

Contains Confidential or Exempt Information	No
Title	Proposed changes to the council's constitution
Responsible Officer(s)	Director of Legal and Democratic Services
Author(s)	Helen Harris
Portfolio(s)	Leader
For Consideration By	Council
Date to be Considered	23 May 2023
Implementation Date if Not Called In	Not applicable
Affected Wards	All
Keywords/Index	Constitution changes

Purpose of Report:

A report recommending changes to the council's constitution, relating to cabinet portfolios, Code of Conduct for Councillors, Planning Code of Conduct, Civic Honours Committee, Scrutiny Procedure Rules, Ward Forums, and the North West London Joint Health Scrutiny Committee.

1. Recommendations for DECISION

Council is recommended to:

- 1.1 Approve the changes to the constitution set out in the appendices, and
- 1.2 Approve the revised criteria for the award of freedom of the borough and of honorary alder, as set out in Appendix 5.

2. Reason for Decision and Options Considered

- 3.1 The Director of Legal & Democratic Services (DLDS) is responsible for keeping the constitution under review and making recommendations for change as and when appropriate. The changes proposed in this report are an outcome of that ongoing review.

3. Key Implications

3.1 Cabinet portfolio responsibilities

The council makes regular changes and adjustments to its cabinet portfolio holder responsibilities, in order to ensure that the correct level of focus and co-ordination is brought to the different areas of council work and forward planning.

The changes proposed are designed to ensure that cabinet portfolios are better able to support the priorities of the new administration.

3.2 Ward forums

The council has updated the range of elements of engagement between the council, its elected members and the public. That range includes our statutory consultations, our wider engagement activity with the public, service user forums as well as effective digital and non-digital communication with residents. The development of Town Forums, alongside residents, businesses and stakeholders, will put residents at the heart of the council's decision making, in support of the council's ambition to be more open, inclusive and transparent.

3.3 Scrutiny Procedure Rules

Minor changes are recommended to the Scrutiny Procedure Rules, to more accurately reflect current practice and to remove the need for all panel reports to be considered by Overview and Scrutiny Committee before being referred on to cabinet or full council (as the case may be). The distinction between scrutiny panels and standing scrutiny panels is proposed to be removed, as it is largely irrelevant to how the council operates today.

3.4 Planning Code of Conduct

Changes are proposed to the Members' Planning Code of Conduct, to achieve greater openness and transparency, particularly with regard to meetings with developers, gifts and hospitality, and planning applications by or on behalf of councillors.

3.5 Local Code of Conduct for Councillors

In the interests of openness and transparency, changes are proposed to the Gifts and Hospitality section of the Local Code of Conduct for Councillors, to bring it into line with the more exacting requirements of the Planning Code of Conduct.

3.6 Civic Honours Committee

3.6.1 It is proposed that the Freedom of the Borough Committee is renamed the 'Civic Honours Committee' and given an expanded role to oversee a more comprehensive process of recognising and recommending for reward residents who have made an outstanding contribution to the borough. The changes should also assist in ensuring that the council is better able to celebrate the diversity of exceptional individuals within our borough.

3.6.2 The Representative Deputy Lieutenant for the Borough will be invited to be an advisor to this Committee, to add to the expertise available to the Committee in its deliberations.

3.6.3 In order to ensure that a wide range of potential nominees for a freedom of the borough award are proposed from across the community, it is recommended that the Council holds a public call for nominations. The Civic Honours Committee will then meet to shortlist nominees to put forward to full council. For those

that have made a particularly significant contribution whose impact goes beyond just the Borough, the Committee could potentially consider nominating individuals for a national honour, via the appropriate process.

- 3.6.4** The Committee will also continue to identify past Councillors who fulfil the criteria to be made an Honorary Alder and decide which, if any, of them will be proposed to receive this award.
- 3.6.5** It is also proposed to create a new category of civic award, for nomination by the Committee. Recipients of the new Mayoral Awards could be drawn from the list of potential nominees for Freedom of the Borough status, or via another route.
- 3.6.6** There may also be opportunities for the Civic Honours Committee to become involved in future opportunities to name new buildings, streets and public spaces in the borough. This may be the subject of a future report.
- 3.6.7** As part of the updating of procedures around honouring residents, the 'Freeman of the Borough' badge is proposed to be updated to become gender neutral and accordingly more inclusive.

3.7 North West London Joint Health Overview and Scrutiny Committee ("NWL JHOSC")

It is appropriate to formally recognise this important body within the constitution. As the NWL JHOSC has no decision making powers, amendments are proposed to Part 2 (articles of the constitution) but not to Part 3 (Responsibilities for Functions).

4. Financial

Any changes associated with the proposed constitution updates can be funded from within existing budgets.

It will be important to manage operations of the Civic Honours Committee to ensure that ceremonies and awards are of appropriate significance but within the resources available.

5. Legal

5.1 The Local Government Act 2000 (section 9P) requires that every council has a constitution. That constitution must contain:

- A copy of the council's council and committee procedure rules (standing orders)
- A copy of the code of conduct for councillors
- Any information directed by the Secretary of State
- Any other information considered appropriate by the council

- 5.2 The constitution must be made available to the public. It is best practice to keep the constitution under review and therefore up to date; at Ealing that task is undertaken by the Director of Legal and Democratic Services, reporting to full council.
- 5.3 The standards regime for councillors is governed by chapter 7 of the Localism Act 2011. The council has a duty to promote and maintain high standards of conduct by its members.
- 5.4 The Council has the power to honour residents with Freedom of the Borough and give ex councillors Honorary Alder status under [Section 249 of the Local Government Act 1972](#). In each case, this can only be done via a meeting of full council convened specially for the purpose and on a majority vote of not less than two-thirds of the members of the council.
- 5.5 The statutory criteria for honorary alder are that recipients must be persons who have, in the opinion of the council, rendered eminent services to the council as past members of that council but who are not then members of the council.
- 5.6 The statutory criteria for recipients of freedom of the borough are persons of distinction and persons who have, in the opinion of the council, rendered eminent services to that place or area.

5. Value For Money

The proposals demonstrate value for money. The contribution made to their community by the individuals who will be recognised will far exceed the monetary cost of the awards process and ceremonies,.

- | 7. Sustainability | Impact | Appraisal |
|--|---------------|------------------|
| It is not envisaged that the proposals will have any sustainability impact. Accordingly, no formal appraisal has been carried out. | | |

8. Risk Management

There is a risk that individuals conferred with an honour may, in the future, turn out to have been engaged in behaviour that will bring the council into disrepute. However the due diligence within the nomination process should identify such individuals at an early stage and prevent them from being honoured. The risk is also being mitigated by introducing the potential for the council to remove honours, in exceptional circumstances.

9. Community Safety

No issues.

10. Links to the 3 Key Priorities for the Borough

The proposed changes will support delivery of the council's priorities.

The council's administration has three key priorities for Ealing. They are:

- fighting inequality
- tackling the climate crisis
- creating good jobs.

The civic honours policies will seek to recognise and reward members of the community who have helped the Council work towards these objectives. The

new process most closely aligns with the Thriving Communities objective in the Council Plan.

11. Equalities, Human Rights and Community Cohesion

No issues, and an EAA is not required for this decision. It should be noted, however, that in the implementation of the recommended civic honours policies, the council will seek to celebrate Ealing’s diversity, and to ensure that exceptional contributions by residents or former residents from diverse communities are recognised.

12. Staffing/Workforce and Accommodation implications:

No implications.

13. Property and Assets

No issues.

14. Consultation

Party leaders and whips were consulted on the proposals.

16. Timetable for Implementation

The proposed changes, if approved will come into effect immediately.

17. Appendices

Appendix 1 (pages 6-7): overview of the constitution changes proposed

Appendix 2 (pages 8 – 18): proposed new Scrutiny Procedure Rules

Appendix 3 (pages 19 – xx): proposed new cabinet portfolios [to follow]

Appendix 4 (pages 19 - 28): proposed new Planning Code of Conduct

Appendix 5 (pages 29 – 30): proposed revised criteria for the award of freedom of the borough and of honorary alder

18. Background Information

[Ealing Council constitution](#)

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Cllr Peter Mason	Leader of the Council	03.05.23	05.05.23	
	Party leaders and whips	05.05.23	05.05.23	
Emily Hill	Strategic Director of Resources	03.05.23	05.05.23	

Cllr Paul Driscoll	Chair of Standards Committee	05.05.23	08.05.23	
Cllr Yoel Gordon	Chair of Overview and Scrutiny Committee	05.05.23	08.05.23	
External				
	At the point of the publication of this report, all change proposals will be advertised on the council's internet site and any significant feedback taken into account prior to decision	15.05.23		

Report History

Decision type:	Urgency item?
Council decision	No
Report no.:	Report author and contact for queries: Helen Harris, Director of Legal and Democratic Services

APPENDIX 1

Changes proposed to the constitution

	Constitution reference	Existing wording	Proposed wording
1	Part 3 (Responsibility for functions), section 3 (Responsibilities of cabinet portfolio holders)	Set out in part 3 of the constitution.	Replace current portfolio holder responsibilities with those set out in the document at appendix 3 below.
2	Part 2 (Articles of the constitution), Article 10 (Ward Forums)	Provision for ward forums in section 10 of Part 2 of the constitution.	Delete existing article 10 of Part 2 (ward forums).
3	Part 4 (Rules of Procedure) Scrutiny	Set out in part 4 of the constitution.	Replace existing Rules with the new Rules set out in Appendix 2 below.

	Procedure Rules		
4	Part 5 (Codes and Protocols) Members' Planning Code	Set out in part 5 of the constitution.	Replace existing Members' Planning Code with the new Code set out in Appendix 4 below.
5	Part 5 (Codes and Protocols) Local code of conduct for councillors	<p>12. Gifts and Hospitality</p> <p>Councillors receive an allowance for their service on behalf of the council and their constituents. However, some people may believe that they will get a better service or receive more favourable treatment if they provide additional payments or offer you favours; this is not the way the council operates.</p> <p>All excessive gifts or hospitality should be refused or returned. Any gifts or hospitality with a value exceeding £100 should in any event be declared to the Director of Legal and Democratic Services, who will enter it onto your register of interests.</p>	<p>Replace existing clause 12 within the Local Code of Conduct for Councillors with the following:</p> <p>12. Gifts and Hospitality</p> <p>Councillors receive an allowance for their service on behalf of the council and their constituents. However, some people may believe that they will get a better service or receive more favourable treatment if they provide additional payments or offer you favours; this is not the way the council operates.</p> <p>All excessive gifts or hospitality should be refused or returned. Any gifts or hospitality with a value exceeding £100 £25 should in any event be declared to the Director of Legal and Democratic Services, who will enter it onto your register of interests.</p>
6	Part 2 (Articles of the constitution),	There is currently no mention of the NWL JHOSC in the constitution.	<p>Insert a new article 10 into Part 2:</p> <p>Article 11 North West London Joint Health Overview and Scrutiny Committee</p> <p>11.01 The council will participate fully in the NWL JHOSC.</p> <p>11.02 The terms of reference of the NWL JHOSC will be as determined by that body from time to time but shall broadly comprise scrutiny and review of the configuration, implementation plans and actions of health service</p>

			commissioners and providers in North West London.
7	Part 3 (Responsibility for functions),	Freedom of the Borough Committee: <ol style="list-style-type: none"> 1. To consider whether the Council should be recommended to make any change to the Council's policy on the admission of honorary freemen as set out in Minute 1420/69 and any subsequent recommendations 2. To consider and make recommendations to the Council on the exercise of the Council's powers to appoint honorary alderman 3. To agree criteria for the presentation of civic awards 	Replace the Freedom of the Borough Committee with the Civic Honours Committee. Amend part 3 of the constitution to give the following powers and responsibilities to the Civic Honours Committee: <ol style="list-style-type: none"> 1. To recommend to full council recipients of the range of civic awards available 2. In exceptional circumstances, to recommend to full council that civic awards be removed from a specified past recipient, where the behaviour of such past recipient has been such as to demonstrate clearly that they are no longer befitting of the honour of holding that civic award 3. To recommend to full council changes to the criteria for the award of honorary freedom of the borough, honorary alder, and other civic awards as appropriate. 4. To agree the criteria for the award of the Mayor's Award, <p>Agree that the Civic Honours Committee may invite the Borough Deputy Lieutenant to join its meetings.</p>

APPENDIX 2

Proposed new Scrutiny Procedure Rules

[new clauses highlighted in yellow]

Scrutiny Procedure Rules

CONTENTS

Rule	Subject
1.	Number and arrangements for overview and scrutiny
2.	Membership of Overview and Scrutiny Committees and of the Scrutiny Panels
3.	Advisory members
4.	Education representatives
5.	Meetings of the Overview and Scrutiny Committee and Scrutiny Panels
6.	Quorum
7.	Chair of Overview and Scrutiny Committee and Scrutiny Panels Agenda items
8.	Policy review and development
9.	Reports from Overview and Scrutiny committee and Scrutiny Panels
10.	Consideration of scrutiny reports by the cabinet
11.	Rights of the Overview and Scrutiny Committee and Scrutiny Panel members to documents
12.	Members and officers giving account
13.	Attendance by others
14.	Call-in of decisions
15.	Call-in and urgency
16.	The party whip
17.	Procedure at meetings of the Overview and Scrutiny Committee or
18.	Scrutiny Panels
19.	Matters within the remit of more than one Scrutiny Panel
20.	Human Rights Act

Scrutiny Procedure Rules

These Rules apply to the Overview and Scrutiny Committee and any Scrutiny Panels (see Article 6 of the Constitution set out above).

1. Number and arrangements for overview and scrutiny

The Council will have the Overview and Scrutiny Committee and the Scrutiny Panels set out in Article 6. Council will appoint members to them at the annual meeting; casual or temporary changes of membership may be made through the substitutions process.

2. Membership of Overview and Scrutiny Committees and Scrutiny Panels

All councillors, except members of the cabinet, are eligible to be members of the Overview and Scrutiny Committee and other Scrutiny Panels. However, no member may be involved in scrutinising a decision in which they have been directly involved.

3. Advisory members

The Overview and Scrutiny Committee and other Scrutiny Panels shall be entitled to appoint people as non-voting advisory members.

4. Education representatives

Any Scrutiny Panel dealing with education matters shall include in its membership the following voting representatives:

- (a) one Church of England diocese representative;
- (b) one Roman Catholic diocese representative;
- (c) three parent governor representatives; and

When the Overview and Scrutiny Committee or other Scrutiny Panel deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

5. Meetings of the Overview and Scrutiny Committees and Other Scrutiny Panels

Ordinary meetings of the Overview and Scrutiny Committee and other Panels shall take place in accordance with the agreed meetings programme. In addition, special meetings may be called from time to time as and when appropriate in accordance with paragraph 21 of the Council & Committee Procedure Rules.

6. Quorum

The quorum for the Overview and Scrutiny Committee and other Scrutiny Panels shall be as set out for committees in paragraph 23 of the Council & Committee Procedure Rules. [note: when education matters are being discussed the quorum will be five members; for other matters three members]

7. Chair of Overview and Scrutiny Committee and Scrutiny Panels

Chairs and vice-chairs of the Overview and Scrutiny Committee and of the Scrutiny Panels will be appointed by full Council from among the councillors sitting on the committee or Panel (as the case may be). Chairs and vice chairs of Scrutiny Panels must be members of the Overview and Scrutiny Committee. If for any reason this does not happen then a Chair will be appointed in accordance with paragraph 23 of the Council & Committee Procedure Rules in Part 4 of this Constitution.

8. Agenda items

- (a) A member of the Overview and Scrutiny Committee or of a Standing Scrutiny Panel (as the case may be) shall be entitled to give notice to the proper officer in accordance with paragraph 23.4 of the Council & Committee Procedure Rules in Part 4 of this Constitution that they wish an item relevant to the functions of the committee or panel (as the case may be) to be included on the agenda for the next available meeting of the committee or panel.
- (b) Any member who is not a member of Overview & Scrutiny Committee shall be entitled to give notice to the proper officer in accordance with paragraph 23.5 of the Council & Committee Procedure Rules in Part 4 of this Constitution that they wish the committee to consider any 'local government matter as defined in paragraph (e) below which is relevant to the functions of the Overview and Scrutiny Committee.
- (c) Any member who is not a member of the Overview & Scrutiny Committee shall be entitled to give notice to the proper officer in accordance with paragraph 23.4 of the Council & Committee Procedure Rules in Part 4 of this Constitution that they wish any 'local crime and disorder matter' as defined by paragraph (h) below.
- (d) The Overview and Scrutiny Committee and Scrutiny Panels shall also respond, as soon as its work programme permits, to requests from the Council and the cabinet to review particular areas of council activity. Where it does so, the Overview and Scrutiny Committee or Scrutiny Panel shall report its findings and any recommendations back to the cabinet and/or Council. The Council and/or the cabinet shall consider the scrutiny report within eight weeks of receiving it.
- (e) On receipt of notice under paragraphs (a), (b) and (c) above the proper officer will ensure that it is included on the next available agenda.

- (f) When considering requests pursuant to matters referred to in paragraphs (a) to (d) above, the Overview and Scrutiny Committee shall review the area itself or request a Scrutiny Panel to review it.
- (g) Under paragraph (b) above a 'local government matter' means a matter which relates to the discharge of any function of the Council and affects all or part of the ward for which the member is elected or any person who lives or works in the ward, but excludes:
 - (i) A local crime and disorder matter as defined in paragraph (h) below
 - (ii) Any matter relating to a planning decision
 - (iii) Any matter relating to a licensing decision under the Licensing Act 2003
 - (iv) Any matter relating to an individual or entity where that person or entity has a statutory right to review or right of appeal (other than a right to complain to the Ombudsman)
 - (v) Any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for or discussed at a meeting of the Overview & Scrutiny committee
 - (vi) Any matter specified in an order made by the Secretary of State provided that a matter is not excluded for being a local government matter, notwithstanding that it would otherwise fall within (ii) (iii) or (iv) above if it consists of an allegation that a function for which the Council is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis.
- (h) Under paragraph (c) above a 'local crime and disorder matter' in relation to a member means a matter concerning crime and disorder (including particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) in the ward for which the member is elected or the misuse of drugs alcohol and other substances in that ward.

9. Policy review and development

- (a) The role of the Overview and Scrutiny Committee and Scrutiny Panels in the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee and Scrutiny Panels may make proposals to the cabinet for developments in so far as they relate to matters within their terms of reference.
- (c) The Overview and Scrutiny Committee and Scrutiny Panels may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold

public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10. Reports from Overview and Scrutiny Committee and Scrutiny Panels

~~All scrutiny review panel reports shall first be submitted to Overview and Scrutiny Committee for consideration and subsequent referral to council and / or cabinet.~~

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee or Scrutiny Panel will prepare a formal report and submit it to the proper officer for consideration by the cabinet or **an individual cabinet portfolio holder** via an Individual Cabinet Member Decision (if the proposals are consistent with the existing budgetary and policy framework); or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If the Overview and Scrutiny Committee or Standing Scrutiny Panel cannot agree on one single final report to the Council or cabinet as appropriate, then a minority report may be prepared and submitted for consideration by the Council or cabinet with the majority report.
- (c) The Council, cabinet **or individual cabinet portfolio holder** shall consider the scrutiny report within eight weeks of it being submitted to the proper officer.

11. Consideration of scrutiny reports by the cabinet

- (a) Once the Overview and Scrutiny Committee or Standing Scrutiny Panel has completed its deliberations on any matter it will forward a copy of its final report to the proper officer who will allocate it to the cabinet, **individual cabinet portfolio holder** or the Council for dealing, or more than one of them if appropriate. Where the report is allocated to the cabinet, the Leader will decide whether or not the report will be considered at full cabinet or by the individual cabinet member. If the contents of the report would have implications for the council's budget and policy framework then it should be allocated to the council in any event. However, this will not preclude it being allocated to the cabinet or relevant cabinet member also. If the proper officer refers the matter to council, they will also send a copy to the Leader with notice that the matter is to be referred to council. The cabinet or cabinet member (as the case may be) must respond in writing to the scrutiny report within four weeks, and the council shall not consider it within that period. The cabinet member will attend the meeting of the Overview and Scrutiny Committee or Scrutiny Panel to present his/her response. When the council does meet to consider any referral

from Overview and Scrutiny Committee or a Scrutiny Panel on a matter which would impact on the budget and policy framework, it shall also consider the response of the cabinet or cabinet member (as the case may be) to the scrutiny proposals.

- (b) The Overview and Scrutiny Committee and Scrutiny Panels will in any event have access to the forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee or a Scrutiny Panel following a consideration of possible policy/service developments, the committee or panel will at least be able to respond in the course of the cabinet's consultation process in relation to any key decision.

12. Rights of the Overview and Scrutiny Committee and Scrutiny Panel members to documents

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

13. Members and officers giving account

- (a) The Overview and Scrutiny Committee or Scrutiny Panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the cabinet, the head of paid service and/or any senior officer [i.e. strategic directors/service directors/service heads] to attend before it to report on matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement council policy; and/or
 - (iii) their performance.

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

- (b) Where any member or officer is required to attend the Overview and Scrutiny Committee or a Scrutiny Panel under this provision, the chair of that committee or panel will inform the proper officer. The proper officer

shall inform the member or officer in writing giving at least five working days notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee or panel will require the production of a report, then the member or officer concerned will be given sufficient notice to allow the preparation of that documentation.

- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee or Scrutiny Panel (as the case may be) may in consultation with the member or officer arrange an alternative date for attendance [which will normally be the next ordinary meeting of the committee or panel].
- (d) Where the committee or a panel requires the attendance of any officer other than the service director with responsibility for the service, the relevant service director will always be permitted to attend, or to send a representative, if he or she wishes to respond personally to the enquiries of the Committee in addition to any officer summoned. No officer below head of service grade will normally be required to attend the committee or a panel unless agreed by the service director.

14. Attendance by others

Cabinet members may attend and speak at Overview and Scrutiny Committee or any Scrutiny Panel when a matter within their responsibility is considered. In addition, the Overview and Scrutiny Committee or any Scrutiny Panel 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 by such people is entirely optional except in some specified circumstances when attendance by NHS officials may not be optional.

15. Call-in of decisions

- (a) Calling in a decision is an important check and balance on executive power, and an important tool for Scrutiny to hold the Executive to account. However, a call-in should only be made in exceptional circumstances, after all other attempts to resolve issues with a decision have failed.
- (b) 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 with delegated authority from the cabinet or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within *five* working days of being made. Chairs of the Overview and Scrutiny Committee and Scrutiny Panels will be sent copies

of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

- (c) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless it is called-in under paragraph (d) below.
- (d) Cabinet decisions may be called in for further consideration upon receipt by the proper officer, within *five* clear days of the publication of a decision, of a requisition:
 - (i) signed by five members of the council, from more than one political group*, who are not members of the cabinet;
 - (ii) signed by all the members representing a ward where the decision affects that ward only (unless a pecuniary interest exists in the matter in which case action may be initiated by the remaining ward member{s}), or
 - (iii) Signed by the chair of the Overview and Scrutiny Committee

**A member sitting independently from political group arrangements being included on a call-in would also satisfy this requirement.*

- (e) Cabinet decisions may also be called in by Overview and Scrutiny Committee or by any Scrutiny Panel, in accordance with Article 6 of this constitution.
- (f) A decision may only be the subject of one call-in.
- (g) All requisitions for call in shall refer to a specific decision (or decisions) within a report and provide a detailed reason. A decision may only be called in if, when taking the decision, the decision maker didn't follow the principles of decision making as outlined below. The signatories to the call-in must give a clear explanation as to how these principles were not followed when the decision was taken:
 - i) Proportionality (ie. the action must be proportionate to the desired outcome)
 - ii) Due consultation and the taking of professional advice from officers
 - iii) Respect for human rights and equalities
 - iv) A presumption in favour of openness
 - v) Clarity of aims and desired outcomes (ie. Link between corporate strategy and implementation)
 - vi) Consistency with the council's Budget and Policy Framework, Contract, Financial and other Procedure Rules, legislative requirements, and other requirements set out in this constitution.

- (h) Subject to the exceptions below all decisions called in shall normally be referred to the next scheduled meeting of the Overview and Scrutiny Committee which will decide whether to uphold the decision or refer it back to the decision making body or person:
 - (i) matters required to be dealt with within a specified timescale (i.e. an external deadline) or life and limb; and
 - (ii) cabinet proposals to the Council which are not subject to the call in procedure.
- (i) If, the Overview and Scrutiny Committee having considered the decision is still concerned about it, then it may 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 they shall then reconsider within a further fifteen working days, amending the decision or not, before adopting a final decision.

16. Call-in and urgency

- (a) The call-in procedure set out above shall not apply where the decision being taken by the cabinet is urgent. A decision will be urgent if it falls into any of the categories set out in paragraph 15 (f) above. 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. The Leader of the Opposition (or in their absence the deputy leader of the Opposition) and the chair of the Overview and Scrutiny Committee (or in their absence the vice chair of the Overview and 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. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to the Council with proposals for review if necessary.

17. The party whip

When considering any matter in respect of which a member of the Overview and Scrutiny Committee or Scrutiny Panel is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's or panel's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting. The Council does not approve of the use or apparent use of whipping in scrutiny committees.

18. Procedure at meetings of the Overview and Scrutiny Committee or Scrutiny Panels

- (a) The following business shall be considered:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) consideration of any matter referred to the committee or panel for a decision in relation to call in of a decision;
 - (iv) responses of Overview and Scrutiny Committee and/or the cabinet and/or the Council to scrutiny reports; and
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where Overview and Scrutiny Committee or a Scrutiny Panel conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all members of the committee or panel be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the committee or panel by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Where the response to any questions in the opinion of the Chair or on the advice of the Monitoring Officer would be likely to disclose confidential or exempt information within the meaning of Schedule 12A to the Local Government Act 1972, the Chair shall move that the answer is taken in private and the question shall be put without debate. No person giving evidence to the Overview and Scrutiny Committee or a Scrutiny Panel shall be under any obligation to disclose publicly personal information about an employee, child in care or at school or any recipient of council services.

19. Matters within the remit of more than one Scrutiny Panel

Where a Scrutiny Panel conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Scrutiny Panel, then the Panel conducting the review shall invite the chair and vice-chair of the

other Panel (or his/her nominees) to attend its meetings when the matter is being reviewed.

20. Human rights act

Reflecting Article 6 of the Human Rights Act 1998, where it appears at any time to a scrutiny committee, or the Monitoring Officer so advises, that:

- (a) a member, in responding to a question, might be required to admit to conduct which constitutes a breach of the local code of conduct, the member may decline to answer the question and the issue shall then be reported to the Standards Committee by the Monitoring Officer for consideration and investigation if deemed necessary; and
- (b) an officer, in responding to a question, might be required to admit to conduct which constitutes a breach of the officer code of conduct or other grounds for disciplinary action, the officer may decline to answer the question and the issue shall be reported by the Monitoring Officer to the Chief Executive for consideration and investigation if deemed necessary.

APPENDIX 3

Proposed new cabinet portfolios

[To follow]

APPENDIX 4

Proposed new Planning Code of Conduct

[new clauses highlighted in yellow]

CODE OF CONDUCT FOR MEMBERS IN RELATION TO PLANNING MATTERS

Introduction

This Code was originally drawn up on the recommendation of the review of standards in local government by 3rd Report of the Nolan Committee on Standards in Public Life, published in 1997 and against the background of the increasing possibilities of liability for local authorities and councillors in the event that mistakes are made. The Code was subsequently reviewed in July 2012 to take account of the Localism Act 2011.

This Code is designed to assist provide guidance for members on their roles when dealing with planning matters whether in relation to policy or the decision making on planning applications. The principal purpose is to maintain standards of transparency and fairness when dealing with residents, interest groups, applicants and developers and officers of the Council. The continued adoption of the Code will also minimise the possibilities for legal action against the Council and individual councillors. In this respect the Code contains important guidance for all members of the Council not just those serving on the Planning Committee.

This Code forms part of Ealing Council's Local Code of Conduct for Councillors, and failure to comply with it may potentially result in a complaint under the council's standards regime.

The Code

General

1. Under the Localism Act 2011 a member is not to be taken to have had, or to have appear to have had, a closed mind when making a decision just because
 - 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
 - the matter was relevant to the decision.
2. Although this provision recognises the role of members in matters of local interest and debate, if you are a member of the Planning Committee taking part in a decision on a planning matter, you should not make up your mind how to vote prior to consideration of the matter by the Planning Committee and therefore you should not comment in advance how you intend to vote which might indicate that you have a closed mind.
3. This does not prohibit your ability as a ward member to represent the views of your constituents throughout the planning process, provided that you make it clear that those views are not necessarily your own.
4. If you have any doubts about the interpretation of this Code, you should consult appropriate officers on the point.

5 Protocol for Member involvement in Pre-application and application presentations and discussions

5.1 It is recognised that that there is an increasing role for members at both the pre-application and application stages of planning proposals. This is encouraged provided

members' roles are clearly understood. The role needs to be unambiguous and transparent to members themselves and to developers and the public. Members of the public and local residents are sometimes concerned that proposals, when considered at the pre-application stage, are in effect 'decided in advance'. This is not the case and it is entirely appropriate and proper that all councillors consider taking an active part in discussions concerning development proposals at the pre-application stage and in relation to planning applications. There should be no ambiguity about the requirements or responsibilities of councillors in this respect. In particular members need to be aware of the distinction between giving and receiving information and engaging in negotiations. Without a published protocol member involvement may inadvertently open members to challenge on the grounds of apparent pre-determination. Members should be aware that presentations by developers are, in effect, a form of lobbying and that the general principles set out below relating to lobbying are relevant.

5.2 Members should be aware of the differences in publicity for the pre-application and application stages of any development proposal. The pre-application stage is a paid-for service. The submission of information and documents by an applicant/developer is a matter of choice and not as a statutory requirement of the planning process. The pre-application process is a means by which an applicant or developer can seek advice on the appropriateness of a development in terms of either its use or design. The pre-application service does not give a green light to proposals but is intended to weed out proposals that are clearly unacceptable and to shape proposals to a point where they can be further assessed through a formal planning application. Pre-application discussions are always made on the basis that they are 'without prejudice' to the consideration a subsequent application against planning policy, and other material considerations, including representations made by local residents and other parties.

5.3 On this basis pre-application discussions are considered private and confidential discussions between the applicant/developer and the Council and are not publicised on the Council's website or notified to local residents and interested parties at the time the pre-application discussions are ongoing. In the interests of transparency, the Council will make available the material received from the application/developer and the advice given to the applicant/developer by officers, upon request, from the time a formal, valid planning application is received by the Council.

5.4 The Council's Protocol for member involvement in pre-application and application presentations and discussions is set out below as follows:

- Any presentations or discussions with developers, should be part of structured arrangements agreed with officers in advance and may also include other interested parties. Where members are approached by applicants or developers to attend meetings the matter should be referred to the planning case officer so that they are aware of the meeting. Officers of appropriate seniority should normally attend the meeting depending on the size and complexity of the scheme under consideration.
- Meetings and any presentations should be limited to the development proposal and a question and answer session on factual matters on the clear basis that the discussion is being held to improve understanding and not to discuss the merits of the

application. This should be confirmed at the start of the presentation. Within this context, members can comment on aspects of the scheme providing that they keep an open mind.

- Members should avoid giving any indication that they have already decided how they propose to vote.
- Questions from members will be appropriate to clarify aspects of a proposal as long as they do not develop into negotiations.
- When appropriate (depending on the size and complexity of the scheme) the applicant/developer will be required to submit a written note of the meeting to the planning case officer which should be checked for accuracy.
- All meetings of members with applicants/developers should be entered on a Register of Member Involvement in Planning Matters which will be made available to the public.
- In respect of all member contact with developers and applicants, officers will need to know:
 - the time and date of the meeting
 - the name of those present
 - the site in question
 - why the meeting has been arranged, and
 - the nature of the development proposal.

Lobbying

6. Lobbying is acknowledged to be an integral part of the planning process and is appropriate, provided that care is taken to avoid members' integrity and impartiality being called into question.

7. If you are approached about a planning matter (even if you are not a member of the Planning Committee) by any applicant, agent, objector or other interested party, you should:

- (a) Consider whether or not it would be prudent in the circumstances to make notes of the meeting and (if so) make such notes
- (b) Disclose any such contact if you make representations about a planning matter (either at or outside the Planning Committee meeting)
- (c) Avoid contact with agents who either are not members of the Public Relations and Communications Association (PRCA) or are unwilling to confirm that they undertake to comply with the PRCA Public Affairs Code.
[Public Affairs Code | PRCA](#)
- (d) In the light of such contact, and of other relevant considerations (including, for members of the Planning Committees, the importance of remaining impartial as a decision maker), carefully exercise your judgment as to the best means to play your representative role as a ward member with regard to the planning matter in question
- (e) Avoid giving the impression that you, or anyone else, can exert any improper influence over the planning process

- (f) If the contact is to seek professional, technical or legal advice with regard to a planning matter, consider whether or not it is appropriate to refer the enquirer to the appropriate council officer or other appropriate independent person or organisation
- (g) Immediately report to the appropriate officer any improper contact, pressure or inducements to yourself or - if you become aware of them - to others involved in the planning process, and
- (h) Ensure the requirements regarding the Register of Members Interests on Planning Applications are adhered to.

8. Whether or not you are a member of the Planning Committee, if you are approached as set out in paragraph 7 above, you shall - if requested by an officer or by another member - disclose details of the approach at any relevant meeting of the Planning Committee which you attend.

9. If you are approached about a planning matter and you are a member of the Planning Committee you should, in addition to the points at 7 and 8 above:

- (a) Consider whether or not your impartiality as a decision maker might be compromised or seen to be compromised by such contact, and
- (b) Avoid giving any commitment, or the impression of a commitment, to take any particular stance in relation to a forthcoming decision of the Planning Committee.

10. In some circumstance you may consider that you would prefer to represent a view or support objections to an application, in which case, should stand aside from determination of any subsequent application and make it clear that it is your intention to do so.

11. If you are approached about a planning matter and you are Chair or Vice Chair of the Planning Committee you should:

- (a) Recognise that your role as Chair / Vice Chair prevents you from responding to contact in the same way as other ward members, and
- (b) Recognise and make clear that any contact will not influence your special responsibility for the fair and impartial handling and consideration of planning matters considered at Planning Committee Members' Interests.

12. If you have business or other interests bringing you into frequent contact with the planning system locally you should avoid membership of the Planning Committees. Such interests might include you acting as a planning agent or other consultant in respect of planning applications within the borough.

Planning Committee Members' own Planning Applications

13 Planning applications submitted by current and former councillors and relatives can easily give rise to suspicions of impropriety. There are therefore specific procedures which are intended to ensure that these are handled in a transparent way that give no grounds for accusations of favouritism.

14 If you are a member of the Planning Committee and you are contemplating making an application, you should:

- (a) notify the Director of Legal and Democratic Services
- (b) play no part in the consideration of your application. If you are present at a meeting when the application is considered, you should withdraw from the meeting for that item (as a minimum) and nominate someone else to speak on your behalf if you would otherwise be entitled to do so under the Committee's Public Speaking Protocol.
- (c) ensure that any disclosable pecuniary interest is registered or disclosed in accordance with the Ealing Code of Conduct for Members
- (d) not take any part in the planning process relating to that application which could be interpreted as improper lobbying of officers or other members.

15. It is anticipated that applications which would normally be determined under officer delegations or Planning Committee as the case may be will respectively continue to be determined on the same basis subject to compliance with the requirements of paragraph 14 above and unless the Director of Legal & Democratic determines otherwise.

16. If you think that you have a disclosable pecuniary interest in a matter (as set out in paragraphs 9 of the Ealing Code of Conduct for Members and the relevant regulations), you should take no part in the proceedings other than is permitted by paragraph 12 of the Ealing Code.

15. If you are a member of the Planning Committee and consistently feel unable to fulfil that role within the constraints of an approved planning policy you should consider carefully whether you should continue to serve on the Committee. This will not prevent you from serving on the Planning Committee if you disagree with a particular approved policy but are still able to recognise and uphold its legal significance in the planning process

Gifts & Hospitality

16. You should not accept hospitality or gifts from any person who you know or suspect to be an applicant, agent, or interested party (including an objector) in a planning matter due to be considered by the Planning Committee irrespective of whether this is below the threshold in the Ealing Council Code of Conduct for Members. In the exceptional circumstances where it is not practicable for you to refuse such hospitality or gifts then you should report the receipt of such gifts or hospitality to the appropriate senior officer of the Council, as provided for in Ealing Code of Conduct for Members. Any gifts you receive should be donated to an appropriate body under any arrangements approved by the Standards Committee or to one of the Mayor's charitable appeals.

Site Visits

17. Where you know a site to be the subject of or affected by a planning matter or you know it is likely to become subject to or be affected by a planning matter, you should

not enter that site for any purpose in connection with such matter except in the course of an official site visit.

18. If you are a member of the Planning Committee and visit an application or enforcement site you should:

- (a) avoid giving any indication of your likely decision
- (b) be aware of the provisions of clauses 4-5 of this Code above, if any other person is present on that site visit
- (c) avoid entering into a dialogue with any third parties during the course of a site visit without an officer being present, and
- (d) observe the Council's Protocol for Site Visits during all site visits.

19. You should only ask for a site visit where the expected benefit is substantial. This means that a site visit is only likely to be necessary if:

- a) the impact of the proposed development or enforcement action is difficult to visualise from the plans and any supporting material, including photographs taken by officers (although in that case, additional illustrative material should have been requested in advance)
- b) there is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or
- c) the proposal is particularly contentious.

Where decisions are deferred for the purposes of an official site visit, you should ensure that the detailed reasons for that decision are stated at the meeting at which this decision is taken, and minuted.

Further considerations for members are set out in the Appendix at the end of this Code (The Planning Committee Site Visits Protocol).

Contact with officers

20. Officers have a duty to give impartial advice to you and to the Council on planning applications and to make recommendations to the Planning Committee only on the basis of the Development Plan and other material considerations. You should not attempt to use your position as a member to improperly influence officers into making a particular recommendation or delaying applications or enforcement action.

21. You should not seek to delay the enforcement of planning control (including the bringing of prosecutions) because of lobbying from a person having an interest in the land the subject of such enforcement.

The Planning Committee Meeting

22. If you are a member of the Planning Committee you must not take part or vote on any planning matter if you have not been present throughout consideration of the matter at that meeting.

23. If a planning application which would normally be decided under the delegated powers procedure relates to a site in your ward you may submit a written request to the Chair or nominated Vice Chair asking that this application be brought to Planning Committee for decision giving reasons for the request.

24. If the Chair or nominated Vice Chair agrees to your request, the committee agenda report will include a note of your request and reasons.

25. If you are a member of a Planning Committee you must ensure that, where a decision of a Planning Committee is contrary to the officer recommendation, a clear statement of the reasons for that decision is given at the time the decision is taken, and minuted.

26. Whenever a matter is deferred for decision by a meeting of the Planning Committee, for example for the purpose of holding a site visit or for further information to be obtained, there will be no guarantee that the matter will return to a meeting of the Planning Committee with the same membership as the one which made the deferral.

Training

27. If you are a member of a Planning Committee you must participate in a programme of training on the planning system organised for you by officers.

28. If you are a member of the Planning Committee and you fail to participate in the programme of training this may result in you being asked to stand down as a member of Planning Committee.

29. You should be aware that :

- (a) Training is particularly important for members who are new to Planning Committee and for members who have not attended training in the recent past, and
- (b) Where you have genuine difficulty in attending any particular training session, officers will try where practicable to accommodate a request for an individual or repeat session

Complaints about planning matters.

30. Members will be approached by their constituents with issues relating to way in which planning applications or related matters have been dealt with or regarding the decisions made.

31. Members should refer the matter to the Complaints Team for consideration as a service request or as a formal complaint, depending on the issues raised.

32. In the interest of fairness and transparency for both landowner / applicant and local residents, members should avoid prejudging the issue prior to the relevant service request or complaint being dealt with by officers.

33. Where a resident wishes to raise a formal complaint, in almost all circumstances it is appropriate for the complaint to be submitted by the resident and not by an individual member.

Appendix - PLANNING COMMITTEE SITE VISITS PROTOCOL

BACKGROUND:

1. This Protocol has been written having regard to the recommendation contained in the guide issued by the Local Government Association and the Planning Advisory Service in April 2013, 'Probity in Planning for Councillors and Officers'. The guide recommends that councils should have a clear and consistent approach on when and why to hold a site visit and how to conduct it.

This Protocol should be read in conjunction with the existing Members' Codes of Conduct and in particular paragraph 17-19 of the Code of Conduct for Members in Relation to Planning Matters as follows

Site Visits

17. Where you know a site to be the subject of or affected by a planning matter or you know it is likely to become subject to or be affected by a planning matter, you should not enter that site for any purpose in connection with such matter except in the course of an official site visit.

18. If you are a member of the Planning Committee and visit an application or enforcement site you should:

(a) avoid giving any indication of your likely decision

(b) be aware of the provisions of clauses 4-5 of this Code above, if any other person is present on that site visit

(c) avoid entering into a dialogue with any third parties during the course of a site visit without an officer being present, and

(d) observe the Council's Protocol for Site Visits during all site visits.

19. You should only ask for a site visit where the expected benefit is substantial. This means that a site visit is only likely to be necessary if:

(a) the impact of the proposed development or enforcement action is difficult to visualise from the plans and any supporting material, including photographs taken by officers (although in that case, additional illustrative material should have been requested in advance), or

(b) is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or

(c) the proposal is particularly contentious.

2. PURPOSE OF SITE VISITS

Probity in Planning confirms that the purpose of site visits is for Planning Committee members to observe site and surroundings and gain a better understanding of the issues. They are not to be used as a lobbying opportunity by objectors or supporters.

3. ARRANGEMENTS FOR SITE VISITS

- A decision to hold a site visit will be made following discussion between Planning and the Chair or Vice Chair) having regard to paragraph 19 of the Code of Conduct set out above.
- A list of site visits will be sent to all councillors by officers 5 working days prior to the Planning Committee meeting.
- Officers will try to ensure (as far as possible) that the applicant is there to give access to the site.

4. CONDUCT AT THE VISIT

Role of Chair

- Chair to take note of attendance and forward to Committee clerk for records purposes (Chair also advises attendance at the Committee meeting).
- At start of the visit, the Chair should introduce themselves and the Committee members to the applicant/agent and any members of public.
- The Chair will also advise that the purpose of the visit is for members to see site and surroundings and to gain a better understanding of the issues but that it is not an opportunity for lobbying and that there will be no discussion the merits of the proposal.
- The lead officer/case officer will present facts of the proposal.
- For some schemes, particularly major ones, it may be appropriate for a representative of the developer to be present at the site visit (usually the architect or planning consultant) to present the scheme, explain the development in an objective way and to answer factual questions the Planning Committee members may have. Where officers consider it appropriate for a site visit presentation to occur, the agreement of the Chair of Planning Committee will be sought beforehand.
- During the visit, during and after the presentation, the chair will allow public to ask questions in orderly manner, but not go into debate.
- The Chair will advise objectors that there will be opportunity for an objector to speak at the Committee meeting (and if so, a representative of the applicant) and that the councillors will debate the proposal then and not on the site visit.
- If going into a site, the Chair will ensure that there is applicant agreement for any residents/ members of public to enter (generally allowing one or two representatives).
- It is the Chair's decision whether to go into adjacent sites to view potential impact.

5. Planning Committee Members

It is expected that Committee members will:

- Stay together on arrival at a site and listen to the Chair & lead officer
- Not talk to residents at same time as chair or officers are speaking

- Not engage in separate dialogue with members of the public or applicant/agent
- Avoid giving any indication of their likely decision on the proposal
- Avoid entering into any dialogue with the objectors or applicant/agent without an officer being present.

6. Ward Members

It is expected that ward members will:

- Allow the site visit proceedings to flow uninterrupted
- Not talk to residents at same time as chair or officers speaking

7. Lead planning officer and any case officers in attendance

The role of lead officer is to ensure relevant facts are provided to the Committee members. This will normally be by way of a brief presentation by showing selected plans to illustrate proposals, looking at the site and surroundings (often from outside), and going onto site to look at detail if necessary. Larger sites will normally have a pre-planned route, advised to Committee members at the start. Officers will provide clarifications to Committee and, if Chair agrees, to questions from members of public.

8. Large schemes and/or large attendance

Site visits for large schemes or where a large attendance is anticipated, officers will make any necessary additional arrangements in advance including the possible use of a hall or special area for the presentation with plans on display in advance, and for the Chair to set out expectations for the visit at the start.

APPENDIX 5

Proposed updated criteria for the award of freedom of the borough and of honorary alder

HONORARY ALDER AWARD POLICY AND CRITERIA

1. The Council may by a resolution passed by not less than two thirds of the members voting thereon at a meeting of the Council especially convened for the purpose with notice of the object, confer the title of Honorary Alder on persons

who have, in the opinion of the Council, rendered eminent services to the Council as past members of the council but who are no longer councillors.

2. An Honorary Alder may attend and take part in civic ceremonies but has no right, other than as a member of the public, to attend meetings of the Council or its committees or to receive any payments under the members' allowances scheme.
3. An Honorary Alder should either:
 - a) have been elected as a councillor for Ealing Council (including its former authorities) on four or more occasions; or
 - b) have served as deputy mayor but not have been awarded Freedom of the Borough or be a past mayor (in order not to duplicate any higher awards); or
 - c) be someone who, in the opinion of full council and following consideration of the Civic Honours committee, have rendered exceptional civic service to the borough as a Councillor.
4. If someone meets the criteria in (3) above, it is not automatic that they will become an Honorary Alder.

FREEDOM OF THE BOROUGH AWARD POLICY AND CRITERIA

1. Once per administration, the Council will consider conferring the status of Honorary Freedom of the Borough to deserving individuals. In exceptional circumstances the honour may be conferred to individuals outside of this cycle. These circumstances may include exceptional sporting achievements; if the recipient is of gravely ill health; or acts of bravery or heroism.
2. The Council may, by a resolution passed by not less than two thirds of the members voting thereon at a meeting of the Council specially convened for the purpose giving notice of the object, to give the honorary title Freedom of the Borough of Ealing to persons of distinction who have in the opinion of the Council rendered eminent services to the borough. A person who has been granted Freedom of the Borough may attend and take part in civic ceremonies but has no right to receive any payments under the members' allowances scheme.
3. The criteria for consideration for award of the honour of Freedom of the Borough are:
 - a) service to the local community and not merely, for example, service to the Council. Proposals may also be based on service or contribution to a professional field or community by a person who meets criterion b below.
 - b) persons proposed should have some strong personal or official connections with the Borough or have rendered eminent service in connection with the borough or from which the borough has benefited to a greater extent than other boroughs or districts.
 - c) in exceptional circumstances consideration could be given to the admission of organisations.