

# LONDON BOROUGH OF CROYDON

<b>REPORT TO:</b>	General Purposes Committee	
<b>DATE OF DECISION:</b>	21 February 2023	
<b>REPORT TITLE:</b>	Constitution Review – Part 4A, Council Procedure Rules	
<b>CORPORATE DIRECTOR / DIRECTOR:</b>	Stephen Lawrence-Orumwense Director of Legal Services and Monitoring Officer	
<b>LEAD OFFICER:</b>	Adrian May Interim Head of Democratic Services	
<b>LEAD MEMBER:</b>	Cllr Amy Foster	
<b>DECISION TAKER:</b>	General Purposes Committee agreeing recommendations for Council	
<b>AUTHORITY TO TAKE DECISION:</b>	The terms of reference of the General Purposes Committee (see Part 3 of the Constitution, Responsibility for Functions) allow it to conduct periodic reviews of the Constitution and consider changes to the Constitution recommended by the Constitution Working Group and to refer any proposals to full Council for approval.	
<b>KEY DECISION?</b>	No	N/A
<b>CONTAINS EXEMPT INFORMATION?</b>	No	Public
<b>WARDS AFFECTED:</b>	All	

## 1 SUMMARY OF REPORT

- 1.1 This report contains proposed changes to Part 4A of the Constitution of the London Borough of Croydon, the Council Procedure Rules.
- 1.2 These changes are being recommended by the Constitution Working Group, which has met regularly since its formation in September 2022 to consider proposals and options for the functioning and improvement to Croydon’s Council meetings.
- 1.3 The proposals have been developed with the aim of reflecting the changed political make-up of the council, encourage public participation and support member debate and discussion.

- 1.4 The proposals need to be agreed by the General Purposes Committee before being put before Council for final agreement and adoption.

## **2 RECOMMENDATIONS**

For the reasons set out in the report and its appendices, the General Purposes Committee is recommended:

- 2.1 To review and comment on the proposed revisions to the Constitution as detailed in the report;
- 2.2 To approve the amended version of Part 4A of the Constitution (as set out in Appendix A);
- 2.3 To consider the need and options for tracking Debate Motions; and,
- 2.4 To recommend the adoption of the changes to the Council Procedure Rules to full Council.

## **3 REASONS FOR RECOMMENDATIONS**

- 3.1 Council has acknowledged that following the May 2022 Local Elections the Council Procedure Rules are not suitable for the political make-up of the Council, and has expressed concern that it is not future-proofed for political proportionality and change.
- 3.2 There has also been an acknowledgement that the changes to the Constitution that were approved in early 2022 were fast-tracked and were an attempt to best fit the Mayoral governance model that the Council was to adopt, and that political proportionality was not prioritised in that process.
- 3.3 There has also been recognition that as the Mayor has not delegated executive powers to individual Cabinet Members, that Croydon Question Time was not appropriately phrased.
- 3.4 Since its meeting in July 2022, Council has been agreeing to waive standing orders so that business can be conducted in a way that members agree is fairer and more representative, and these are the bases upon which the Constitution Working Group has made its considerations.
- 3.5 It was also necessary to reduce the allocation of time to some items so that Council business could be conducted more efficiently.

## **4 BACKGROUND AND DETAILS**

- 4.1 The Constitution Working Group (CWG) was established in the latter half of 2022, and at its first meeting agreed a Work Programme based on priority issues for the Council.

- 4.2 It was agreed that the Council Procedure Rules were a priority. There is still a substantial amount of work that the CWG needs to undertake to bring the Constitution up to date and operable.
- 4.3 The CWG was given benchmarking exercises of the Council Procedure Rules, and officers laid out options and reasons, from which the CWG could make its decisions.
- 4.4 The CWG decided to amalgamate some standing items on the Council agenda, and also to simplify the rules relating to other standing items on the agenda.
- 4.5 As well as amendment to entire procedures and the treatment of standing agenda items, some basic tidying up of language in order to clarify points made in the procedure rules has been done.

## 5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 These are the sections that were considered for amendment, some of the issues raised, options available, and decisions made by the CWG:

Agenda item	Issues	Decision and reasons
Mayor and Cabinet Questions	<p>Process of splitting Cabinet Members into groups to answer questions was overly complex</p> <p>How to fairly allocate questions to councillors who are in very small minority or have no group</p> <p>Political proportionality – constitution only recognises Administration and Opposition groups</p> <p>Rejecting questions and identifying repeat proposed questions.</p> <p>Amount of time is significant at 1 hour 45 minutes.</p>	<p>Title changed to Questions to the Mayor and Executive to give Mayor flexibility to reallocate questions where appropriate</p> <p>Order of questioners to be laid out in the Constitution to state when smaller or ungrouped members can ask questions of the Executive, with the caveat that it should be revised following elections</p> <p>Questions to be received on notice to avoid repetitious or inappropriate questions, which can lead to questions being rejected in the meeting and is difficult for the Monitoring Officer and Chair to coordinate live in a meeting. Also provide</p>

		<p>opportunity for more in-depth responses.</p> <p>A total of 65 minutes is allocated to this item, the first five of which can be used by the Executive to make announcements / Cabinet Member updates.</p>
The Croydon Debate	<p>Nothing about e-petitions included in the Constitution, even though it was recognised that these are common</p> <p>Thresholds of public petitions very high, meaning not very many were heard</p> <p>No provision for Members to speak to the petitions they have supported/led.</p>	<p>Online / e-petitions to be accepted.</p> <p>Amalgamation of Local and Borough Petitions and treat them in the same, and to lower the threshold of required signatories to 500 so that more petitions may be heard at Council</p> <p>It was agreed that members could introduce a petition that they are presenting, along with member of public.</p>
Public Questions	<p>It was considered whether Deputations would be a better form of encouraging the public to come and speak at Council. It was considered there was sufficient opportunity with revised procedures.</p>	<p>It was agreed that to achieve better public engagement and accessibility of Council meetings members of the public could submit their questions in virtual attendance</p>
Debate Motions / Amendments to Debate Motions	<p>Other than the two largest political groups the Constitution does not allow others to put forward Debate Motions or be included in the debate.</p>	<p>Include in the Constitution that, although only the main two political groups are allowed to submit Debate Motions, members of smaller groups and ungrouped members should be allowed to approach them to see their own Debate Motions on topics that are</p>

		<p>important to their parties, or that are urgent</p> <p>Include provision that states that seconders of motions do not have to be from the same party as the mover of motions.</p> <p>Allow all parties to submit Debate Motions at the annual State of the Borough Debate</p>
Recommendations from the Executive and Committees to Council	<p>Clarity was sought about aspects of this section, especially Referral Back Debates</p> <p>The Constitution insinuated by these extra sections for these types of recommendations that it was not possible to treat other kinds of reports to Council in the same way</p>	<p>The different treatment of these kinds of reports to Council has been deleted in order to make it clear that all reports to Council, whether from the Executive, Committees or Officers, can be debated, referred back (to reports originator) for amendment or reconsideration, or agreed with amendment or rejected at Council.</p>
Calling Special Meetings	<p>The Constitution very restrictive – leaving decision to full council.</p>	<p>Amend to state that the Chair can call the meeting.</p>

- 5.2** The CWG could not reach a consensus on the tracking of Debate Motions, and how their progress should be reported to Council. It was decided that the General Purposes Committee should consider this when agreeing the proposals.
- 5.3** Once a motion is agreed at Council, there is no formal avenue for Council to receive an update on the progress since the motion's approval.
- 5.4** The CWG discussed, options that if the motion was a function reserved for the Executive, the Mayor could offer a response following the motion's vote, or provide an update direct to Members outside of Council, provide an update at Cabinet, or provide a verbal update at the start of the motion item.

## 6 CONSULTATION

- 6.1** Consultation on the proposals has been with the Chair and members of the Constitutional Working Group.

## **7. CONTRIBUTION TO COUNCIL PRIORITIES**

### **7.1 Outcome 1; Priority 4:**

Ensure good governance is embedded and adopt best practice.

## **8. IMPLICATIONS**

### **8.1 FINANCIAL IMPLICATIONS**

**8.1.1** There are no proposed changes to the Budget Setting Section in the Council Procedure Rules.

**8.1.2** There are no identified financial implications related to the proposals.

### **8.2 LEGAL IMPLICATIONS**

**8.2.1** The Council's Council Procedure Rules are referred to in legislation as standing orders. They serve the purpose of regulating the proceedings of, and the conduct of business at, Full Council meetings. Subject to any rules which are mandated by law, the Council has a broad discretion to decide its own additional rules (Local Government Act 1972, Schedule 12, para. 42). It is the discretionary rules which are the focus of this report.

**8.2.2** Adopting changes to the Council's Constitution is a non-executive function reserved to Full Council which is why the Committee is asked to consider the proposed changes and make a recommendation.

**8.2.3** According to s9P of the Local Government Act 2000 the Council must keep its Constitution up to date which must include its standing orders.

**8.2.4** Approved by Looqman Desai, Deputy Monitoring Officer on behalf of the Director of Legal Services and Monitoring Officer. 13/02/2023

### **8.3 EQUALITIES IMPLICATIONS**

**8.3.1** To follow.

## **9. APPENDICES**

**9.1** *Appendix A Proposed Part 4A, London Borough of Croydon Constitution, Council Procedure Rules – Proposed Changes Accepted.*

*Appendix B Part 4A, London Borough of Croydon Constitution, Council Procedure Rules highlight tracked Changes from current CPR.*