

CONSTITUTION WORKING PARTY

14 June 2016

Present: Councillor K Hastrick (Chair)
Councillor I Sharpe (Vice-Chair)
Councillors N Bell, J Dhindsa, S Johnson, Asif Khan and J Maestas

Also present: Councillor A Joynes
Councillor K Collett

Officers: Head of Democracy and Governance
Legal and Democratic Section Head
Democratic Services Manager

1 Apologies for absence

There was a change of membership for this meeting: Councillor Dhindsa replaced Councillor Joynes.

2 Disclosure of Interest (if any)

There were no disclosures of interest.

3 Minutes of previous meeting

The minutes of the meeting held on 30 March 2015 were submitted and signed.

4 Major Projects Board

The Working Party received a report of the Managing Director regarding the terms of reference for the Major Projects Board (MPB). The report proposed that the remit was extended to review the Property Investment Board (PIB) strategy of diversifying the investment portfolio.

The Head of Democracy and Governance introduced the item and stated that suggested terms of reference were contained in the report.

The Working Party discussed the proposal, including the frequency of meetings as the last MPB had been cancelled. However, property was not part of the

terms of reference for MPB yet and the frequency of future meetings would depend on there being sufficient business. It was commented that the addition of property to the terms of reference for MPB was a good fit with the other items which were received and added another element to the Board's work.

The role of Budget Panel was mentioned as it had a remit to look at the finances of the council and make recommendations to Cabinet on the budget. The Panel reviewed the council's revenue budget and the capital programme. Any income generation from PIB decisions would be reflected in the information received, and Budget Panel also had a Performance Indicator on commercial rent. Budget Panel could discuss property investment and the related financials as part of their role.

RESOLVED –

That Constitution Working Party agrees:

1. to recommend to Council the changes to the Major Projects Board terms of reference.

5

Member behaviour at Council

The Committee received a report of the Head of Democracy and Governance regarding any changes the Working Party wished to consider to make to the constitution to ensure appropriate behaviour was maintained at full council meetings.

The Head of Democracy and Governance introduced the report and explained that the report set out the current rules in the constitution and asked members to consider whether there were any further measures which ought to be put in place to promote better behaviour going forward for this municipal year.

The Working Panel discussed that last year tensions had been particularly high due to the circumstances at the Council. It was for each member to consider their own behaviour.

A proposal was made that the Chairman, Managing Director and Monitoring Officer could call in group leaders for a meeting after Council if there had been problems with a member's behaviour.

The Working Panel commented that webcasting could be used at Council meetings, not necessarily to have an impact on behaviour but for open democracy. It was proposed that officers should explore webcasting high profile meetings such as Full Council and Development Management Committee.

The Working Panel discussed the banning of councillors from meetings. It was suggested that this should be referred to the Standards Committee to allow a 'cooling off' period rather than taking a decision in the meeting. The Head of Democracy and Governance explained that the decision for a member to not be heard further would be taken during the Council meeting.

It was also highlighted that the Chair of the meeting needed to be neutral and that poor behaviour by councillors could put the Chair in a difficult position.

In response to a question on points of order during a Council meeting the Head of Democracy and Governance explained that what had happened in previous meetings was a member asked for a point of order without explaining why they were standing. A point of order was about saying that someone had broken a procedure rule, not to disagree with a political point being made. Usually, in most cases, it was a point of personal explanation if someone felt they had been misinterpreted. A point of order was for when a member was not complying with a procedural rule.

RESOLVED –

That Constitution Working Party agrees:

1. it is suggested to Council that issues of poor behaviour be dealt with between meetings of Managing Director/Monitoring Officer/Chairman and Group Leaders.
2. that officers should be asked to investigate webcasting Council and Development Management Committee meetings.

ACTION: Democratic Services Manager to investigate webcasting.

6

Council Chairman

The Committee received a report of the Head of Democracy and Governance for the Working Party to consider options for how the Chairman or Vice Chairman of the Council was selected. The report also contained additions for the role and function of the Chairman for the Working Party to consider including in the constitution.

The Head of Democracy and Governance introduced the report and explained that the council currently selected the next Vice Chairman/Chairman by the length of service. However, the number of members with a long service record was decreasing and those with long service were either not willing to take on the

role of Chairman or had done it previously. Secondly, there were suggestions about expanding the role of the Chairman more formally within the constitution and including how they were selected.

The Working Party commented that a number of different systems had been used in the past at Watford Borough Council to select the Chairman. The consensus was to continue with the same selection process as was currently in place.

With regards to the additional roles and functions, the following were set out in the report:

“The Chairman and Vice Chairman when undertaking their civic and ceremonial roles should not:

- Bring the Council into disrepute through abuse of office
- Challenge the democratic mandate of the majority party when exercising the casting vote at Council meetings
- Attend any function or otherwise give support to any organisation or person, whose objectives are contrary to law and/or council policy
- Solicit engagements or visits at home or abroad or otherwise procure favours by virtue of office.
- Overspend their budget
- Use their position for party political purposes, including seeking their own re-election.”

Councillor Sharpe proposed striking out the second bullet point as in the circumstances of a tied vote it would be unreasonable to expect a minority group Chairman to vote a certain way. He continued that whoever had been Chairman had given up controversial political roles. The role of Chairman had also never gone to anyone who was standing for parliament or for elected mayor in Watford. Therefore, he proposed to add to the last bullet point:

“and avoid controversial political roles such as chairing major committees, standing for parliamentary and mayoral elections in Watford.”

With regards to chairing major committees the examples given were Development Management Committee and Licensing Committee.

In response to questions the Head of Democracy and Governance confirmed that the Chairman received an allowance and also had a budget for hospitality and events, depending on the Chairman’s aspirations for the year. Although it was

self-evident, to put it down in the constitution made it clear to the person taking on the role and the public what was being expected.

With regards to accepting engagements, it was commented that generally engagements came through the civic officer who would advise the Chairman on whether it was appropriate to attend. It was also explained that a weekly diary of engagements was released by the civic office so that the Chairman and Vice Chairman were aware of what was coming up.

There was discussion within the Working Party on the proposed amendment to the bullet points and some members felt that the conditions were unnecessary and that candidates for political roles were not decided in May but much later in the year. It was also commented that to try to use the position of Chairman politically would result in the Chairman looking foolish.

The Head of Democracy and Governance explained that it was not currently part of the constitution regarding not chairing any major committee when holding the role of Council Chairman; however, this had been practice in the past. The Chairman could not be on the Cabinet.

There was further discussion on members not behaving politically when accepting the role as Chairman of the Council. It was felt that keeping the two separate was a mechanism for protecting the chairmanship from suspicion or taint by party politics.

Councillor Sharpe proposed the motion that:

- The seniority practice is continued for selection of Chairman and Vice Chairman.
- The second bullet point in the proposed additions to the constitution is deleted
- That the additional wording as shown above is added to the final bullet point.

On being put to a vote the motion was AGREED.

RESOLVED –

1. That the current practice for selection of Chairman/Vice Chairman is continued using the seniority scheme.
2. That the following be proposed to Council to be added to the constitution:

“The Chairman and Vice Chairman when undertaking their civic and ceremonial roles should not:

- Bring the Council into disrepute through abuse of office
- Attend any function or otherwise give support to any organisation or person, whose objectives are contrary to law and/or council policy
- Solicit engagements or visits at home or abroad or otherwise procure favours by virtue of office.
- Overspend their budget
- Use their position for party political purposes, including seeking their own re-election and avoid controversial political roles such as chairing major committees, standing for parliamentary and mayoral elections in Watford.”

7

Order of business at full Council meetings

The Committee received a report of Democratic Services Manager. The report was regarding whether the Working Party wished to make a change to the order of the items on a full Council agenda in order to consider the reports to the Council meeting before the motions.

The Head of Democracy and Governance explained that the report was brought to the Working Party as a result of the length of business at meetings last year, particularly regarding the number of motions. The suggestion was to move the order of business around so that substantive business e.g., corporate plan, were dealt with before the motions to give members the opportunity to have a proper discussion. At the last ordinary Council meeting in March 2016, the business was changed at Chairman’s discretion.

It was commented that the proposal could be agreed as long as it would not result in the minority group motions getting talked out. Motions were often relevant to an issue at the time of the meeting taking place therefore to carry over to the next meeting would make the motion irrelevant.

The Working Party discussed the role of the Chair in the meeting to avoid filibustering and to impose time restrictions on speakers if it was getting close to the end of the meeting. The Party heard that at the County Council it was sometimes the practice to agree in advance that there would be only one speaker per group.

Further discussion ensued on the time allowed for those who were moving and speaking to motions, it was agreed that this would be a topic for a future Constitution Working Party.

RESOLVED –

1. To recommend to Council that the order of business on the agenda is changed to move the motions to after the substantive business.
2. To set up a further Constitution Working Party meeting to discuss the length of time for speakers on motions.

ACTION: Democratic Services Manager to arrange a future meeting date.

Chair

The Meeting started at 6.30 pm
and finished at 8.10 pm