Engineering
113.	To sign house type approval notices.	Head of Building Control
114.	To pass, reject or impose conditions on plans for proposed work and impose requirements on persons carrying out building work.	Building Control Officer
115.	To determine an application to dispense with or relax building regulation requirements.	Technical Manager & Building Control Officer – Dangerous Structures
116.	To consent to the alteration and uniting of buildings.	Building Control Officer / Structures Manager – Engineering
117.	To consent to the erection or retention of temporary buildings or structures.	Building Control Officer
118.	To require information as to ownership of premises.	Land Charges Officer / Regulatory Services Officers / Finance Officers
119.	To issue regularisation and completion certificates.	Building Control Officer
120.	To sign house type approval notices.	Local Authority Building Control
121.	To undertake the Council's powers and duties in relation to high hedge complaints under the Anti-Social Behaviour Act 2003.	Approvals: Senior Planner Refusals: Head of Development Management / Team Managers
122.	To exercise the functions of the Council in relation to the management, inspection and control of asbestos, (Control of Asbestos at Work Regulations), and water systems in relation to Legionella (Approved Code of Practice for Minimisation of Legionella in Water Systems (L8)).	Business Compliance Manager / Environmental Health Officers
123.	To exercise the Council's functions under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.	Trading Standards Officer
124.	In consultation with the Cabinet Member, grant awards to Voluntary and Community Sector organisations from £25-100k.	Executive Director Supporting Communities

125.	Issue of section 19 permits to schools and similar bodies to allow them to operate minibuses e.g. PAT groups etc.	Head of Camden Accessible Travel Solutions
126.	Implementation of Regulatory Services Enforcement Policies.	Head of Regulatory Services
<b>Air Quality</b>		
127.	Camden Climate Fund applications: To approve applications for grant funding from the Camden Climate Fund and subsequent payment.	Regeneration and Planning: Director of Regeneration and Planning / Strategic Lead – Sustainability, Air Quality and Energy
<b>Emergency Planning</b>		
128.	To authorise the activation of the Council's Emergency Response and Recovery (ERRP) plan (to meet its functions under the Civil Contingencies Act 2004)  The ERRP contains key information regarding Camden's specific capabilities and plans in response to various types of incidents.	Director of Community Services (business hours) / Duty Emergency Management Officer / Director Resilience (out of hours)
129.	To authorise the activation of the Borough Emergency Control Centre plan in response to an incident. (Minimum Standards for London requirement).	Duty Emergency Management Officer
130.	To authorise the activation of the Emergency Reception Centre plan in response to an incident. (Minimum Standards for London requirement).	Duty Emergency Management Officer
131.	Authorised to declare a Major Incident on behalf of the Local Authority. (As defined by the Joint Emergency Services Interoperability Programme).	Director of Community Services (business hours) / Director Resilience (out of hours)
132.	To authorise any Camden mutual aid assistance request to other Local Authorities that fall within the London Mutual Aid – Memorandum of Understanding.	Director of Community Services (business hours) / Director Resilience (out of hours)
133.	To authorise any mutual aid requests from other Local Authorities that falls within the London Mutual Aid – Memorandum of Understanding.	Director of Community Services (business hours) / Director Resilience (out of hours)
134.	To exercise the Council's functions under the Town and Country Planning Community Infrastructure Levy Regulations 2010 (as amended, currently 2018) to Issue CIL Liability and Demand Notices, Determine formal reviews and appeals against the	Community Infrastructure Levy Manager

	application of CIL charges and grant mandatory relief from the CIL	
135.	Accept Infrastructure payments in lieu of CIL.	Strategic Lead Infrastructure and Growth
136.	The transfer of Mayor of London CIL funds to Transport for London	Director of Regeneration and Planning
137.	Allocation of Camden CIL funds where no identified conflict with Camden Service Delivery, Member Objection or declaration under the Members' Code of Conduct.	Executive Director Supporting Communities up to £2 million, the Director of Planning and Regeneration up to £500,000 and Senior Officers within the Placeshaping and Economic Development service (Level 6 Zone 1 and Level 5 Zone 2) up to £100,000
138.	Allocation of funds collected under s106 of the Town and Country Planning Act	Executive Director Supporting Communities up to £2 million, the Director of Planning and Regeneration up to £500,000 and Senior Officers within the Placeshaping and Economic Development service (Level 6 Zone 1 and Level 5 Zone 2) up to £100,000
<b>Property</b>		
Without prejudice to the specific delegations set out below in paras 120 to 135 to exercise all powers and functions as permitted by the Constitution in respect of the Council's property and land holding and land management function (in conjunction and in consultation with other Chief Officers as appropriate).		
139.	Preparing, proposing, and implementing a Corporate Asset Management Plan and Corporate Property Strategy for the Council's property assets.	Director of Property Management
140.	In conjunction with other directorates, as appropriate, to instruct legal services to take all operational steps in respect of, give notice, publish and take any necessary action in respect of Compulsory Purchase in respect of compulsory purchase orders, including publishing or giving notice of order and paying all the covering compensation. Orders under the Acquisition of Land Act 1981, and pay or recover	Head of Property Services / Head of Assets Strategy and Valuation / All Heads of Regeneration and Planning

	compensation, home loss, disturbance, serve notices, reach agreement, accept undertakings, instruct the Services to issue notices, warrants for possession, redeem mortgages, settle claims of costs for successful objectors and such functions and powers pursuant to Compulsory Purchase (Vesting Declarations) Act 1981, and Compulsory Purchase Act 1965 and any other related legislation and Land Compensation Acts 1961 and 1973 and any such other powers and duties as the Council may have arising out of the Council's ownership of land.	
141.	In conjunction with other directorates, as appropriate, to apply for a certificate from the local planning authority, issue appeals, give notice of proposal to carry out development, give notice or instruct Legal Services to give notice of withdrawal of any notice to treat and approve consequential compensation and home loss payments under the Land Compensation Acts 1961 and 1973 in respect of Compulsory Purchases.	Head of Property Services / Head of Assets Strategy and Valuation / All Heads of Regeneration and Planning
142.	In conjunction with other directorates, as appropriate, to instruct Legal services to object to a compulsory purchase order in respect of land owned by the Council and to apply to the High Court to question the validity of a compulsory purchase order or any provision contained therein under the Acquisition of Land Act 1981.	Head of Property Services / Head of Assets Strategy and Valuation / All Heads of Regeneration and Planning
143.	In conjunction with other directorates, as appropriate, to instruct legal services to recover compensation, home loss, disturbance, reach agreement, accept undertakings, redeem mortgages and exercise such functions and powers in relation to any compulsory purchase order in respect of land owned by the Council under the Compulsory Purchase (Vesting Declarations) Act 1981, the Compulsory Purchase Act 1965 and any other related legislation and Land Compensation Acts 1961 and 1973.	Head of Property Services / Head of Assets Strategy and Valuation / All Heads of Regeneration and Planning
144.	The approval of the disposal of any freehold or	Director of Development

	leasehold land and/or property, in accordance with the Constitution.	
145.	Acquisition of land on a freehold or leasehold basis, in accordance with the Constitution.	Director of Property Management / Director of Development
146.	Approval of disposal by the granting of leases within the commercial investment portfolio, on the Council's usual terms at full market rental for 20 years or less), in accordance with the Constitution.	Head of Asset Strategy and Valuation / Senior Valuer
147.	To negotiate all relevant terms including as to payment of professional fees (but not the waiver of legal professional fees) in respect of the letting and management of commercial premises owned by the Council, apply rent reviews and serve all relevant notices in respect of such premises or instruct the Borough Solicitor to issue such notices whether under the lease or statutory provision including retrieval assignments, variations, termination, contracting out of the 1954 Act, and enforcement of such commercial leases and all other relevant landlord action under the Landlord and Tenant Acts and related status.	Head of Asset Strategy and Valuation / Senior Valuer
148.	To agree or request guarantee agreements, rent deposits, overriding leases, release from covenant, apportion liability under covenants and agree compensation for Leases or Tenancies under The Landlord and Tenant Act 1927 and Landlord and Tenant (Covenants) Act 1995.	Head of Asset Strategy and Valuation / Senior Valuer
149.	Where required under the constitution, to give any notice, apply to court or tribunal, deal with charges, act as mortgagee in possession, deal with proceeds as mortgagee, grant licences and surrender leases (or instruct the Borough Solicitor to take any of these actions) under The Law of Property Act 1925.	Head of Asset Strategy and Valuation / Senior Valuer
150.	To propose the alteration of the valuation list or raise objections to any proposed alteration in	Head of Asset Strategy and Valuation

	respect of any property owned and /or occupied by the Council and appealing to the valuation tribunal in respect of such proposals under The Local Government Finance Act 1988 Section 55.	
151.	To approve terms for rent reviews or Lease renewals.	Head of Asset Strategy and Valuations / Senior Valuer
152.	To assess the market value and the value of any improvements on which the sale price should be based for the purposes of sale under the Right to Buy Provisions.	Head of Asset Strategy and Valuation / Senior Valuer
153.	In respect of matters directly related to the council's property portfolio, giving instructions to debt collection agencies, issuing legal proceedings, applying for attachment of earnings orders, charging orders, bankruptcy and any other relevant enforcement action to recover any debt including attending creditors meetings, co-operating with administrators, trustees in bankruptcy, liquidators, receivers and exceeding powers to seek administration, bankruptcy or liquidation in relation to debts owed to the Council.	Head of Asset Strategy and Valuation / Senior Valuer
154.	Taking any action reasonably necessary for the day-to-day maintenance and management of schools, educational buildings or grounds in operational use, corporate property, commercial property and the housing portfolio.	Director of Property Management / Head of Property Services / Head of Repairs / Head of Better Homes Delivery
<b>Housing Management</b>		
155.	To make compensation payments for service failure or other appropriate reason.	All Heads of Service in Housing Management (within financial scheme of delegation) / Leaseholder Services Managers
156.	To dispose of properties in accordance with the Right to Buy legislation.	Head of Leaseholder Services / Right to Buy Admin and Sales Manager / Right to Buy Sales Principal
157.	Generally and in regular consultation albeit not a case by case basis with the Borough Solicitor - to commence and cease legal action in respect of any of Camden's landlord functions	Head of Tenancy Services / Head of Leaseholder Services / Ward Housing Managers / Housing Investigations Manager / Rent Service Manager / Leaseholders Services Managers

158.	To authorise tenant and leaseholder alteration requests and undertake enforcement in the event of non- compliance.	Head of Tenancy Services / Head of Leaseholder Services / Ward Housing Managers / Leaseholders Services Managers
159.	In consultation with Legal Services, to authorise amendments to the tenancy conditions or leases with individual tenants, leaseholders or superior landlords	Head of Tenancy Services / Head of Leaseholder Services / Leaseholders Services Managers
160.	To allocate grant funding within agreed budget limits to TRAs and other tenant groups either directly or via agreed DMC processes.	Head of Tenancy Services / Head of Tenant Participation and Sheltered Housing
161.	To allocate grant funding within agreed budget limits to TRAs and other tenant groups either directly or via agreed DMC processes.	Head of Tenancy Services
162.	To grant rent reductions in connection with renewal projects, major repairs or disrepair.	Head of Regeneration & Development / Head of Repairs / Head of Better Homes Delivery / Head of Property Services / Head of Tenancy Services
163.	To approve applications by Council borrowers to sub-let property mortgaged by the Council.	Head of Leaseholder Services
164.	Authorise buy back from leaseholders in the regeneration schemes.	Director of Property Management / Director of Development
165.	Authorise the buyback of leaseholder properties to enable the leaseholder to become a tenant.	Director of Housing Management / Director of Property Management
166.	Authorising the selling price for disposals in the regeneration scheme.	Director of Property Management / Director of Development
167.	To issue certificates, licences, notices, consents, orders and authorise registration in connection with the following:	
a)	Housing Act 1985, s83 (Notices of Seeking Possession and of demotion – secure tenancies;	Head of Tenancy Services / Ward Housing Managers / Rent Service Manager / Performance Support Manager

b)	Protection from Eviction Act 1977, s5 (Notices to Quit);	Head of Tenancy Services / Ward Housing Managers / Rent Service / Manager / Performance Support Manager
c)	Notices to Quit (Prescribed Information) Regulations 1988;	Head of Tenancy Services / Ward Housing Managers / Rent Service / Manager / Performance Support Manager
d)	Housing Act 1996, s128 (Notice of Possession of an introductory tenancy);	Head of Tenancy Services / Ward Housing Managers / Rent Service Manager / Performance Support Manager / Service Development Manager (Supporting People Directorate)
e)	Housing Act 1996, s125a (Notice of Extension of an introductory tenancy);	Head of Tenancy Services / Ward Housing Managers / Rent Service Manager / Performance Support Manager / Service Development Manager (Supporting People Directorate)
f)	Housing (Service Charge Loans) Regulations 1992;	Head of Leaseholder Services / Leaseholders Services Managers
g)	Commonhold and Leasehold Reform Act 2002.	Head of Leaseholder Services / Leaseholders Services Managers




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**Executive Director Supporting Communities**  
**Date 19<sup>th</sup> October 2018**

**General Note**

1. The exercise of any functions of the Council in respect of any particular matter which has been delegated shall include the power to take any action incidental, conducive or ancillary thereto.
2. Where authority is given for the service of any notice, authority is also given for the taking of appropriate action by the relevant Executive Director in the event of noncompliance with such notice.
3. Any power delegated to an Executive Director may be delegated by them to an officer within their department provided that this is permitted by law.

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## **Directorate Authorisation Scheme**

The Council's delegation scheme delegates all matters not reserved to Members to the relevant Executive Director. Executive Directors are permitted to authorise others within their Directorates to exercise those powers delegated to them. The following is the scheme recording those standing authorisations. Executive Directors may in addition to these standing authorisations also on an ad-hoc and time-limited basis (for example during periods of leave) authorise other officers to exercise delegations for them or to act as their deputy. These time-limited authorisations must be given in writing. Executive Directors remain accountable for any action or decisions taken under this authority.

The following list details the matters for which authorisation has been given and the post holder to whom it has been given. Please note that the authorised post holder must personally make, and to what extent is appropriate in the circumstances, record their decision making when exercising this authorisation.

Set out below are for each Directorate two columns – that on the left being the function for which the Executive Director has granted authorisation and that on the right being the person or persons by job title to who the authorisation has been given. Without prejudice to the fact that matters not authorised below remain with the Executive Director some particular matters which remain with the Executive Directors are listed below for the sake of clarity.

None of the below delegations prevent the Executive Director from exercising those functions or make the decisions which have been delegated.

## Delegations by the Executive Director Corporate Services

Corporate Finance		
1.	To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988. To maintain the Council's financial regulations.	Director of Finance
2.	Making amendments to risk management policy and strategy with appropriate consultation with Audit and Corporate Governance Committee.	Director of Finance
3.	Making appropriate arrangements for the use of banking services including accounts held jointly with others.	Director of Finance
4.	Making provision for insurance (via insurance policies or self-insurance) in respect of all the Council's risks including premises, property, employees, Members and third parties.	Director of Finance / Insurance Manager
5.	Dealing with any claims against the Council where the losses are insured including those below any excess and approve any settlements or other action in respect of such claims.	Director of Finance / Head of Treasury and Financial Services / Insurance Manager
6.	Preparing, proposing, and implementing a treasury management policy statement, annual strategies (including an annual investment strategy) and annual report after the financial year end (for approval by Cabinet and full Council).	Executive Director Corporate Services / Director of Finance / Head of Treasury and Financial Services
7.	Spending and maintaining reserves in accordance with prudential finance strategies.	Director of Finance
8.	Borrowing and investment of funds on a long or short term basis in accordance with the Treasury	Director of Finance

	Management Strategy, borrowing limits, the Counterparty list and Prudential limits. Including raising, varying, repaying loans, taking overdrafts, bonds and arranging for investment of funds.	
9.	Approving all loans or other financial assistance to Housing Associations/Registered Social Landlords and fixing interest rates under the Housing Act in respect of any such advances.	Director of Finance / Head of Treasury and Financial Services
10.	Maintaining relevant statutory accounts and accounting records in respect of the Council's financial arrangements including the maintenance of relevant separate accounts (capital and revenue) and any register of loans or loan investments.	Director of Finance / Head of Finance – Corporate Services
11.	Suspending financial delegation to any school where there is a failure to comply with requirements of Financial Management under the School Standards and Framework Act 1992 (Section 51).	Director of Finance
12.	Applying for any subsidy due to the Council.	Director of Finance
13.	Approving any incentive schemes in respect of management of the Council's housing stock including incentives for under occupation.	Director of Finance
14.	Agreeing any apportionment in respect of the expenses of the Coroners Service under the Coroners Act 1988.	Director of Finance
15.	Pay any expenses incurred by Electoral Registration Officer.	Director of Finance

### Credit Control

16.	Giving instructions to debt collection agencies, issuing legal proceedings, applying for attachment of	Director of Customer Services / Head of Credit Control / Head of
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	earnings orders, charging orders, bankruptcy and any other relevant enforcement action to recover any debt including attending creditors meetings, co-operating with administrators, trustees in bankruptcy, liquidators, receivers and exceeding powers to seek administration, bankruptcy or liquidation in relation to debts owed to the Council.	Council Tax and Business Rates
17.	Serving statutory demands, placing and enforcing charges, recovering interest and expenses, appointing receivers, collecting interest and expenses in connection with any debt owed to the Council.	Director of Customer Services / Head of Credit Control / Head of Council Tax and Business Rates
18.	To exercise the Council's discretion to release information where statutorily permitted to do so in respect of any debt owed to the Council.	Director of Customer Services / Head of Credit Control / Head of Council Tax and Business Rates

Council Tax and National Non-Domestic Rates		
19.	Calculating the Council Tax Base and keeping on deposit a copy of the valuation list.	Head of Council Tax and Business Rates
20.	Levying and collecting Council Tax in respect of dwellings in the Council's area under the Local Government Finance Act 1992.	Director of Customer Services / Head of Council Tax and Business Rates / Council Tax Officers
21.	Issuing proceedings in respect of the collection of Council Tax, appearing for the Council in any proceedings and taking any necessary action to recover unpaid sums due including bankruptcy.	Director of Customer Services / Head of Council Tax and Business Rates / Council Tax Officers
22.	Power to levy discretionary discounts under Section 13A of the Local Government Finance Act 1992.	Director of Customer Services / Head of Council Tax and Business Rates / Business Rates Officers
23.	To prepare, deposit, alter and give notice of any adopted non-domestic rating list under the Local	Director of Customer Services / Head of Council Tax and Business

	Government Finance Act 1988.	Rates / Business Rates Officers
24.	The administration, collection and recovery of non-domestic rates and exercise of powers and duties under Local Government Finance Act 1988.	Director of Customer Services / Head of Council Tax and Business Rates / Business Rates Officers
25.	Reducing or remitting any non-domestic rates payable under Sections 43 or 45 of the 1988 Act in cases of hardship or where it is reasonable to do so having regard to the relevant factors and interests.	Director of Customer Services / Head of Council Tax and Business Rates / Business Rates Officers
26.	Authorisation of non-domestic rates refunds.	Director of Customer Services
27.	Determining chargeable amounts payable by charities, non-profit making bodies, recreational clubs and societies and the exercise of any discretionary relief.	Director of Customer Services / Head of Council Tax and Business Rates / Business Rates Officers
28.	Exercise of the Council's functions in relation to any Business Improvement District under the Local Government Act 2000.	Director of Customer Services / Head of Council Tax and Business Rates / Business Rates Officers

#### Internal Audit and Fraud

29.	Proposing, adopting, implementing, and monitoring policies to tackle fraud including but not limited to Fraud Policy, Fraud Response Plan and Fraud Prosecution Policy, Annual and Strategic Internal Audit Plans, money laundering. Includes any relevant consultation with the Cabinet, Audit and Corporate Governance Committee or Standards Committee.	Head of Internal Audit, Investigations and Risk Management / Director of Finance
30.	Exercising the Authority's functions and powers to administer cautions and administrative penalties with regard to benefit offences under the Social Security Fraud Act 2001.	Head of Internal Audit, Investigations and Risk Management
31.	Acting as Council's Reporting Officer to the National Criminal Intelligence Service under the Proceeds of Crime Act.	Head of Internal Audit, Investigations and Risk Management

32.	Authorising a prosecution for fraud by an employee or third party in accordance with the Fraud Prosecution Policy.	Head of Internal Audit, Investigations and Risk Management / Director of Finance
33.	Applying for communications Data in accordance with the powers conferred by the Social Security Fraud Act 2001.	Head of Internal Audit, Investigations and Risk Management

Pensions		
34.	All decisions and actions relating to the role of Administering Authority in connection with the Pension Fund working in conjunction with the Pension Committee. Accounting for contributions and benefits in the Fund, investment income and Fund assets and liabilities. Responsibility for reporting to Pension Committee and implementation of policy agreed by committee. Arrangement of triennial valuations, actuarial certificates and production of audited accounts.	Director of Finance / Head of Treasury and Financial Services
35.	To exercise all powers and duties of the Council as an employer in respect of contracted-out persons under the Pensions Schemes Act 1993.	Director of Finance / Head of Treasury and Financial Services / Pensions Administration Shared Service (Pensions Manager)
36.	To make payments of remuneration or pension payable to an Officer or pensioner of the Council, specified dependants or release permitted sums under the Local Government Act 1972 Sections 118 or 119.	Director of Finance/ Head of Treasury and Financial Services / Pensions Administration Shared Service (Pensions Manager) / Director of HR and OD
37.	Approval of any discretionary compensation for loss of office payments permitted by the Superannuation Act 1972.	Director of Finance / Director of HR and OD
38.	Administration of Discretionary Pension powers.	Director of Finance / Director of HR and OD / Pensions Administration Shared Service (Pensions Manager) / Head of Internal Audit, Investigations and Risk Management
39.	To agree early retirements granted by any school governing body with delegated powers to do so and to make discretionary severance payments.	Director of Finance / Director of HR and OD

	accordance with regulations and guidelines for making such payments to non-school based staff.	
40.	To exercise and perform any powers and duties under The Welfare Reform and Pensions Act 1999 which fall to be exercised or performed by the Council by virtue of its being an employer (powers and duties relating to stakeholder pensions).	Director of Finance
41.	Apply to Secretary of State for a forfeiture certificate under regulation 72 of the Local Government Pension Scheme Regulations (as amended).	Director of Finance
42.	Determining any appeal against the terminations set out in the Superannuation Regulations 1972 in the absence of the Chief Executive or where the Chief Executive is unable to make the decision or otherwise requests that the Executive Director of Corporate Services deal with the appeal.	Director of Finance
43.	Comply with and exercise powers and duties of the Authority as an employer under the Transfer of Undertakings (TUPE) Regulations.	Director of Finance / Director of HR and OD
44.	Consulting with recognised Trade Unions and in particular in respect of redundancies under the Trade Union and Labour Relations (Consolidation) Act 1992, Section 188, including giving all appropriate notices.	Executive Director Corporate Services / Director of HR and OD / Director of Finance
45.	Deciding on a case by case basis whether to extend the normal time limit for acceptance of a transfer value beyond 12 months from joining the Local Government Pensions Scheme as per R100(6) Local Government Pension Scheme Regulations 2013.	Pensions Administration Shared Service (Pensions Manager)

### Procurement

46.	Maintaining any approved list of contractors and providing written statement of reasons in respect of an approved list under Section 20 of the Local	Head of Procurement
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	Government Act 1988.	
47.	Maintaining arrangements for keeping a corporate contracts register in respect of any contract over the agreed threshold as set out in the Procurement Code.	Head of Procurement
48.	Maintaining Standing Orders with regard to the making of contracts for the supply of goods, services and works under Section 135 of the Local Government Act 1972.	Head of Procurement / Borough Solicitor / Director of Finance

### Information and Communications Technology

49.	Agreeing arrangements for the use of any spare capacity in any computers or associated equipment owned by the Council under Section 38 of the Local Government (Miscellaneous Provisions) Act 1976.	Chief Digital and Information Officer (Shared Digital)
50.	Notifying all staff of any electronic communications monitoring routinely carried out.	Chief Digital and Information Officer (Shared Digital)
51.	Approving sales of computer software developed and owned by the Council.	Chief Digital and Information Officer (Shared Digital)
52.	Agreeing policies procedures and standards relating to the security, integrity and accessibility for ICT infrastructure and systems.	Chief Digital and Information Officer (Shared Digital)

### Benefits

53.	Deciding applications for housing and council tax reductions including hardship payments and backdating including discretionary housing the calculation and recovery of over payments.	Director of Customer Services / Head of Benefits / Benefits Officers
54.	Determining whether landlords or agents are fit and proper to receive payment of benefit direct.	Director of Customer Services / Head of Benefits / Benefits Officers

55.	Authorisation of BACs payments in respect of benefit payments.	Director of Customer Services / Head of Benefits
56.	Revising decisions on claims for housing or council tax reduction.	Director of Customer Services / Head of Benefits / Benefits Officers
57.	Representing the Council at Appeals Service Tribunals.	Director of Customer Services / Head of Benefits / Benefits Officers

### Human Resources

58.	To approve in consultation with the Borough Solicitor requests for approval of outside interests or employment made by Executive Director; and for staff graded below Executive Director, in consultation with the relevant Executive Director.	Director of HR and OD
59.	In relation to the Council's relocation expenses schemes and in consultation with the relevant Executive Director, to have discretion to approve other arrangements to allow for flexibility in the recruitment process, for example, extend timescales, relax criteria etc. subject to satisfying Inland Revenue requirements where Tax and NI deductions are concerned.	Director of HR and OD
60.	To authorise recruitment and retention incentives (in exceptional circumstances where there is a clear business case) in consultation with the relevant Executive Director.	Director of HR and OD
61.	To implement the local decisions and the decisions of the NJC regarding conditions of service, wage and salary awards.	Director of HR and OD
62.	To carry out functions relating to the appointment, promotion, dismissal, retirement and other human resource matters affecting staff graded below Executive Directors which are not otherwise delegated to Executive Directors or reserved to the Audit and Corporate Governance (Appointments) Sub-Committee.	Director of HR and OD
63.	To, in consultation with the appropriate Executive Director, approve grading and designation of all roles including Executive Director roles.	Director of HR and OD

64.	In compliance with the Council's Pay Policy Statement and in consultation with the Borough Solicitor (unless the Borough Solicitor is the subject of the termination payment); the Executive Director Corporate Services (unless the Executive Director Corporate Services is the subject of the termination payment); the Chief Executive, the Leader; relevant Cabinet Members and the Audit and Corporate Governance (Appointments) Sub-Committee if called by the Chief Executive to have the discretion to approve termination payments for Executive Directors and the Borough Solicitor; and for staff graded below Executive Director (bar the Borough Solicitor) in consultation with the relevant Executive Director.	Director of HR and OD
65.	In compliance with the Council's Pay Policy Statement and in consultation with Members of the Audit and Corporate Governance (Appointments) Sub-Committee; the Chief Executive or the relevant Executive Director to approve which part of the salary range a new Chief Officer should be recruited on.	Director of HR and OD
66.	In relation to settlement of employment disputes and in consultation with the Borough Solicitor, to authorise appropriate payments in settlement of such disputes which fall outside of the Borough Solicitor's delegations.	Director of HR and OD

### Strategy and Change

67.	<p>In accordance with the Localism Act 2011:</p> <ul style="list-style-type: none"> <li>a) to maintain and publish a list of assets of community value in Camden;</li> <li>b) consider whether to accept community nominations for an asset of community value;</li> <li>c) administer the nomination and moratorium process (including compensation requests);</li> <li>d) arrange for an internal review of a listing or compensation decision if requested by the owner.</li> </ul>	Director of Corporate Strategy
68.	Authorisation of spend on the Camden Plan Reserve.	Executive Director Corporate Services

Marriages		
69.	To exercise the following functions under the Marriage Act 1949, Marriage Act 1994 and the Marriage (Same Sex Couples) Act 2013	
a)	To act as the Proper Officer	Director of Customer Services
b)	To consider and determine, including the attaching of conditions, all applications for approved premises status	Superintendent Registrar
c)	To consider and determine the revocation of any approved premises licenses as necessary	Superintendent Registrar
d)	To deal with other procedural matters regarding the approved premises provisions of the above Acts.	Superintendent Registrar

Parking Operations		
70.	To:	
a)	Authorise third parties to remove or remove vehicles	Director of Customer Services / Head of Parking Operations / Operations Manager / Process & Investigations Manager / Quality Manager / Operations Expert / Operations Specialist / Operations Officer / Investigations Expert
b)	Issue, refund or refuse residents' parking permits	Director of Customer Services / Head of Parking Operations / Operations Manager / Process & Investigations Manager / Quality Manager / Operations Expert / Operations Specialist / Operations Officer / Investigations Expert / Process Officer / Process Specialist / Customer Service Officer / Quality Officer
c)	Authorise third parties to issue penalty charge notices	Director of Customer Services / Head of Parking Operations / Operations Manager / Process & Investigations Manager / Quality

		Manager / Operations Expert / Operations Specialist / Operations Officer / Investigations Expert / Process Officer / Process Specialist / Customer Service Officer / Quality Officer
d)	Issue proceedings in relation to the Council's on-street parking and parking enforcement services	Director of Customer Services / Head of Parking Operations / Quality Manager / Operations Manager / Process & Investigations Manager
e)	Suspend parking bays and cancellations	Director of Customer Services / Head of Parking Operations / Operations Manager / Process & Investigations Manager / Quality Manager / Operations Expert / Operations Specialist / Operations Officer / Investigations Expert / Process Officer / Process Specialist / Customer Service Officer / Quality Officer
f)	Cancellation of penalty charge notices	Director of Customer Services / Head of Parking Operations / Operations Manager / Process & Investigations Manager / Quality Manager / Investigations Expert / Process Officer / Process Specialist / Customer Service Officer / Quality Officer
g)	Authorisation of legal proceedings	Director of Customer Services / Head of Parking Operations / Head of Internal Audit, Investigations and Risk Management / Operations Manager / Process & Investigations Manager / Quality Manager
h)	Authorise Traffic Management Orders	Director of Customer Services / Head of Parking Operations

Property		
71.	Approval of disposals by the granting of leases within the commercial investment portfolio, on the Council's usual terms at full market rental for 20 years or less), in accordance with the Constitution.	Head of Asset Strategy and Valuation / Senior Valuer

**As agreed by the Executive Director Corporate Services**

**Date: 29<sup>th</sup> October 2018**

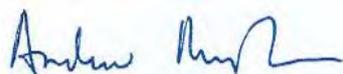
**General Note**

1. The exercise of any functions of the Council in respect of any particular matter which has been delegated shall include the power to take any action incidental, conducive or ancillary thereto.
2. Where authority is given for the service of any notice, authority is also given for the taking of appropriate action by the relevant Executive Director in the event of noncompliance with such notice.
3. Any power delegated to an Executive Director may be delegated by them to an Officer within their Department provided that this is permitted by law.

## Delegations by the Borough Solicitor

The Borough Solicitor has a number of decisions delegated directly to him in his capacity as both the Council's statutory Monitoring Officer and its Proper Officer. Due to the relatively small extent of these delegations he is therefore able to personally decide most issues for which he has delegated authority. For example the beginning of prosecutions are authorised by him personally via an agreed summary form (unless in periods of his absence as set out below). In addition for the issuing of civil court proceedings and steps in litigation there is an accepted convention that the use of his signature stamp is an appropriate and effective demonstration of his delegated authority which is detailed below. In particular the following arrangements are in place:

1	The application of the Council's seal for all matters for which there is authority	Principal Lawyers
2	The taking of civil proceedings at first stage except where covered under section 4	The relevant Senior Lawyer in consultation with the relevant instructing client
3	The lodging of an appeal to the first stage	Principal Lawyers in consultation with the relevant instructing client
4	The lodging of a second stage appeal or appeal to the High Court, Court of Appeal or above	Borough Solicitor in consultation with the relevant Chief Officer
5	The taking of decisions with regards to the day to day conduct of litigation	The responsible case officer when if possible in consultation with the relevant instructing client
6	The deciding of appeals lodged pursuant to the FOI/EIR regimes	Borough Solicitor or Deputy Head of Legal Services
7	Functions as Monitoring Officer	Borough Solicitor or in his absence the Deputy Head of Legal Services
8	Authority to prosecute	Borough Solicitor or in his absence the Deputy Head of Legal Services
9	When given by the Constitution as Proper Officer	Deputy Head of Legal Services / Committee Services Manager
10	Applying for an injunction against any individual	Principal Lawyers after consultation with the relevant Chief Officer(s) and Borough Solicitor, including at their discretion consultation with the relevant Cabinet Member/Leader



**Borough Solicitor**

**Date:** 23<sup>rd</sup> March 2018

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## Constitutional update – Actions tracker (Jan 2019)

Decision-making body and date	Nature of change	Actioned
Council 21 <sup>st</sup> Jan 2019	<p>1. Minor Constitutional changes (Leader Speeches, petitions and deputation at Council)</p> <p><a href="..\..\Council\Reports\2019\Jan\Minor Constitutional Changes Nov 2018 reference.docx">..\..\Council\Reports\2019\Jan\Minor Constitutional Changes Nov 2018 reference.docx</a></p> <p><a href="..\..\Audit and Corporate Governance Committee\Reports\2018-19\28th November 2018\7. Minor Constitutional Changes.docx">..\..\Audit and Corporate Governance Committee\Reports\2018-19\28th November 2018\7. Minor Constitutional Changes.docx</a></p>	23 <sup>rd</sup> Jan 2019
Council 21 <sup>st</sup> Jan 2019	<p>2. Revisions to Standards terms of reference, Members code of Conduct, Members complaints, and member/officer protocol)</p> <p><a href="..\..\Council\Reports\2019\Jan\Review of the Members' Code of Conduct reference from Standards Cttee.docx">..\..\Council\Reports\2019\Jan\Review of the Members' Code of Conduct reference from Standards Cttee.docx</a></p> <p><a href="..\..\Council\Reports\2019\Jan\1. Amendments to the Code of Conduct 2019.pdf">..\..\Council\Reports\2019\Jan\1. Amendments to the Code of Conduct 2019.pdf</a></p>	23 <sup>rd</sup> Jan 2019
Council 21 <sup>st</sup> Jan 2019	<p>3. Revised Planning Protocol</p> <p><a href="..\..\Council\Reports\2019\Jan\Planning Protocol reference.docx">..\..\Council\Reports\2019\Jan\Planning Protocol reference.docx</a></p> <p><a href="..\..\Council\Reports\2019\Jan\Planning Protocol - covering report.pdf">..\..\Council\Reports\2019\Jan\Planning Protocol - covering report.pdf</a></p> <p><a href="..\..\Council\Reports\2019\Jan\Appendix A - Revised Planning Protocol December 2018.docx">..\..\Council\Reports\2019\Jan\Appendix A - Revised Planning Protocol December 2018.docx</a></p> <p><a href="..\..\Council\Reports\2019\Jan\Appendix B - Existing Planning Protocol (002).docx">..\..\Council\Reports\2019\Jan\Appendix B - Existing Planning Protocol (002).docx</a></p>	23 <sup>rd</sup> Jan 2019
Council 25 <sup>th</sup> February 2019	<p>4. New members Allowances Scheme 2019/2020</p> <p><a href="..\..\Audit and Corporate Governance Committee\Reports\2018-19\21st February 2019\7. Members' Allowances Scheme 2019-20 and Appendix A.docx">..\..\Audit and Corporate Governance Committee\Reports\2018-19\21st February 2019\7. Members' Allowances Scheme 2019-20 and Appendix A.docx</a></p> <p><a href="..\..\Audit and Corporate Governance">..\..\Audit and Corporate Governance</a></p>	28 <sup>th</sup> March 2019

	<a href="#">Committee\Reports\2018-19\21st February 2019\7b. Members' Allowances Scheme 2018-19 - Appendix B.docx</a>	
Council 8 <sup>th</sup> April	<p>5. Minor Constitutional changes covering changes to the terms of reference of the joint Chairs of Scrutiny Committee, training for appointments panel members, Deputy Chief Executive and specifying some specific roles to the position of Chief Executive</p> <p><a href="#">..\..\..\Audit and Corporate Governance Committee\Reports\2018-19\26th March 2019\7. Minor Constitutional Changes and Appointment of ERO.docx</a></p> <p><a href="#">..\..\..\Audit and Corporate Governance Committee\References\References 2019\Minor Constitutional Changes.docx</a></p>	9 <sup>th</sup> April 2019
Standards Committee 24 <sup>th</sup> April 2019	<p>6. Amendments to the Social Media Guidance to Councillors</p> <p><a href="#">Update on Standards Matters April 2019.pdf</a></p>	26 <sup>th</sup> April 2019
Matters Reserved Scheme – 15 <sup>th</sup> May 2019 (Leader's decision)	<p>7. Updated Matters reserved scheme and Articles arising from the Leader's decision dated 15<sup>th</sup> May 2019</p> <p><a href="#">..\..\..\Single Member Decisions\Members\Leader of the Council\2019\15 May 19\signed decision.pdf</a></p>	31 <sup>st</sup> May 2019
Council 7 <sup>th</sup> Oct 2019	<p>8. Amendment to the Members code of Conduct</p> <p><a href="#">..\..\..\Council\Reports\2019\Oct\Best Ethical Practice Recommendations.docx</a></p> <p><a href="#">..\..\..\Council\Reports\2019\Oct\8. Ethical Standards Review Best Practice.docx</a></p>	9 <sup>th</sup> Oct 2019
Council 7 <sup>th</sup> Oct 2019	<p>9. Revised Members' Allowance Scheme 2019/20</p> <p><a href="#">..\..\..\Audit and Corporate Governance Committee\Reports\2019-20\26th Sept 2019\1. Revisions to the Members' Allowance Scheme 2019.docx</a></p> <p><a href="#">..\..\..\Audit and Corporate Governance Committee\Reports\2019-20\26th Sept 2019\1a. Proposed Members' Allowances Scheme 2019-20.docx</a></p>	9 <sup>th</sup> Oct 2019

Council 7 <sup>th</sup> Oct 2019	10. Changes to the Council's Petition Scheme <a href="..\..\..\Audit and Corporate Governance Committee\Reports\2019-20\26th Sept 2019\2. Changes to the Council's Petition Scheme.pdf">..\..\..\Audit and Corporate Governance Committee\Reports\2019-20\26th Sept 2019\2. Changes to the Council's Petition Scheme.pdf</a>	9 <sup>th</sup> Oct 2019
Council 7 <sup>th</sup> October 2019	11. Minor Constitutional Changes, dealing with electronic voting, statutory officers, matters reserved to full Council and forward plan publication date <a href="..\..\..\Audit and Corporate Governance Committee\Reports\2019-20\26th Sept 2019\3. Minor Constitutional Changes, Autumn 2019.pdf">..\..\..\Audit and Corporate Governance Committee\Reports\2019-20\26th Sept 2019\3. Minor Constitutional Changes, Autumn 2019.pdf</a>	9 <sup>th</sup> Oct 2019
Leader of Council decision 25 <sup>th</sup> Nov 2019	12. Delegation to the Chief Executive in Case of Emergency <a href="..\..\Single Member Decisions\Members\Leader of the Council\2019\1 Nov 19\Appointment of Champions &amp; Delegation to CE.doc">..\..\Single Member Decisions\Members\Leader of the Council\2019\1 Nov 19\Appointment of Champions &amp; Delegation to CE.doc</a>	26 <sup>th</sup> Nov 2019
Council 20 <sup>th</sup> Jan 2020	13. Minor Constitutional Changes – Winter 2019 <a href="..\..\..\Council\Reports\2020\Jan\Minor Constitutional Changes, Winter 2019.docx">..\..\..\Council\Reports\2020\Jan\Minor Constitutional Changes, Winter 2019.docx</a>	22 <sup>nd</sup> Jan 2020
Council 20 <sup>th</sup> Jan 2020	14. Dockless Vehicle Byelaw <a href="..\..\..\Council\Reports\2020\Jan\Dockless Vehicle Byelaw.docx">..\..\..\Council\Reports\2020\Jan\Dockless Vehicle Byelaw.docx</a>	22 <sup>nd</sup> Jan 2020
Borough Solicitor delegated authority – 10 <sup>th</sup> June 2020	15. Chief Officer Job Title Change <a href="http://democracy.camden.gov.uk/ieDecisionDetails.aspx?Id=2947">http://democracy.camden.gov.uk/ieDecisionDetails.aspx?Id=2947</a>	11 <sup>th</sup> June 2020
Council 7 <sup>th</sup> Sept 2020	16. Updating the Matters reserved scheme following the Leader's decision of 7 <sup>th</sup> September 2020 and minor constitutional changes <a href="..\..\..\Council\Statutory Council\2020\Agenda Pack.pdf">..\..\..\Council\Statutory Council\2020\Agenda Pack.pdf</a>	9 <sup>th</sup> September 2020

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