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| Non-Executive Report of the: General Purposes Committee 5 th July 2017 |  TOWER HAMLETS |
| Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer | Classification: [Unrestricted] |
| Update from Constitutional Working Party - Council Procedure Rules (Part 4.1 of the Constitution) | |

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| Originating Officer(s) | Paul Greeno, Senior Corporate and Governance Legal Officer |
| Wards affected | All |

Summary

As the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. At the meeting of the Constitution Working Party on 22 June 2017 consideration was given to amending the Council Procedure Rules to facilitate a more open and effective council meeting which in turn would encourage a higher standard of member conduct.

Recommendations:

The General Purposes Committee is recommended to:

1. Approve the proposed new order of business for ordinary Council meetings as set out in Table 1 of this report;
2. Approve the specific proposed changes in paragraph 3.7 of the Report; and
3. Subject to approval of 1 and 2 above that the Council Procedure Rules be revised and that a report with the revised Council Procedure Rules be submitted to the next General Purposes Committee for recommendation to Council.

1. REASONS FOR THE DECISIONS

- 1.1 Pursuant to the Local Government Act 2000 ('the 2000 Act') as the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. In that regard, it has been decided that as this is a complete review to report the changes through a Member Constitutional Working Party who will recommend changes to the General Purposes Committee for consideration.
- 1.2 The purpose of the Constitution is to set out how the council operates; how decisions are made; and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. It is therefore important that the Constitution is kept up-to-date so that it can continue to achieve that purpose.
- 1.3 The Constitution has not had a thorough review for some time and therefore a full review of the Constitution is being undertaken to incorporate these changes but also for the purposes of assessing the Constitution's strengths and weaknesses and to consider appropriate amendments having particular regard to efficiency, transparency and accountability.

2. ALTERNATIVE OPTIONS

- 2.1 The Council could decide not to agree a proposed new order of business.

3. DETAILS OF REPORT

- 3.1 This Report is a continuation of papers being presented to the General Purposes Committee Party to update on the Monitoring Officer's review of the Constitution.
- 3.2 This Report specifically relates to Part 4.1 of the Constitution and which sets out the Council Procedure Rules and which are the rules of procedure governing for each of the four (4) types of Council meeting: annual; budget, ordinary, and extra-ordinary.
- 3.3 As part of the Constitution Review, these have been reviewed with specific emphasis on applying the principles of good governance, specifically:
 - (a) promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;

- (b) taking informed and transparent decisions which are subject to effective scrutiny and managing risk; and
- (c) members and officers working together to achieve a common purpose with clearly defined functions and roles.

3.4 Having regard to the above principles, the following were considered:

- (a) How well do our meetings work?
- (b) What could we do to make them more productive and do our business more effectively?
- (c) How well do we explain the reasons for our decisions to all those who might be affected by them?
- (d) Are decision-making processes properly adhered to?
- (e) How do we ensure the Council maintains a key role in debating decisions?
- (f) How do we balance the time given to the different functions of Council (public participation, debate on policy, reports etc.)
- (g) Do we all know what we are supposed to be doing?
- (h) Do all members of the authority take collective responsibility for its decisions?
- (i) In what ways does our behaviour, collectively as a governing body and individually as governors, show that we take our responsibilities to the organisation and its stakeholders very seriously?
- (j) Are there any ways in which our behaviour might weaken the organisation's aims and values?

3.5 Generally, having regard to paragraphs 3.2 and 3.3 above, it was recognised that the Council's Rules of Procedure need strengthening and changing. For example, Member Engagement and how this could be restructured to allow for better engagement by opposition groups (e.g. a themed debate on an opposition motion).

3.6 A report was therefore prepared and which was discussed at the Constitutional Working Party on 3rd April 2017. A follow up report was then discussed at the Constitutional Working Party on 22nd June 2017 where the four group leaders were all present. As a result of those discussions, a proposed new order of business for ordinary Council meetings is proposed as set out in Table 1 below:

| <u>Segment</u> | <u>Details</u> | <u>Time (Minutes)</u> | <u>Change</u> |
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| Introduction, Minutes, Declarations, Announcements | The initial preparations and administrative part of the meeting | 10 | N/A |
| Public Engagement – Petitions Up to 5 petitions (Petition Scheme Procedures apply) | 6 minutes for each petition (1) Petitioners – 3 minutes (2) Lead Member comments – 3 minutes | 35 (includes 5 minutes for delays between petitions) | This is an increase in petitions from 3 to 5. The increase is to allow for greater public engagement. Councillor questions to petitioners will be removed but the opportunity for the Lead Member to comment will remain. At the end of the presentation, the petition will be “handed” to the Speaker who will announce where the petition will go for a full response. This could be to another Committee (including Cabinet) or to a Corporate Director. It is considered that this change will increase democratic accountability whilst recognising that there is a finite amount of time available at Council for all its business to be concluded. At the end of the day, good governance is about considering how well our meetings work and what can be done to make them more productive and for Council to do its business more effectively. |
| Public Engagement – Petitions Petition Report | All other petitions that had been submitted will be noted and the Speaker will state where they will go for a full response | 2 | This is to allow for greater public engagement. Rather than petitions be left to build up, then can all be acknowledged albeit there is no debate |

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| Public Engagement – Questions Up to a maximum of 3 public questions can be asked | 3 minutes for each question (1) Questioners – 1 minute (2) Lead Member response – 2 minutes | 10 (includes 1 minute for delays between questions) | N/A |
| Public Engagement – Questions Question Report | All other questions that had been submitted will be noted and stated that a written response will be given | 1 | N/A |
| Mayor’s Report | 6 minutes for the Mayor 2 minutes for each Group Leader | 14 | Better timetabling of meetings allows for increasing the time that opposition groups have to respond and which allows for better democratic accountability |
| Opposition Motion Debate | These would be on an equal basis or proportionally (1) Mover – 4 minutes (2) Seconder – 3 minutes (3) General Debate – 20 minutes (4) Mover Sums up – 3 minutes | 30 | The Constitutional Working Party considered that allowing a portion of the meeting to be for the opposition increased democratic accountability as well as a greater collective responsibility |
| Administration Motion Debate | (1) Mover – 4 minutes (2) Seconder – 3 minutes (3) General Debate – 20 minutes (4) Mover Sums up – 3 minutes | 30 | Better timetabling of meetings allows for an additional debate on an administration motion. A debate on such allows for greater involvement of opposition groups as well as better engagement. This in turn leads to democratic accountability as well as a greater collective responsibility |
| Other motions | This will be subject to time allowing See # below | | N/A |

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| Members Questions | All questions are considered tabled so there is simply the answer from the lead members followed by the supplementary question and answer | 25 | By tabling questions, it saves these being read out and which therefore allows more time for questions to be asked. However it is recognised that this could cause difficulties for persons watching on the webcast and how easy is it for them to therefore access the text of the question to be asked. This should allow for greater involvement of opposition groups as well as better engagement. This in turn leads to democratic accountability as well as a greater collective responsibility. |
| Reports | To debate any reports on the agenda | 10 | |

- The total time is therefore 2 hours and 47 minutes and should allow for any overruns or issues elsewhere on the agenda. Any time left over allows for further Motions (or additional Member questions)

- 3.7 In addition to the new order of business and a number of tidying up changes that need to be undertaken to the Rules, e.g. removal of words [NB: Function allocated to Head of Paid Service until 31st October 2014], there are some specific proposed changes for consideration and which are:

Rule 5 – Time and Place etc.

It is proposed to change this so that it relates to the time, date and place of meetings. Further that in addition to the Chief Executive, the Monitoring Officer can agree to the change. Finally that the general start time of meetings is moved forward from 7.30pm to 7pm

Rule 10 – Cancellation

This will be linked to Rule 5 so that instead of cancelling a meeting, the date can be changed.

Rule 14.1.3 – To change the Order of Business on the Agenda

It is proposed to limit the capacity to change the order of business to cases where the Speaker is satisfied that there are exceptional circumstances to permit such change and the Member seeking to change the order must address such special circumstances.

The Constitutional Working Party recognised that this would require a strong speaker and for the purposes of deciding on such requests or in matters in Rule 23 or 24.1 below, politically neutral for those purposes.

Rule 15.10.3 – Right to Reply in cases where there is an amendment

It is considered that the mover of the motion should still have a right of reply even where an amendment is agreed.

Rule 20 – Standards Advisory Committee Reports

The right to address will be extended to the Independent Person as well.

Rule 23 – Members' Conduct

Following the giving of a warning, the Speaker should have the power to order that a Councillor who is guilty of misconduct by persistently disregarding the ruling of the Speaker, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, be removed from the meeting. The Speaker will need to be provided with training and be advised by the Chief Executive and the Monitoring Officer and if the Speaker abuses the power then that will be treated as a breach of the Code of Conduct for Members.

See also note of Constitutional Working Party in Rule 14.1.3 above.

Rule 24.1 – Disturbance by the Public

This will be expanding powers in relation to disturbance by the public and recognising that now recording is allowed that the manner in which it is being recorded is causing an annoyance or is breaching health and safety then it is proposed that this rule be amended to allow for a person to be removed from the meeting if they continue causing an annoyance or breach despite a warning.

See also note of Constitutional Working Party in Rule 14.1.3 above. Further, the Constitutional Working Party consider that at the start of the meeting the Speaker could give a statement about recording and this could also be in relation to filming that filming Members and Chief Officers only and not members of the public or junior officer who may be present.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The Chief Finance Officer has been consulted on this report and has no additional comments to make; there are no financial implications as a result of the proposed changes to the Constitution set out in this report.

5. LEGAL COMMENTS

- 5.1 Any legal implications are addressed in the body of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The proposed revisions to the Constitution are intended to address weaknesses regarding efficiency, transparency and accountability. In making the revisions to increase efficiency, transparency and accountability of decision making this should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 As a best value authority, the Council has an obligation under section 3 of the Local Government Act 1999 to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness” (the best value duty). Whilst the report does not propose any direct expenditure, it is looking to put in place arrangements in the exercise of its functions having regard to efficiency and thereby also economy and effectiveness.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 It is not considered that there are any environmental implications.

9. RISK MANAGEMENT IMPLICATIONS

9.1 This proposed revision of the Constitution is designed to address weaknesses regarding efficiency, transparency and accountability. The overall aim is therefore to reduce risk.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no crime and disorder reductions implications.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- NONE

Local Government Act, 1972 Section 100D (As amended) List of “Background Papers” used in the preparation of this report

- NONE

Officer contact details for documents:

- N/A