

<b>REPORT TO:</b>	<b>COUNCIL</b> <b>5 July 2021</b>
<b>SUBJECT:</b>	<b>Constitutional changes</b>
<b>LEAD OFFICER:</b>	<b>Asmat Hussain, Interim Executive Director of Resources</b>
<b>CABINET MEMBER:</b>	<b>Councillor Hamida Ali – Leader of the Council</b> <b>Councillor Callton Young – Cabinet Member for Resources and Financial Governance</b>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITIES 2021-24:</b>	
The recommendation is designed to enable the Cabinet to give more effective and proportionate consideration to reports and proposals which will assist delivery of the Council's priorities.	

#### **FINANCIAL IMPACT**

No significant additional financial impacts have been identified arising from this recommendation.

#### **1. RECOMMENDATION**

Council is recommended to:

- 1.1 Approve a change to the Executive Procedure Rules within the Council's Constitution to enable the Chair of Cabinet to move a motion to extend the termination of a Cabinet meeting by 30 minutes to enable business set out on the agenda to be transacted (this provision to be repeated where required in exceptional circumstances).
- 1.2 Authorise the Interim Executive Director of Resources to make the necessary changes to the Constitution to bring recommendation 1.1 into effect.

#### **2. EXECUTIVE SUMMARY**

- 2.1 The Council's current Constitution limits the length of a Cabinet meeting to three hours. Consequently there is a risk that there may be insufficient time to fully consider important issues for decision by the Cabinet.
- 2.2 The report sets out options for an amendment to the Constitution which will enable sufficient time for decision-making.

### 3. BACKGROUND

- 3.1 Rules for the conduct of Cabinet meetings are set out in Part 4D – Executive Procedure Rules of the Council’s Constitution. Paragraph 1.5 (b) states:

*Meetings of the Cabinet shall be held in the Town Hall, Katharine Street and shall commence at 6.30 p.m., unless determined otherwise and stated on the Notice and Summons for the meeting and shall last no longer than three hours, at the expiry of which period any recommendations remaining outstanding for consideration shall be put to the vote in turn without further debate and the Chair shall then close the meeting.*

- 3.2 By comparison, the rules for conduct of Council meetings (Part 4A – Council Procedure Rules) allow, at paragraph 1.11, for a procedural motion to be moved to extend the termination of the meeting by not more than 20 minutes to enable business set out on the agenda to be transacted. This is in the context that Ordinary Council meetings begin at 6.30pm and conclude by 10.00pm.
- 3.3 There is no reference to the length of meetings or guillotine procedures in the Constitution for Non-Executive Committees and Overview and Scrutiny committee.
- 3.4 While the establishment of time limits for meetings can be a good discipline to enable focused debate and aid time management, under the current arrangements there is a risk that insufficient time is available for Cabinet to give due consideration to important decisions for the Council.
- 3.5 Staffing levels within Democratic Services are currently provided on an assumption of 160 formal meetings a year, including 30 hours of Cabinet meetings. There is therefore a risk that resources will be insufficient to support meetings if the duration of meetings increases significantly.
- 3.6 Practice in other London Boroughs with the Leader/ Cabinet model has been analysed: most councils have a limit of some kind on the duration of Council and Committee meetings but have different arrangements for Cabinet meetings. The number of councils which do not have any limit on the duration of Cabinet meetings is slightly larger than the number which do. The analysis is summarised below:

<b>Council</b>	<b>Start/ latest finish time of Cabinet meetings</b>	<b>Duration</b>	<b>Extension?</b>
Croydon	6.30pm – 9.30pm	3 hours	No extension
Havering	7.30pm - 10.30pm	3 hours	No extension
Islington	7.00pm - 10.30pm	3.5 hours	No extension
Merton	7.15pm – 10.15pm	3 hours	No extension
Redbridge	7.15pm – 10.30pm	3.25 hours	No extension

<b>Council</b>	<b>Start/ latest finish time of Cabinet meetings</b>	<b>Duration</b>	<b>Extension?</b>
Barking & Dagenham	7.00pm – 9.00pm	2 hours	Extension for 'reasonable period' (15–30 minutes)
Hounslow	7.00pm – 9.30pm	2.5 hours	Extension can be moved: no later than 11pm
Lambeth	5.00pm – 7.00pm	2 hours	30 minute extension can be moved
Hammersmith & Fulham	7.00pm – 10.00pm	3 hours	Extension for a specified period may be moved
Haringey	6.30pm – 10.00pm	3.5 hour	Discussion of specific item may continue at discretion of the Chair
Harrow	6.30pm - 10.00pm		Extension can be moved to complete the business or close by a specific time
Brent Southwark Waltham Forest	10.00am start 11.00am start 2.00pm start	No time limit	None required as no time limit to end of meeting
Greenwich Kensington & Chelsea Westminster	6.30pm start	No time limit	None required as no time limit to end of meeting
Bromley Camden Ealing Hillingdon	7.00pm start	No time limit	None required as no time limit to end of meeting
Bexley Wandsworth	7.30pm start	No time limit	None required as no time limit to end of meeting

3.7 Detailed extracts from the constitutions of London Boroughs with arrangements for guillotine/ extensions appear at Appendix A.

#### **4. PROPOSAL**

4.1 Having taken into consideration the issues outlined in section 3 above, it is proposed to change the Executive Procedure Rules in the Constitution to enable the Chair of Cabinet to move a procedural motion, without prior notice and at their discretion, to extend the termination of the meeting by 30 minutes to enable business set out on the agenda to be transacted (this provision to be repeated where required in exceptional circumstances).

- 4.2 This would enable the Chair, subject to agreement by the rest of Cabinet, to ensure that sufficient time for consideration is allowed when required, while ensuring that debate remains focused.

## **5. CONSULTATION**

- 5.1 It is proposed to make a small adjustment to the Executive Procedure Rules in the Constitution and as such no formal public consultation has been undertaken.

## **6 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 6.1 This is a procedural report with no significant financial considerations.
- 6.2 Additional officer time attending extended meetings would be expected to be met as part of their normal duties and thus at no extra cost. Additional security and other FM costs may be incurred as part of this proposal but would be expected to be mitigated by flexible working or the avoidance of additional ad-hoc committee meetings needing to be held.
- 6.3 The demand for formal meetings has for some time exceeded resource levels available to service those meetings. There is therefore a risk that extended meeting times may further increase the risk of not meeting statutory requirements in relation to the production of meeting minutes and may impact the availability of support to other Committees.

Approved by: Matt Davis, Interim Deputy s151 Officer.

## **7. LEGAL CONSIDERATIONS**

- 7.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that amendments to the Constitution are reserved, subject to narrow exceptions, to Full Council for consideration and approval under Part 2 – Articles 4 and 15.

Approved by Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance & Deputy Monitoring Officer

## **8. HUMAN RESOURCES IMPACT**

- 8.1 There are no immediate HR considerations or matters arising from this report for Croydon Council employees or staff.

Approved by: Gillian Bevan, Head of HR Resources, on behalf of the Director of Human Resources

## **9. EQUALITIES IMPACT**

9.1 Section 149 Equality Act 2010 requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

9.2 Having due regard means that decision-makers must consciously consider the three aims of the Equality Duty as part of the decision making process. By ensuring sufficient time in Cabinet meetings and consideration of all relevant factors including the potential impact on groups that share protected characteristics, the Council will be supported to meet its obligations under the Equality Act.

Approved by: Yvonne Okiyo

Equalities Manager

## **10. ENVIRONMENTAL IMPACT**

10.1 There are no environmental sustainability impacts arising from this proposal.

## **11. CRIME AND DISORDER REDUCTION IMPACT**

11.1 There are no implications of this proposal for the reduction/ prevention of crime and disorder.

## **12. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

12.1 It is essential that sufficient time is allowed for thorough and robust consideration of Executive decisions.

## **13. OPTIONS CONSIDERED AND REJECTED**

13.1 The following alternative options were considered and rejected:

- i) Change the starting time of Cabinet meetings to 6pm. This option would not in itself increase the time for debate, although it might reduce the number of meetings with a late finish. It is also possible that this might impact differentially on Cabinet members and officers with caring responsibilities and that this may disproportionately affect women.
- ii) Remove the time limit for Cabinet meetings. This would be consistent with practice in many other councils. However, if this option were to be chosen, the Chair would need to balance the aim of ensuring a full debate with the need to maintain focus. It can be increasingly difficult for all participants to

give of their best once meetings extend beyond three hours. It would also increase the risk of not meeting statutory requirements in relation to the production of meeting minutes.

## **14. DATA PROTECTION IMPLICATIONS**

### **14.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

**NO** – there are no data processing implications arising from the contents of this report.

Approved by Asmat Hussain, Interim Executive Director of Resources.

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### **APPENDICES TO THIS REPORT:**

**A: Use of time limits and guillotine at Cabinet meetings in London Boroughs with the Leader/ Cabinet model of governance**

**BACKGROUND PAPERS:** None