



City of Westminster

Executive Summary and Recommendations

Title of Report:	Review of Council Meetings and Proposed Changes to the Constitution
Date:	Wednesday 10 February 2010
<p>1. Summary of this Report</p> <p>1.1 The Council, on 28 January 2009, agreed changes to the way in which full Council meetings operate. These arrangements are now reviewed following at least six full months of operation.</p> <p>1.2 The report also suggests some other minor changes to the terms of reference of the General Purposes Committee and to the Constitution.</p> <p>2. Recommendations</p> <p>2.1 That the Council be recommended to approve the changes to Standing Order 19 set out in Appendix A.</p> <p>2.2 That the Council be recommended to approve the changes to the terms of reference of the General Purposes Committee shown in bold in Appendix B.</p> <p>2.3 That the Council be recommended to approve the changes to the Policy and Scrutiny Procedure Rules set out in Appendix C.</p> <p>2.4 That, subject to the Superannuation Committee wishing to adopt urgency provisions for the conduct of urgent business, the Council be recommended to approve the changes to Standing Order 40, as set out in Appendix D.</p>	



City of Westminster

Committee Report

Item No:	
Date:	Wednesday 10 February 2010
Classification:	For General Purposes
Title of Report:	Review of Council Meetings and Proposed Changes to the Constitution
Report of:	Head of Administrative Services
Wards involved:	Not Applicable
Policy context:	Management of the Council
Financial summary:	There are no financial implications arising from this report
Report Author:	Mick Steward
Contact details	Tel: 020 7641 3134 Email: msteward@westminster.gov.uk

3. Background Information

3.1 The changes reviewed in this report, relate to the following:

(a) Questions

The time allowed for questions was increased from 30 minutes to 45 minutes. The only other change was to allow the Leader of the Opposition to ask up to 3 questions, an increase from the previous 2 questions, to be asked any time during question time. These changes have worked well and no further changes are proposed.

(b) Debates

- (i) The length of time for speeches was restored back from 4 to 5 minutes and this has also worked well as it allows more time for speakers to develop the themes and content of their speeches. This is particularly important following the change in emphasis from topics chosen for debate being from decisions already taken to topics for future decision from the Future Policy Plan and so of emerging issues that may or will require future policy decisions. This Plan includes issues from the annual Leader's Speech and from national plans/White Papers and is published approximately 3 weeks prior to each ordinary Council meeting.

It is intended to keep circulating the list to all Councillors electronically (in advance of it being included in the formal despatch of papers for the Council meeting, which is 10 working days prior to the meeting) as this is an opportunity for additional issues to be identified.

- (ii) (a) No changes are proposed in respect of this except to ensure, now that debates focus on future policy rather than previous decisions, that the views of Members are captured and considered by Officers when preparing policy reports on these subjects. Therefore, the additional following Standing Order 11 (17) is proposed:

“The appropriate Strategic Director is required to have regard to the views of Members expressed during debate when preparing reports for consideration by the Cabinet/Cabinet Members on topics listed in the future policy plan”.

- (b) In order to assist Strategic Directors the debate on future policy plan items will be transcribed and forwarded to them as soon as possible after the meeting.

- 3.2 The only other change proposed relates to Standing Order 19 – Termination of Meeting. Currently, if a Notice of Motion is under debate when the time for closure of the debate on that item or the termination of the meeting itself is reached, unless it has been under debate for 20 minutes, it and any related amendments will be deemed to have been lost. This time limit precedes subsequent changes to Council procedures and it is now recommended that, in future, provided a Notice of Motion and any amendments have been moved and seconded they shall be voted upon, regardless of the length of time they have been debated. The proposed revised wording is set out in Appendix A.

General Purposes Committee: Terms of Reference

- 3.3 A review of the terms of reference of the General Purposes has identified that by introducing some explanatory notes the need to seek approval from the Council or the General Purposes Committee becomes unnecessary when changes are made to some of the appendices of the Constitution. The Head of Legal Services already has delegated authority to update the Constitution, under which he makes updates as a result of agreed organisational changes. It is suggested that the following note be added to the following terms of reference of the Committee.

(5) CONSTITUTION AND STANDING ORDERS

To keep under review and make recommendations as to the Constitution and to recommend to the Council the adoption, repeal or amendment of Standing Orders. To make recommendations to the Council as to the appointment of Committees.

Note: This does not apply to changes to the following core documents which are the responsibility of the relevant Cabinet Member, Committee or Strategic Executive Board Member or Head of Service to approve. In addition, changes to the terms of reference of Sub-Committees shall, once approved by the relevant parent committee be included in the Constitution, without any additional approval being necessary.

Code of Governance	(Chief Executive)
Procurement Code	(Cabinet Member for Finance and Resources)
Scheme of Delegations *	(Head of Legal Services)
Employee Code	(Director of Human Resources)
Financial Regulations	(Strategic Director of Finance and Performance)

* The Scheme of Delegations will only be updated by the Head of Legal Services following the approval of the delegation by the Cabinet, Cabinet Member or relevant non-executive Committee.

Policy and Scrutiny

3.4 (a) Another proposal is to amend the existing reporting requirement when the call-in provisions are exempted for reasons of special urgency. At the moment when this provision is used the full Council is advised. This was previously included in the report of the Cabinet Member decisions but as these are no longer reported to Council it would be necessary to report these by exception. As the Westminster Scrutiny Commission (WSC) is responsible, on behalf of the Council, for the Policy and Scrutiny Committee process, it is considered, more appropriate for an annual report setting out details of occasions and circumstances for the Chief Executive exempting the call-in procedure to be submitted to the WSC. The Commission can then monitor the use of this provision and raise any issues direct with the Chief Executive who attends the Commission on a regular basis.

3.4 (b) The WSC Members have been consulted and are broadly supportive of the proposal. An arrangement whereby WSC Members are advised when this procedure has been used will be developed.

Superannuation Committee – Urgency Provision

3.5 The Superannuation Committee, unlike the Cabinet, and most non-executive Committees, does not have an Urgency Sub-Committee. In view of the expansion of the Committee's terms of reference to cover a broader range of pension issues, the Committee is being recommended at its next meeting on 17 February to support the establishment of urgency provisions consistent with those available to other non-executive committees. Subject to the Superannuation Committee wishing to do this, the General Purposes Committee is asked to recommend the necessary changes to Standing Order 40 to the Council for approval. The proposed revised Standing Order 40 is attached as Appendix D.

4. Legal Implications

4.1 There are no legal implications arising from this report.

5. Financial Implications

5.1 There are no financial implications arising from this report.

6. Staffing Implications

6.1 None.

7. Other Implications: None.

If you have any queries about this report or wish to inspect any of the
Background Papers, Please Contact
Mick Steward: 020 7641 3134;
Email: msteward@westminster.gov.uk

Background Papers

- Constitution

STANDING ORDERS

APPENDIX A

- 11 (17) The appropriate Strategic Director is required to have regard to the views of Members expressed during debate when preparing reports for consideration by the Cabinet/Cabinet Members on topics listed in the future Policy Plan.

19. Termination of Meeting

- (1) When a meeting has sat for 3 hours (including any adjournments) then unless after the expiration of 2 hours and 30 minutes it has resolved to continue the sitting beyond 3 hours, the Chairman shall draw the Council's attention to the time, whereupon:
- (c) **any motion then under debate (including any amendment to such motion that has already been moved) shall be voted upon without further debate in the manner prescribed in (2) below;**
 - (d) **notices of motion submitted under Standing Order 12 which have been moved and seconded, including any amendments that have already been moved shall be voted upon without debate in the manner prescribed in (2) below.**

GENERAL PURPOSES COMMITTEE

1. CONSTITUTION

7 Members of the Council (6 Majority Party Members and 1 Minority Party Members).

2. TERMS OF REFERENCE

(1) CONSTITUTION AND STANDING ORDERS

To keep under review and make recommendations as to the Constitution and to recommend to the Council the adoption, repeal or amendment of Standing Orders. To make recommendations to the Council as to the appointment of Committees.

Note: This does not apply to changes to the following core documents which are the responsibility of the relevant Cabinet Member, Committee or Strategic Executive Board Member or Head of Service to approve. In addition, changes to the terms of reference of Sub-Committees shall, once approved by the relevant parent committee be included in the Constitution, without additional approval being necessary.

Code of Governance	(Chief Executive)
Procurement Code	(Cabinet Member for Finance and Resources)
Scheme of Delegations *	(Head of Legal Services)
Employee Code	(Director of Human Resources)
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*** The Scheme of Delegations will only be updated by the Head of Legal Services following the approval of the delegation by the Cabinet, Cabinet Member or relevant Committee.**

Extract from Policy and Scrutiny Procedure Rules

- (j) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Westminster Scrutiny Commission who shall ask the Council on the recommendation of the General Purposes Committee with proposals for review if necessary.

40. **Decisions between Meetings**

- (1) The Leader (as in his absence the Deputy Leader) shall appoint an Urgency Committee of three Members of the Cabinet. The General Purposes Committee, the Licensing Committee, **the Superannuation Committee** and the Audit and Performance Committee shall each appoint an Urgency Sub-Committee of three Members appointed in accordance with Standing Order 28 (1).
- (2) Between scheduled meetings of the Cabinet or the General Purposes Committee, the Licensing Committee, **Superannuation** or the Audit and Performance Committee any matter may be referred to an Urgency Committee or Sub-Committee constituted in accordance with this Standing Order by the Chief Executive or any Chief Officer where, in the opinion of any of them, it is urgent and cannot wait until the next ordinary meeting of the Cabinet, the General Purposes Committee, the Licensing Committee or the Audit and Performance Committee.
- (3) A meeting of the Cabinet Urgency Committee, the General Purposes, Licensing, **Superannuation** or the Audit and Performance Urgency Sub-Committees shall be empowered to decide any matter within the terms of reference of the Cabinet or the relevant parent committee or any of their respective Sub-Committees which has been referred to it for decision by the Chief Executive or any Chief Officer provided that the Urgency Committee or Urgency Sub-Committee is satisfied that the matter cannot wait until the next ordinary meeting.
- (4) All Standing Orders which apply to Committees and Sub-Committees other than those which are inconsistent with this Standing Order, shall apply to a meeting of an Urgency Committee or Urgency Sub-Committee.
- (5) Where the Chief Executive or any Chief Officer is of the opinion that a matter which is within the terms of reference of the General Purposes Committee, the Licensing Committee, **Superannuation Committee**, the Audit and Performance Committee or the Cabinet but does not require a meeting of the General Purposes Urgency Sub-Committee, the Licensing Urgency Sub-Committees, the Urgency Committee of the Cabinet he may send a written report to the members of the Urgency Committee/Sub-Committee, and any Ward Members who would otherwise have been consulted in accordance with the Code of Governance, and make a decision on that matter provided that: