

LONDON BOROUGH OF CROYDON

REPORT TO:	Council	
DATE OF DECISION:	29 March 2023	
REPORT TITLE:	Constitution Review – Part 4A, Council Procedure Rules	
CORPORATE DIRECTOR / DIRECTOR:	Stephen Lawrence-Orumwense Director of Legal Services and Monitoring Officer	
LEAD OFFICER:	Adrian May Interim Head of Democratic Services	
LEAD MEMBER:	Cllr Amy Foster	
DECISION TAKER:	General Purposes Committee making recommendations for Council consideration and agreement	
AUTHORITY TO TAKE DECISION:	<p>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.</p> <p>Part 2 of the Constitution, Article 4.1 confirms that, subject to the exceptions specified, adopting and changing the Constitution is reserved to full Council.</p>	
KEY DECISION?	No	N/A
CONTAINS EXEMPT INFORMATION?	No	Public
WARDS AFFECTED:	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 A cross-party Constitution Working Group (CWG) was established in September 2022 to review the Council’s Constitution and has met on a number of occasions since then to review the Council Procedure Rules (CPRs). The CWG’s recommendations for the CPRs were considered and agreed by the General Purposes Committee on 21 February 2023, subject to a final review by the CWG. In

addition, the Monitoring Officer, in consultation with the Chair of the General Purposes Committee, was given delegated authority to make any further amendments to the CPRs.

- 1.3 The proposed changes to the CPRs 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 are presented to Council for final agreement and adoption.

2 RECOMMENDATIONS

For the reasons set out in the report, General Purposes Committee recommends to Council to agree:

- 2.1 The updated version of Part 4A (Council Procure Rules) of the Constitution (as set out in **Appendix A** (clean copy) and **Appendix B** (with tracked changes showing); and,
- 2.2 To authorise the Monitoring Officer to make necessary updates to the Constitution.

3 REASONS FOR RECOMMENDATIONS

- 3.1 Council has acknowledged that following the May 2022 Local Elections the Council Procedure Rules do not reflect the political make-up of the Council.
- 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 but much work is still required.
- 3.3 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. It has also been 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 September 2022 by the General Purposes Committee and comprises of 7 members: 3 Conservative, 3 Labour and 1 Green. The only non-grouped member of the Council is also entitled to attend meetings on the invitation of the CWG. At its first meeting, the CWG 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.
- 4.6** The proposed updated Council Procure Rules were considered and agreed by the General Purposes Committee on 21 February 2023, subject to a final review by the CWG. In addition, the Monitoring Officer, in consultation with the Chair of the General Purposes Committee, was given delegated authority to make any further amendments to the CPRs.
- 4.7** The main discussion topics at CWG meetings and the issues arising are set out in the following table:

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</p>

		<p>meeting. Also provide 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>Only the main two political groups are allowed to submit Debate Motions.</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> <p>Amendments can be made only by the mover of the motion.</p> <p>Any agreed Debate Motions, the Mayor will give a reply and outline the next steps, if any. <i>(this proposed provision was updated after the GPC gave delegated authority to the GPC/CWG Chair to work on Debate Motion tracking .</i></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 implied that the options set out in this section of the CPRs were not available for decisions not being recommended by the Executive or a Committee.</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> <p>All Members can, on notice, move a motion to amend or refer back recommendations in a report.</p>
Calling Special Meetings	The Constitution very restrictive – leaving decision to full council.	Amend to state that the Chair of Council can call a Special Meeting (rather than only Council).

4.8 The draft updated version of Part 4A (Council Procure Rules) of the Constitution is set out in **Appendix A** (clean copy) and **Appendix B** (with tracked changes) for approval.

4.9 If approved, delegated authority is sought for the Monitoring Officer to update the Constitution.

5 ALTERNATIVE OPTIONS CONSIDERED

The option of receiving deputations at Council was discussed and explored but with the changes to the petition scheme and council questions already proposed, it was considered a possible further future option.

6 CONSULTATION

- 6.1** Consultation on the proposals has been with the Chair of the General Purposes Committee and the CWG.

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 and, other than in the circumstances specified in the Constitution, is reserved to Full Council.

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.

8.3 EQUALITIES IMPLICATIONS

- 8.3.1** Whilst the Council Chamber is accessible to people with physical disabilities, in the Council Procure Rules there is a stipulation that only those attending in-person could pose their question at the Council meeting and ask a supplementary question.
- 8.3.2** People with or without a physical disability may have challenges and other barriers to prevent them from physically attending a Council meeting. The proposed change in the procure rules allow questions and supplementary questions to be posed virtually – helping to improve accessibility to the public engagement elements of the meeting.

9. APPENDICES

- 9.1** *Appendix A Part 4A, London Borough of Croydon Constitution, Council Procedure Rules – Proposed Changes Accepted. (**TO FOLLOW** - in Supplementary Council Agenda Publication)*

*Appendix B Part 4A, London Borough of Croydon Constitution, Council Procedure Rules with tracked Changes (**TO FOLLOW** - in Supplementary Council Agenda Publication)*