

## GOVERNANCE COMMITTEE

<b>Subject Heading:</b>	Revisions to Council Procedure Rules
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<b>Policy context:</b>	Council Constitution
<b>Financial summary:</b>	There are no direct financial implications arising from the report

### The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input checked="" type="checkbox"/>

### SUMMARY

At its meeting in March 2018 Full Council resolved to review the operation of its meetings. It delegated responsibility for that review to the Governance Committee.

Governance Committee will be asked to recommend its preferred changes to the council meeting procedure rules, with the final decision resting with all members at a meeting of Full Council.

There are few legal or other requirements relating to the conduct and business of Full Council, and so while there are common themes and similar content in Council Procedure Rules across the London Boroughs and within other Principal Councils, the format is largely a matter of local choice for members to decide and accordingly this report does not set out any officer recommendations.

The proposals set out in this report for discussion by Governance Committee are those of the Administration after considering the views of all the Group Leaders. Group Leaders met individually with the Council Leader and the Monitoring Officer to share their thoughts on how meetings of Full Council should operate. There are any number of different ways in which the procedure rules can be altered, it is fair to say there were as many views on options as there are Group Leaders and there was no consensus that any particular aspect be changed.

The proposals put forward are those aimed at improving the efficient and effective conduct of business transacted at meetings of Full Council within the time available.

In addition to the substantive changes there are a number of minor amendments which seek to simplify the understanding and interpretation of the procedure rules, the result of which will assist in the smooth running of Full Council meetings.

## **RECOMMENDATIONS**

- 1 To RECOMMEND to Council that, in the interests of good governance and the efficient and effective conduct of business:
  - (a) The number of ordinary meetings of Council be reduced from 7 to 6 so that the pattern of meetings be:
    - a. January
    - b. February (Council Tax and budget)
    - c. March
    - d. May (the Annual Meeting)
    - e. July
    - f. September
    - g. November
  - (b) The Leader's statement is to take place at the annual meeting (May), without any subsequent debate
  - (c) Consideration of Council questions (to remain at 15 allocated proportionately amongst opposition groups) will be limited to 45 minutes in duration.
  - (d) Consideration of motions will be limited to 75 minutes in duration (or such lesser time before the three hour meeting duration time permits).
  - (e) Any motions or amendments not finished in the time available, either for the duration of the meeting or in the time available for that item, will be dealt with by vote only.
  - (f) Rules of debate will be a single debate procedure in the following format (with the intermediate debate procedure being deleted):

- five minutes for a mover of a motion or an amendment or an amendment to a report
- three minutes for other speeches in any debate

Rights of reply (up to three minutes) may be exercised in the following order:

- The Leader of the Group by which any motion, recommendation or amendment was proposed or, if the mover is not a member of a Group, that Member.
  - Where more than one Group or individual Member has proposed a motion or amendment, each shall be entitled to exercise a right of reply, in the order in which the motion or amendment(s) appears on the agenda.
  - The Leader of the Council
- (g) Every ordinary or special meeting of Full Council shall terminate after 3 hours or no later than 10:30pm whichever is earlier) provided that Full Council may decide to adjourn the meeting to a specified date on a motion to this effect being proposed and put to the vote without debate.
- (h) If there are motions or recommendations on the agenda that have not been dealt with (or withdrawn by the mover with the agreement of members) by 10.15 p.m. they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

- 2 To RECOMMEND that any changes to the council procedure rules commence with the 2019 Annual Meeting of Full Council.
3. To RECOMMEND to Council that the Monitoring Officer be authorised to amend the Constitution in accordance with Appendix C

## REPORT DETAIL

### **BACKGROUND**

- 1 For the purposes of this report “Council” means the meeting presided over by the Mayor to which all Members are summoned. It is sometimes also referred to as “Full Council” in order to avoid confusion with other uses of the word “Council”. There are very few legal requirements and constraints on the formatting of Council meetings The Local Government Act 1972 (“the Act”) governs meetings of full Council. It requires that there be an Annual Meeting and such other meetings as are needed: in order to comply with the legislation relating to the budget and Council Tax, there must also be a meeting at which the Council Tax and budget for the following year are set. The arrangements also need to provide for certain reports and decisions to be

made where those decisions are reserved to Full Council, for example agreeing the Constitution.

- 3 It has become customary for the Council to hold six other meetings, termed “ordinary meetings”, in the course of the year at roughly two monthly intervals (August aside) and other meetings, termed “extraordinary meetings” are occasionally called.
- 4 Council meetings (other than the Council Tax/Budget meeting and the Annual Meeting) are generally divisible into four parts:
  - standard business (such as apologies, minutes and announcements)
  - consideration of reports and recommendations from Cabinet, Committees and statutory officers
  - dealing with Members’ Questions
  - debating motions

#### Meeting arrangements (the guillotine)

- 5 Council meetings customarily end at or about 10.30pm, the procedure being that once a meeting has lasted for three hours, from its starting time, unless some other arrangement is agreed at the meeting, the business then in hand will continue until finished and any other business then remaining will (unless withdrawn) be dealt with without debate and by vote only. Only very occasionally have Council meetings concluded in the time available, often to the frustration of those Members/Groups who have submitted items for debate only for such matters to go vote only or be carried over for consideration at the next Council meeting a couple of months later.

#### Members’ questions

- 6 Council questions has become a staple of Full Council meetings with many changes over the years concerning its operation. The Rules provide that questions must relate to the business of the Council.
- 7 For many years, a time restriction of 30 minutes was imposed which was considered adequate given the number of questions being submitted. However, the number of questions submitted was regularly in excess of 20 with the 30 minute time restriction considered insufficient for them all to be dealt with. The 30 minute time limitation was therefore removed and a maximum number of questions (15) introduced. Those questions are allocated proportionately to the size of opposition groups. In addition to the question included on the agenda papers, a supplementary question can also be posed at the meeting.

- 8 Consideration of the Council questions section of the agenda often exceeds 45 minutes.

### Motions and debates

- 9 There is at present no restriction on the number of motions for debate which can be submitted at any one Council meeting and no time restriction for them to be debate. . Motions are accepted on a first-come first-served basis and there have been on average 4 motions submitted per council meeting over the past year (excluding Budget and Annual Council meetings).
- 10 In the time available at the meeting usually one, on occasion two motions are debated in full. It is rarely the case that all motions on the agenda are debated. Those remaining motions not debated are either dealt with by vote (owing to the close of the meeting) or carried over at the request of the mover to the subsequent meeting of Council some two months later.
- 11 The rules of debate permit movers of a motion to have a maximum of 10 minutes to speak with general debate limited to 5 minutes per Member. Rights of reply are afforded to the mover of motion, any members who have submitted amendments, to the Leader of the Opposition, and finally to the Leader of the Council (each having up to 5 minutes). It is a regular occurrence for debates on a motion to last up to 1 hour. Intermediate debate rules which reduce the time permitted for each speaker, are rarely employed.
- 12 Dealing with Members' Questions and debating motions are not statutory business but rather have developed on the basis of customary practice and are common place in other Councils.

### Options for other approaches

- 13 Provided there are Annual and Council Tax/budget meetings and arrangements exist to ensure that all statutory and such non-statutory business as can only be discharged by the Council is dealt with, the frequency, length and content of Council meetings is a matter for Members to determine.
- 14 Arrangements for Council meetings vary greatly between Councils, although there are also many similarities. The Appendix 1 to this report sets out brief details of the arrangements made by a number of Councils.
- 15 There is scope to review the frequency of meetings. The June meeting of Council is an opportunity to consider business which would not otherwise have been considered at the Annual Meeting in May (ie. questions, motions, etc.) and to debate the Leader's speech. There is however a timetabled meeting of Council in July where such matters could be dealt with thereby reducing the overall number of meetings to 7 per year.

- 16 In respect of Council questions, a time-limit of 45 minutes could be introduced with retention of the proportionality-based allocation of 15 questions to the opposition groups. Any remaining questions not addressed within the time available will be dealt with by way of written response circulated to all Members.
- 17 The introduction of a time limit for consideration of motions is a common theme amongst many local authorities. A **75** minute slot could be introduced with motions processed on the basis of first-come first-served as per the existing procedure and any motions or amendments not heard in the time available will be dealt with by vote only or withdrawn but only with the consent of Full Council. Deferred motions must be resubmitted for consideration at the following meeting of Full Council.
- 18 In order to facilitate the introduction of a time limit for consideration of motions, the rules of debate for Ordinary meetings of Council could be amended so that movers of a motion and any amendments have 5 minutes, with general debate moved to 3 minutes per Members. This is more in line with the intermediate debate process. Rights of reply could be limited to the Leader of the Group by which any motion or amendment was proposed and to the Leader of the Council.
- 19 The procedure rules in respect of the guillotine are complex and would benefit from simplification. It is suggested that meeting duration remain at three hours and that any business not transacted within that time is dealt with by vote only or deferred with the consent of Full Council (in the case of motions only).
- 20 To assist Members in assessing the impact of the changes outlined Appendix B sets out how the business of Council meetings would be dealt with in the time available before the meeting closes.
- 21 There are a number of other minor revisions which to seek to simplify understanding and the ability to interpret the procedure rules. It is not proposed to significantly alter the content, with amendments relating primarily to the order and language of the rules. A draft is attached as Appendix C.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

The current cost of servicing full Council meetings is met from within existing resources. Any significant change in the make up, frequency or format of meetings may have a resource impact, which would need to be assessed following any decision.

**Legal implications and risks:**

The Council has a statutory obligation to meet in May for the Annual Meeting and in February to set the Council Tax and Budget. All other meetings are held at the Council's discretion (except where they are in response to a requisition for an extraordinary meeting).

The format and conduct of Council meetings is a matter within the Council's control subject to the administrative law principle of Wednesbury reasonableness.

**Human Resources implications and risks:**

There are no immediate HR implications arising from this report.

**Equalities implications and risks:**

There are no immediate equalities implications arising from this report.

<b>BACKGROUND PAPERS</b>
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None