

Agenda Item 9.2 – Report of the General Purposes Committee –
Constitution Procedure Rules

Non-Executive Report of the: General Purposes Committee 12 th October 2017	
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Constitution Review – Council Procedure Rules	

Originating Officer(s)	Hannah Ismail, Trainee Solicitor and Paul Greeno, Senior Corporate and Governance Lawyer
Wards affected	All

Summary

General Purposes Committee on 5th July 2017 agreed to review the Council Procedure Rules. This report presents a revised set of Rules for recommendation to Council.

Recommendations:

The General Purposes Committee is requested to:

1. Recommend to Council the changes to Part 4.1 of the Constitution as set out in Appendix 1 to enable these changes to come into effect; and
2. To note that a further review of the Petition Scheme is planned for next year.

1. REASONS FOR THE DECISIONS

- 1.1 The Council Procedure Rules are an important part of the Constitution providing the rules of procedure governing each of the 4 types of Council meetings: annual, budget, ordinary and extra-ordinary. Some of the rules also apply to Committees and Sub-Committees' meetings. As these Rules provide a framework within which confidence in Tower Hamlets decision making can be maintained it is important that they are reviewed to ensure continued good governance.

2. ALTERNATIVE OPTIONS

- 2.1 Not to approve the revised Council Procedure Rules.

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 review of the Constitution.

- 3.2 The purpose of the review is to ensure that these rules are workable in order to apply the following principles of good governance:

- (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.

- 3.3 Further, in aiming to strengthen these rules, particular regard has been given to economy, efficiency, effectiveness, transparency and accountability

- 3.4 The Procedure Rules were discussed at a meeting of the Constitutional Working Party on 22nd June 2017 where the 4 Group Leaders were all present. It was then discussed at General Purposes Committee on 5th July 2017 and it was agreed that the agreed revisions to the Rules would be undertaken and a revised set of Rules submitted to submitted to the Committee at this meeting.

- 3.5 In terms of significant changes the suggested amendments are as follows:

Rule 1- Annual Meeting of the Council

- 3.6 The following additions have been included in the programme:

- The Mayor shall report on any appointments of outside bodies;

- The Mayor shall report on circumstances where the Special Urgency provisions have been used during the year preceding the Annual Meeting;
- A report will be received advising on any changes made to the Council's Constitution since the previous Annual Meeting; and
- The State of the Borough will be debated at the Annual Meeting.

3.7 The State of the Borough Debate shall take place in accordance with the following procedure:

- The debate will last up to 1 hour;
- The debate will begin with a 15 minute introduction by the Mayor;
- The remaining 45 minutes will be divided proportionally (to the nearest minute) between the political groups on the council. It will be for each group to determine how much time each of their speakers will have subject to a minimum speech length of two minutes. There is no maximum speech length providing that group's overall allocated time limit is not breached;
- Lists of speakers must be provided to the Monitoring Officer before the start of the meeting;
- The 45 Minute Debate will end with the Mayor or the Mayor's appointee;
- The Mayor and the Group Leaders of the other political groups may speak twice should they wish. All other Councillors may speak once;
- There will be no motions, reports or votes on the debate.

Rule 2 – Ordinary Meetings

3.8 At the Constitution Working Party meetings it was acknowledged that the existing rules require strengthening and restructuring to strike a balance in both Member and Public engagement. Accordingly, a programme has been devised to enable this balance. This can be found Under Rule 3.1 at Appendix 1.

3.9 It is proposed that the petitions increase from 3 to 4 to allow greater public engagement. However, public questions will be removed as there will be opportunities for the public to ask the Mayor questions at Mayoral Assemblies. Rule 11 (Questions by the Public) has therefore been deleted. This allows for enhanced Member engagement. For example, the revised programme will allow an additional administration debate which in turn will increase involvement of opposition groups

Rule 5 – Time, Place, Postponement and Cancellations of Meetings

3.10 It is proposed that all Council meetings will commence at 7:00pm unless determined otherwise by the Speaker/Chair of the Committee or Sub-Committee.

3.11 Rule 5 has been amended to include rules relating to cancellations of meetings; therefore Rule 10 (Cancellation of Meetings) has been removed. There is also the option of postponement of meetings where the Chief Executive deems there is a good reason.

Rule 19 - Petitions

3.12 This has been re-numbered and is now Rule 17. The information on petition rules and practice contained in Rule 19 was, for the most part, repeated in the Petition Scheme. This information has therefore been consolidated into a single comprehensive Petition Scheme and which will be attached as an Appendix to the Procedure Rules.

3.13 The Scheme has been updated with regards to petition presentation and debate procedures at meetings of the full Council. Including:

- clear procedure rules for petitions for debate at full Council;
- incorporating the decision of the Council (September 2017) that petitions for debate also include a 'questions from Councillors' segment (previously only allowed for petitions for presentation); and
- the Committee's proposal in July 2017 to hear up to 4 petitions and all remaining petitions to be listed and 'noted' instead of being held over to future meetings; and reduced time for Lead Member response to presented petitions from 3 to 2 minutes.

3.14 The deadline for receipt of petitions has been extended to 10 working days prior to the meeting asnd which brings it into line with the deadlines for members' questions and motions. This will ensure that all petitions can be listed on the agenda. The current deadline is 3 working days, which is after agenda publication date and means that officers and Councillors have insufficient notice to prepare for the petition.

3.15 The updated Scheme includes specific reference to the Council's e-petition facility and which is due to be launched imminently. It advises as to the Council's rules regarding accepting e-petitions from third party websites.

3.16 No material changes have been made to the Scheme, except those changes that have previously been proposed by the Committee or agreed by Council. The changes have been to tidy, simplify and rationalise the scheme and generally make it easier to read.

3.17 A further review of the Petition Scheme is planned for next year. This review will include benchmarking with other councils' schemes to identify good practice and make recommendations for how the Council can promote its objective to engage with residents, whilst ensuring effective decision making at public meetings. It is hoped a report on this review will be brought to the Committee in the 2018/19 municipal year.

Rule 23 – Members’ Conduct

- 3.18 This has been re-numbered to Rule 21. The Constitution Working Party Meetings requested that the Speaker should have the authority to ask a Member who behaves inappropriately, offensively or is deliberately obstructing business, to leave the meeting if such behaviour persists following receipt of a warning. The Rule has been amended to provide the Speaker with this authority as such behaviour impacts on the Borough’s reputation and it was agreed that the existing rules do not work to adequately address this. The Speaker will receive appropriate training as well as advice from the Chief Executive and the Monitoring Officer

Rule 24 – Disturbance by the Public

- 3.19 This Rule is now Rule 22. It has been amended to include instances where the Public cause annoyance or breach health and safety during the course of filming and recording.

Rules relating to Committees and Sub-Committees

- 3.20 A further section has been inserted in Part 4.1 and this is Rule 24 which details the Council Procedure Rules that would otherwise be exempt or differ in their application during the relevant Committee and Sub-Committee. It has been added in one section for ease of reference.

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 Section 9P of the Local Government Act 2000 requires the Council to prepare and keep up to date a Constitution and which is also to contain such information as the Secretary of State may direct. A Constitution Direction (The Local Government Act 2000 (Constitutions) (England) Direction 2000) was issued by the Secretary of State in December 2000 that required a number of matters to be included within Constitutions and which include rules of procedure for Council meetings. The review and adoption of a revised set of Council Procedure Rules is therefore in accordance with the Council’s statutory responsibility.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The proposed revisions to the Constitution are intended to address weaknesses regarding efficiency, transparency, accountability and good governance more broadly. 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 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

- 1 – Proposed updated Part 4.1 (Council Procedure Rules) and Updated Petition Scheme

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