

General Purposes Committee Agenda



To: Councillor Amy Foster (Chair)
Councillor Appu Srinivasan (Vice-Chair)
Councillors Stuart Collins, Samir Dwesar, Lara Fish, Lee, Tony Pearson and
Ellily Ponnuthurai

A meeting of the **General Purposes Committee** which you are hereby invited to attend, will be held **Thursday, 29 September 2022 at 6.30 pm. Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX.**

Stephen Lawrence-Orumwense
Monitoring Officer
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

Marianna Ritchie, Democratic Services
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www.croydon.gov.uk/meetings

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If you require any assistance, please contact Marianna Ritchie, Democratic Services as detailed above.

AGENDA

1. **Apologies for Absence**

To receive any apologies for absence from any members of the Committee.

2. **Disclosure of Interests**

Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider **in advance of each meeting** whether they have a disclosable pecuniary interest (DPI), another registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer **in good time before the meeting**.

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPis and ORIs at the meeting.

- Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.
- Where the matter relates to an ORI they may not vote on the matter unless granted a dispensation.
- Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation. Where a matter affects the NRI of a Member or co-opted Member, section 9 of Appendix B of the Code of Conduct sets out the test which must be applied by the Member to decide whether disclosure is required.

The Chair will invite Members to make their disclosure orally at the commencement of Agenda item 3, to be recorded in the minutes.

3. **Urgent Business (if any)**

To discuss any urgent business if any.

4. Review of Constitution (Pages 3 - 8)

This report sets out proposals for the Committee to agree a review of the Constitution and to establish a Constitution Working Group.

5. General Purposes Urgency Sub-Committee - Political Balance Review and Appointments (Pages 9 - 14)

This report fulfils the Committee's duty to review political balance, allocate seats and make appointments, in accordance with the wishes of the political groups, in respect of the General Purposes Urgency Sub-Committee.

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Agenda Item 4

REPORT TO:	GENERAL PURPOSES COMMITTEE
DATE:	29th September 2022
SUBJECT:	REVIEW OF CONSTITUTION
LEAD OFFICER:	STEPHEN LAWRENCE-ORUMWENSE, DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER
Lead Member:	COUNCILLOR AMY FOSTER, CHAIR OF GENERAL PURPOSES COMMITTEE
WARDS:	<i>All</i>
PUBLIC/EXEMPT:	Public

SUMMARY OF REPORT:

This report sets out proposals for the Committee to agree a review of the Constitution and to establish a Constitution Working Group.

RECOMMENDATIONS:

For the reasons set out in this report, the Committee is recommended to;

1. Agree a review of the Constitution covering the issues set out in **Appendix 1** and any other matters the Committee may decide; and
2. Establish a Constitution Working Group to keep the Constitution under review and inform proposals for any changes to the Constitution having regard to the issues set out in paragraphs 2.3 to 2.5.

1. BACKGROUND

- 1.1 The Committee's terms of reference include periodic review of the Council's Constitution. Although approval of changes to the Constitution is reserved to Full Council, the Committee can recommend changes for approval.
- 1.2 As well as recommending changes on its own initiative, the Committee can also consider changes recommended by a Constitution Working Group (CWG).

- 1.3 On 5 July 2021, Full Council established a politically proportionate (CWG) to keep the Constitution under review and inform proposals for any revisions to the Constitution. By necessity, the work of the CWG and the former General Purposes and Audit Committee focused on changes required for the implementation of the mayoral model of governance. The tight timeframe meant that it was not possible (at the same time) to undertake a comprehensive review of the Constitution.

2. PROPOSALS

- 2.1 It is now proposed that the Committee undertake a general review of the Constitution covering the issues set out in **Appendix 1** and any other matters the Committee may wish to add.
- 2.2. The proposed scope of the review refers to the need to make changes generally to, for example, reflect the new political composition of the Council as well as certain specific changes such as ensuring the Council Procedures Rules are fit for purpose or otherwise reflect the current wishes of Members.
- 2.3 It is also proposed that the Committee establish a new Constitution Working Group to act in an informal and advisory capacity (i.e. it would not have any decision-making powers) to inform the Committee's review of the Constitution and make recommendations and/or report its view as appropriate.
- 2.4 The statutory political balance rules would not apply to the CWG in these circumstances. However, the Committee is asked to agree the size, membership and chairing arrangements of the CWG having regard to the political composition of the Council.
- 2.5 It is suggested that the CWG meet on an ad-hoc basis as it may decide with the general authority to discharge its role including:
- (i) consider and make recommendations to the Committee on matters such as the priority order in which issues set in **Appendix 1**, and other matters the Committee may wish to add, are reviewed;
 - (ii) consider and make recommendations on decision making time-frames;
 - (iii) decide the frequency of referrals back to the Committee to consider proposed changes; and
 - (iv) consider and make recommendations on the potential need to consult with others, such as other Committees of the Council, depending on the subject matter of the changes and their practical implications.

3. CONSULTATION

- 3.1. Chair of General Purposes Committee and Chief Whips of the Council's Conservative Group and Labour Group as well as a representative of the Green Group and Cllr Claire Bonham.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 4.1. There are no identified financial implications.

5. LEGAL CONSIDERATIONS

- 5.1. The Council is required to maintain an up-to-date constitution under section 9P of the Local Government Act 2000 (LGA).
- 5.2. The Constitution states that changes to the Constitution shall only be approved by Full Council after consideration of written proposals by, among others, the General Purposes Committee (Part 2, Article 15.2(a) refers).
- 5.3. In accordance with section 149 of the Equality Act 2010, the equality impacts of any proposals to amend the Constitution will be considered as and when any substantive proposals are reported to the Committee.
- 5.4. Approved by Looqman Desai, Deputy Monitoring Officer, on behalf of the Director of Legal Services and Monitoring Officer.
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CONTACT OFFICER:

Looqman Desai, Deputy Monitoring Officer: looqman.desai@croydon.gov.uk

APPENDICES TO THIS REPORT

Appendix 1 – Changes to the Constitution – Scope of Review.

BACKGROUND DOCUMENTS:

None

Appendix 1 – CHANGES TO THE CONSTITUTION – SCOPE OF REVIEW

General changes

- Ensure the constitution is up to date, accurate and complete (e.g. in terms of law, policy and practice, the council's mayor and cabinet executive arrangements, the current composition of the council etc.)
- Implementation of recommendations arising from recent reviews and reports on financial controls and governance issues
- Miscellaneous tidying up changes

Specific changes

Part 1: Summary and Explanation

Part 2: Articles of the Constitution

- **Article 13 Decision-making**
 - o Consider need for further guidance on what constitutes a key decision
- **Article 15 Review and revision of the Constitution**
 - o Re-consider the statutory rules on when changes require the consent of the Executive Mayor

Part 3: Responsibility for Functions

Part 4: Rules for Procedure

- **Part 4.A – Council Procedure Rules**
 - o Review and update to reflect the current composition of the council, resolve ambiguities and make improvements as appropriate
- **Part 4.E – Scrutiny and Overview Procedure Rules**
 - o Clarify the powers of sub-committees and the ability to directly make recommendations to cabinet etc.
- **Part 4.F – Non-Executive Committee Procedure Rules**
 - o Review arrangements for the appointment of chairs and vice-chairs
- **Part 4.H – Financial Regulations**
 - o General review and update in light of recent governance reviews and reports
- **Part 4.I – Tenders and Contracts Regulations 2022**
 - o General review and update in light of recent governance reviews and reports and the Mayor's Scheme of Delegation
- **Part 4.K – Planning and Planning Sub-Committee Procedure**
 - o Review rules on what happens to remaining business after 10.00pm or the extended time of 10.30pm

- All decisions have to be taken on a simple majority vote (para. 6.9 refers to a two-thirds majority vote to defer or adjourn items of business)
- **Part 4.L – Health and Wellbeing Board**
 - Review membership and terms of references in light of recent/impeding legislative changes

Part 5: Protocols and Codes

- **Part 5I – Members Code of Conduct**
 - Agree an updated complaints procedure

Part 6: Schemes

- **Part 6D – Scheme of Co-option**
 - Review generally
 - Specifically, consider references to who is subject to the Members' Code of Conduct and the Ethics Committee Co-opted members

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REPORT TO:	GENERAL PURPOSES COMMITTEE
DATE:	29th September 2022
SUBJECT:	GENERAL PURPOSES URGENCY SUB-COMMITTEE – POLITICAL BALANCE REVIEW AND APPOINTMENTS
LEAD OFFICER:	STEPHEN LAWRENCE-ORUMWENSE, DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER
Lead Member:	COUNCILLOR AMY FOSTER, CHAIR OF GENERAL PURPOSES COMMITTEE
WARDS:	<i>All</i>
PUBLIC/EXEMPT:	Public

SUMMARY OF REPORT:

This report fulfils the Committee’s duty to review political balance, allocate seats and make appointments, in accordance with the wishes of the political groups, in respect of the General Purposes Urgency Sub-Committee (Terms of Reference, Appendix 1).

RECOMMENDATIONS:

For the reasons set out in this report, the Committee is recommended to;

1. Review the representation of different political groups on the General Purposes Urgency Sub-Committee.
2. Agree to increase the size of the General Purposes Urgency Sub-Committee from 3 to 4 seats.
3. Agree the allocation of seats on the General Purposes Urgency Sub-Committee, by applying the political balance rules, to the Conservative and Labour groups as set out in paragraph 2.10 of this report.
4. Appoint to the General Purposes Urgency Sub-Committee, in accordance with the wishes of the relevant political group, the 4 Members and 4 substitutes as set out in paragraph 2.13, with nominations to be moved at the meeting.

1. BACKGROUND

- 1.1 At the Annual Council meeting on 25 May 2022, Council fulfilled its duty to review the representation of different political groups on certain committees. Thereafter, it determined the allocation of seats and made appointments to those committees, giving effect to the wishes of the political groups allocated the seats.
- 1.2 Following the election of Councillor Danielle Denton to the South Croydon ward, at the meeting of Council on 25 July 2022, there was another review of the political balance of the Council and consequential allocations and appointments were made.
- 1.3 This report fulfils the Committee's duty to review political balance, allocate seats and, in accordance with the wishes of the political groups, make appointments in respect of the General Purposes Urgency Sub-Committee (Terms of Reference, Appendix 1).

2. POLITICAL BALANCE AND APPOINTMENTS

- 2.1 The rules on political balance and committees / sub-committees are set out in sections 15 to 17 of the Local Government and Housing Act 1989 (the 1989 Act) and supplemented by the Local Government (Committees and Political Groups) Regulations 1990.
- 2.2 The Committee is required to review the representation of different political groups on its sub-committee in specified circumstances. As soon as practicable after the review, the Committee then has a duty to determine the allocation to the different political groups all the seats on its sub-committee.
- 2.3 The allocation is determined by applying the political balance rules prescribed by section 15(5) of the 1989 Act. These rules are set out in the next paragraph and are designed to ensure that the political composition of the Council's committees and sub-committees, as far as possible, replicates the political composition of the Council.
- 2.4 The rules are that seats on relevant committees / sub-committees must be allocated to different political groups (i.e. a group of two or more members), so far as reasonably practicable, in accordance with the following four principles:
 - (a) That not all the seats on the body are allocated to the same political group. In other words, committees/sub-committees comprising solely of members of the same political group are not allowed.
 - (b) That the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's membership. As no political group has an

overall majority, this rule is not applicable.

- (c) Subject to paragraphs (a) and (b) above, that each political group is allocated the same proportion of the total seats across all the *ordinary committees* of the Council as the proportion of the members of the Council that belong to that group. In other words, the total number of seats on certain committees have to be taken together and then allocated proportionately to each political group so far as is possible. This rule is not applicable to sub-committees.
- (d) Subject to paragraphs (a) to (c) above, that each political group is allocated the same proportion of the seats on each relevant body as the proportion of the members of the Council that belong to that group.

2.5 Following the by-election on 30 June 2022, the two main political groups in the Council remain as the Labour Group and the Conservative Group. The Council also has two Green Party Members (who have constituted a political group) and one Liberal Democrat Member.

2.6 Including the Mayor, the total membership of the Council is 71 which means that, for the purposes of political balance calculations, the membership of the Council in percentage terms breakdowns as follows:

Political Group/ Ungrouped Member	Members	Percentage
Conservative	34	47.9%
Labour	34	47.9%
Green	2	2.8%
Liberal Democratic	1	1.4%

2.7 Under current arrangements, the General Purposes Urgency Sub-Committee consist of 3 Members drawn from the membership of the General Purposes Committee.

2.8 Clearly, as the Conservative and Labour groups have equality of Members, it is not possible to achieve proportionality or fairness without an even number of seats on the General Purposes Urgency Sub-Committee. Accordingly, it is proposed that the General Purposes Committee agrees to increase the size of the General Purposes Urgency Sub-Committee from 3 to 4 Members.

2.9 Incidentally, Part 4.F 'Non-Executive Committee Procedure Rules' of the Constitution states that no business shall be considered at a meeting of a Committee or Sub-Committee unless there are present either one third of the membership of the Committee or Sub-Committee or 3 members, whichever figure is the greater. The quorum for the General Purposes Sub-Committee is therefore 3 Members and is not affected.

- 2.10 As set out in the table below, applying the political balance rules, only the Conservative and Labour groups are entitled to be allocated seats on the General Purposes Urgency Sub-Committee:

	Size	Lab (47.9%)	Cons (47.9%)	Green (2.8%)	Lib Dem (1.4%)
General Purposes Sub-Committee	4	1.92	1.92	0.11	0.06
Total Seats	4	2	2	0	0

- 2.12 Following the allocation of seats, the Committee has to make appointments to the General Purposes Urgency Sub-Committee, giving effect to the respective wishes of the Conservative and Labour groups.
- 2.13 Following consultation with the Conservative and Labour groups, and in accordance with their wishes, the Committee is recommended to appoint the following Members and substitutes to the General Purposes Urgency Sub-Committee:

	Conservative	Labour
Members of the General Purposes Sub-Committee	Cllr Samir Dwesar	Cllr Amy Foster
	Cllr Lara Fish	Cllr Appu Srinivasan
Substitute Members of the General Purposes Sub-Committee	Cllr Joseph Lee	Cllr Stuart Collins
	Cllr Tony Pearson	Cllr Ellily Ponnuthurai

- 2.14 Finally, the Committee is asked to note that at any first meeting of the General Purposes Sub-Committee, the sub-committee would appoint a Chair and Deputy-Chair (who would deputise in the absence of the Chair) for the remainder of the municipal year.

3. CONSULTATION

- 3.1. Chair of General Purposes Committee and Chief Whips of the Council's Conservative Group and Labour Group.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 4.1. There are no identified financial implications.

5. LEGAL CONSIDERATIONS

- 5.1. The law relevant to the decisions to be made by Members is explained and applied in the body of the report.
- 5.2. Approved by Looqman Desai, Deputy Monitoring Officer, on behalf of the Director of Legal Services and Monitoring Officer

6. EQUALITIES

- 6.1 There are no specific equalities implications identified with this decision.

CONTACT OFFICER:

Adrian May, Interim Head of Democratic Services, adrian.may@croydon.gov.uk

APPENDICES TO THIS REPORT

Appendix 1 – Terms of Reference for the General Purposes Committee and General Purposes Sub-Committee.

BACKGROUND DOCUMENTS:

None

Appendix 1 – Terms of Reference

General Purposes Committee

1. Periodic review of the Scheme of Members' Allowances and approval of arrangements in respect of the scheme to reimburse costs incurred for childcare/dependent relative care, travel and subsistence whilst a Member is on Council business.
2. Appointments to outside bodies, subsequent to the Annual Council Meeting. [Note: The Monitoring Officer, after consultation with the Chair of the General Purposes Committee or (in respect of Executive appointments) the Mayor, may also make appointments to outside bodies as necessary during the year.]
- 3 Consideration of changes to the Constitution recommended by the Constitution Working Group, except for the allocation of responsibilities by the Mayor, and referral of any proposals to full Council for approval. Periodic review of the Constitution.
- 4 The Authority's Consultation requirements with the staff side.
- 5 Consideration and recommendation to Full Council of the Pay Policy Statement as required.
- 6 The function in respect of voting on severance packages of staff above such specified threshold as may, from time to time, be updated by statutory guidance.
- 7 The function of deciding, in respect of severance packages, whether the Council wishes to vote on a severance package above the specified threshold.
- 8 Any matter not reserved to the Council or delegated to another Committee which pertains to a staffing matter and is referred to the Committee by the Head of Paid Service for consideration.
9. Receive reports relating to the Council's use of powers under the Regulation of Investigatory Powers Act 2000.
10. Any matter not reserved to the Council or delegated to another Committee and related to a non-executive function.
11. Any matter reserved to the Council and a non-executive function, or a matter reserved to a non-executive committee or sub-committee of the Council which requires, in the Committee's view or on the recommendation of the Mayor, the Chief Executive or a Corporate Director, action as a matter of urgency.
12. Any protocol concerning the exercise of relevant delegated powers of the Committee.

General Purposes Urgency Sub-Committee

(Membership drawn from the Membership of the General Purposes Committee and constituted as and when necessary, by the Monitoring Officer)

All of the responsibilities and functions of the General Purposes Committee where in the opinion of the Monitoring Officer it is necessary for a decision to be taken before the next meeting of the Committee.