



**WATFORD
BOROUGH
COUNCIL**

CONSTITUTION WORKING PARTY

Tuesday, 14th June, 2016

6.30 pm

Town Hall, Watford

Publication date: 6 June 2016

Contact

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Caroline Harris in Democracy and Governance on 01923 278372 or by email to legallanddemocratic@watford.gov.uk .

Welcome to this meeting. We hope you find these notes useful.

Access

Access to the Town Hall after 5.15 pm is via the entrance to the Customer Service Centre from the visitors' car park.

Visitors may park in the staff car park after 4.00 p.m. This is a Pay and Display car park. From 1 April 2016 the flat rate charge is £2.00.

The Committee Rooms are on the first floor of the Town Hall and a lift is available. Induction loops are available in the Committee Rooms and the Council Chamber.

Fire / Emergency Instructions

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- Do not use the lifts
- Do not stop to collect personal belongings
- Go to the assembly point at the Pond and wait for further instructions
- Do not re-enter the building until authorised to do so.

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An audio recording may be taken at this meeting for administrative purposes only.

Committee Membership

Councillor K Hastrick (Chair)

Councillor I Sharpe (Vice-Chair)

Councillors N Bell, S Johnson, A Joynes, Asif Khan and J Maestas

Agenda

Part A - Open to the Public

1. **Apologies for absence**
2. **Disclosure of Interest (if any)**
3. **Minutes of previous meeting**

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

Copies of the minutes of this meeting are usually available seven working days following the meeting.

(All minutes are available on the Council's [website](#).)

4. **Major Projects Board** (Pages 5 - 8)

Report of the Managing Director

5. **Member behaviour at Council** (Pages 9 - 12)

Report of Head of Democracy and Governance

6. **Council Chairman** (Pages 13 - 22)

Report of Head of Democracy and Governance

7. **Order of business at full Council meetings** (Pages 23 - 26)

Report of Democratic Services Manager

Part A

Report to: Constitution Working Party
Date of meeting: 14 June 2016
Report of: Managing Director
Title: Major Projects Board (MPB)

1.0 **Summary**

1.1 The MPB has evolved from its original purpose of focussing on the council's procurement strategy into an advisory group to Cabinet and Officers on major projects across the Town. This report proposes to extend its remit to review the Property Investment Board strategy to diversify the Investment portfolio.

2.0 **Recommendations**

2.1 To recommend to Council the changes to the MPB terms of reference

Contact Officer:

For further information on this report please contact: Manny Lewis
Ext: 8563 or manny.lewis@watford.gov.uk

3.0 **Detailed Proposal**

3.1 The MPB has reviewed all the major capital schemes as indicated in the attached draft terms of reference. However the PIB is now catalysing other major capital investment – and disinvestment – to diversify the Council's property holdings (where it is predominantly retail based) as well as to drive revenue growth. Typically the outcome from the PIB will include disposal of assets and acquisition of a new holding for investment purposes. The MPB role would be, as with other capital projects, to advise on the strategy, the options and capture the learning. The attached terms of reference have been revised to reflect this.

The meetings often deal with commercially sensitive information (valuations, viability, tenders, profit levels etc.) and are therefore held in private. In addition, officers and members have found that the most engaging way to report to the board is through presentations enabling the most up-to-date position to be relayed and it is proposed to continue with this approach.

4.0 Implications

4.1 Financial

4.1.1 The Shared Director of Finance comments that There are no financial implications in this report

4.2 Legal Issues (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that there are no direct legal implications

Appendices

Appendix 1: Draft terms of reference

Background Papers

No papers were used in the preparation of this report

File Reference

- none

8.0 Working Groups

Working Group	Membership	Terms of Reference
Major Projects Board	As elected at Annual Council	<p>To advise the Executive on procurement and delivery of all matters concerned with development and progress of major capital and property projects In particular the Board will be required:</p> <ul style="list-style-type: none">• To oversee the ongoing development of those projects• To be consulted on the most appropriate form of any procurement required to implement such projects• To receive information on the progress of such procurement• To receive regular updates from officers on the progress on implementation of those projects and to act as critical friend• To make recommendations to the Executive as required.• Current major capital and property projects are:<ul style="list-style-type: none">○ Health Campus○ Watford Junction○ Ascot Road○ Watford Business Park○ Charter Place○ Croxley View○ Diversifying the property investment portfolio (PIB strategy)○ MLX (Metropolitan Line Extension)

Part A

Report to: Constitution Working Party
Date of meeting: 14 June 2016
Report of: Head of Democracy and Governance
Title: Member Behaviour at Council

1.0 **Summary**

1.1 At Council meetings during the last Municipal Year there were incidents of Member behaviour being not as would be desired. The Working Party is asked to consider if there are any changes that could be made to the current procedure rules to ensure appropriate behaviour in maintained in the future

2.0 **Recommendations**

2.1 To recommend to Council any changes to the Constitution

Contact Officer:

For further information on this report please contact: Carol Chen Head of
Democracy and Governance
telephone extension: 8350 email: carol.chen@watford.gov.uk

Report approved by: Managing Director

3.0 **Detailed Proposal**

- 3.1 During the last Municipal Year there were a couple of Council meetings where there were issues of members not behaving as they should during the meeting. The last meeting of the year was particularly bad with members speaking over each other, interrupting others speaking and not listening to the Chair.
- 3.2 In the Constitution there are a number of procedural rules which deal with member behaviour at meetings these are:
- If a member wishes to speak they must stand. Not more than one member can speak at any one time.
 - If the Chairman stands then any member speaking at the time must stop and sit down. The meeting must be silent.
 - If a member persistently disregards the ruling of the Chairman by behaving improperly, or offensively, or deliberately obstructs business the Chairman may move that the member be not heard further. If seconded the motion will be voted on without discussion. If passed the member will not be entitled to speak any more for the duration of the meeting.
 - If the member persists in behaving improperly after the motion to be not heard further is carried the Chairman may move either that the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded the motion will be voted on without further discussion. If carried then either the Member will have to leave the meeting or it stands adjourned.
- 3.3 In addition the procedure rules allows a member to raise a point of order. This is not a rule that allows a member carte blanche to stand and speak about anything that he/she disagrees with that another member has said, if they have already spoken. It is if a member is of the opinion that another member has breached either one of the procedure rules or the law. The member must be able to demonstrate which procedure rule or what law they think has been breached.
- 3.4 Also a member can make a personal explanation at any time. This must relate to some material part of an earlier speech by a member which may appear to have been misunderstood in the present debate.
- 3.5 Members also need to have regard to the Code of Conduct for councillors. This includes treating others with respect. In the event that a complaint is received regarding the behaviour of a member in breach of the code then this will be considered by the Head of Democracy and Governance as Monitoring Officer and if necessary could lead to a Standards Committee Hearing.

- 3.6 The Chairman is in charge of the conduct of the meeting and has a wide discretion regarding asking a member to behave. However all councillors also have a responsibility for their own behaviour and to ensure that the meeting is conducted efficiently and to have regard for the perception that their behaviour may have on the wider public they have been elected to serve.
- 3.7 Members are asked to consider if there are any other measure the Council could put in place to promote better behaviour at meetings. The issue is particularly frustrating where there is persistent misbehaviour by the same person(s). Options here could include Council determining that the member be not heard for **more than one** meeting if there is persistent poor behaviour; and/or determining that the members own group regulates the behaviour of the individual and makes a public statement at the next meeting as to what action has been taken. Ultimately bringing public attention to the behaviours is most likely to assist with securing improvement. One substantial option in this regard would be to introduce webcasting.
- 4.0 **Implications**
- 4.1 **Financial**
- 4.1.1 The Shared Director of Finance comments that there are no financial implications in this report
- 4.2 **Legal Issues (Monitoring Officer)**
- 4.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report

Background Papers

No papers were used in the preparation of this report

File Reference

- none

PART A

Report to: Constitution Working Party
Date of meeting: 14 June 2016
Report of: Head of Democracy and Governance
Title: Council Chairman

1.0 **Summary**

- 1.1 This report provides an opportunity for the Working Party to consider options for how the Chairman/Vice Chairman is selected
- 1.2 It also sets out additions for the role and function of the Chairman that could be included in the Constitution

2.0 **Recommendations**

- 2.1 To make a recommendation to Council on the process for selecting future Chairmen/Vice Chairman
- 2.2 To recommend to Council the addition to the constitution of the Chairman's role and function as set out in 3.5

Contact Officer:

For further information on this report please contact: Carol Chen Head of Democracy and Governance
telephone extension:8350 email: carol.chen@watford.gov.uk

3.0 **Detailed Proposal**

3.1 Attached at appendix 1 is research undertaken by the Democratic Services Manager on how other Councils in Hertfordshire elect their Chairman. In Watford we elect our vice chairman by the seniority method as outlined and it is custom and practice that whoever is vice chairman will (provided they are still a councillor) become chairman the following year.

This allows the vice chair a year to understand the role and prepare for their year as Chairman.

3.2 Over the last few years we have had a fairly large turn over of councillors and there are now very few councillors who have had a number of years service on the council who either actually want to take on the role or who have not already been chairman. The working party therefore might like to consider whether there is another way that the Council should be electing its future chairmen.

3.3 The Council's constitution currently sets out the following as the Role and Function of the Chairman:

- To uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary
- To preside over meeting of the council so that business can be carried out efficiently, and with regard to the rights of councillors and the interests of the community
- To promote public involvement in the council's activities
- To ensure the council meeting is a forum for debate of matters of concern to the local community and the place at which members who are not on the Executive are able to hold the Executive members to account.
- To be the conscience of the council
- To attend such civic and ceremonial functions as the council determines appropriate in accordance with protocol that the elected mayor will have first right of refusal of attending a civic event.

3.4 The Local Government Act 2000 does not allow the elected mayor or a member of the Executive to also be the Chairman.

3.5 It is suggested that the role and functions expressed in 3.3 above could be strengthened by also adding the following:

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.

3.6 It is intended that training will be provided to both the Chairman and the Vice Chairman in advance of their year of office to prepare them for their roles, including chairmanship skills, public speaking. Knowledge of the Council's procedure rules.

4.0 **Implications**

4.1 **Financial**

4.1.1 The Shared Director of Finance comments that there are no financial implications in this report

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report

4.3 **Equalities**

4.3.1 There are no equalities implications in this report

Appendices

- Appendix 1 Selecting the Chairman of the Council

Background Papers

No papers were used in the preparation of this report

File Reference

- None

Selecting the Chairman of the Council

At Watford Borough Council we use a **seniority system** to select the Chairman of the Council. This means that Councillors who have the longest cumulative service may be Chairman if they have not done so before. General practice has been to go down the list and ask those who have the longest service whether they wish to take up the role.

There are other options/methods to use to select a Chairman which Members may wish to consider. I have outlined a few below which are taken from the 'Civic Ceremonial' book by Paul Millward (5th edition.)

Majority voting

This is used by Bournemouth Borough Council. According to their constitution they ask Members to write to the Chief Executive with any nominations for the Mayor. The Chief Executive then writes to those nominated by two Members to ask whether they would be willing to accept the position if elected.

The person presiding at the Council meeting announces who has been recommended and asks for those members to be formally proposed and seconded. If only one person is nominated then they will become the Mayor. If two or more are nominated then there is a vote

Points system

This is used by Three Rivers District Council. Each political party group receives one point for each seat held at the AGM. The political party group with the most points is entitled to take the Chair. The following year 48 points is deducted from their points total (48 is the total number of Councillors at Three Rivers) and the Group who then has the highest points takes the chair.

Choice of majority party

Not outlined in the Millward book but used by County, Welwyn Hatfield, Dacorum, Hertsmere and Stevenage. The majority party selects a Chairman. The name may be shared with the opposition party in advance of the meeting.

An alternative suggestion is explained later in the paper.

Advantages and Disadvantages

Seniority system

The advantages of our current system are that the Member knows a considerable amount about the workings of the Council and the town. They can then apply this knowledge to the post and will have seen previous office holders so they have a feel for what the role of the Chairman is and how it should be conducted.

The disadvantages of the current system are that some Members with long service do not wish to be Chairman and there may be others further down the list who would enjoy the role. Although other Members may have less Council service they may have been active in the community for a long time which would bring valuable skills to the role.

It is also the case currently that there are fewer members with long service, in 2015/16 the majority of members had less than 10 years service. From the 12 who do have more than 10 years service, 8 have already been Chairman/Civic Mayor (one is the current Elected Mayor.)

Majority voting

The advantages are that an enthusiastic candidate could be put forward who may not have had the opportunity to do so under other systems. It may give other parties more of a chance at having a Chairman (although the role is politically neutral).

Disadvantages are that it could lead to an actual election at Annual Council rather than a ceremonial one. It would be better if a candidate could be agreed behind the scenes from those nominated rather than in public. As Paul Millward states:

“...the basic ingredient of any successful procedure is goodwill on all sides. It is, of course, preferable that the decision to choose a Mayor [or in our case Chairman] at the Annual Meeting is unanimous and anything that can be done behind the scenes to achieve unanimity should be pursued. The dignity accorded to the office of the Mayor is not assisted by squabbles in public.” (p. 63)

Points System

The advantages of the points system is that each group could administer their own procedure for selecting a Chairman if they are the group with the most points. Therefore, candidates who are very keen do not have to wait until they are the most senior councillor willing to take on the role.

The disadvantages are that the majority group is likely to dominate as it will take smaller groups longer to build their points back up.

An example: (based on Three Rivers)

I have taken Watford's political make-up for the last year and used this for 3 years. Groups get 1 point for each seat they hold at Annual Council.

Year 1

Liberal Democrat: 18

Labour: 13

Conservative: 5

(as Elected Mayor cannot be Chairman the seat is not included in this calculation)

Therefore, the Liberal Democrat Group would select the Chairman as they have the most points. For Year 1 we would deduct 36 points from the Liberal Democrat group, leaving the group on -18.

Year 2

Liberal Democrat: 0

Labour: 26

Conservative: 10

In Year 2 the groups would again receive 1 point per seat held. Therefore, as the Liberal Democrat Group have 18 seats but started on -18 it means they have a total of 0 points. The Year 2 Chairman would be from the Labour group. We would then deduct 36 from their total. This would mean the Labour group would be on -10.

According to the Three Rivers system, if a Councillor changes or leaves their party mid-year or there is a by-election, this change would not affect the control of the Chair. Also if there are any vacant seats at the time of Annual Council then the party who last held the seat would receive the point.

Year 3

Liberal Democrat: 18

Labour: 3

Conservative: 15

This means that the Liberal Democrat group would be able to select a Chairman again.

If there were 2 parties with the same points in the year, it could be resolved in the following way:

1. The party who held the post most recently would concede the Chair to the other party.
2. The group taking up the Chair would then have 36 points deducted
3. The other group would retain their points

If a party had the most points but did not want to take the role of Chairman then they would lose 26 points. The role would then be offered to the group with the next highest score (who would subsequently lose 10 points). Each year 36 points must be deducted so the final total is always 36 (as each year we add on 36 seats at Annual Council).

Majority group selection

The advantages of this system are that it is easier to administrate as it is left to the group to decide themselves internally. The disadvantage could be that a long serving councillor in an opposition group may not have the opportunity to hold the role.

Alternative suggestion

Looking at the options above there is an alternative suggestion for how Watford could consider selecting a Chairman. I have assumed that the current practice would continue: that the Vice Chairman would become Chairman in the following municipal year.

- Councillors are invited to put nominations forward as to who they think should be the next Vice Chairman.
- Anyone receiving 2 nominations would be contacted by the Monitoring officer to check they would be happy to take on the role (Member Development and Civic Officer could talk to anyone nominated about the role, time commitment etc)
- Nominations would then go to the Standards Committee as a part B report. Nominators would have to say why they had nominated that person in a written nomination. Standards Committee could then vote on who to put forward for Annual Council election. If there is a tie the Chair could have the casting vote
- The nominations from Standards Committee for the Vice Chair could then go to Annual Council where all Councillors would be invited to vote.
- If the Vice Chair decides at the end of their year that they do not want to become Chair (or are not re-elected) then the above process could be repeated but nominations would be requested for both positions.

Other Councils' Selection Methods

Council	Selection Method
Hertsmere	Selection of nominee is from among members of the majority group. Their name is shared with the opposition group so it can be agreed upon on the night.
East Herts	The majority group ballots its members on candidates who put themselves forward – effectively for Vice Chairman who (almost always) automatically becomes Chairman the following year. Whoever wins becomes the candidate formally put forward (by the majority group) at the Annual Council meeting.
Hertfordshire CC	<p>The nomination is determined by the controlling group on the nomination of the Leader, following soundings. The Leader's recommendation has not been declined by the controlling group since 1989.</p> <p>In making their recommendation, the Leader seeks to identify a colleague who has the skills and experience to fulfil the role. This points towards a colleague who is fairly senior in terms of length of service.</p>
Welwyn Hatfield	Selection is done by the administration party
North Herts	The ruling party in the District Council decide on the next Vice Chairman. They try to make sure he/she comes from a different town or village from the one before (North Herts District Council contains Letchworth, Hitchin, Baldock, Royston and more villages)
Dacorum	<p>Majority party elects a Mayor and Deputy Mayor each year. Generally the Deputy Mayor takes over from the Mayor. This would only not be the case if the ruling party changed.</p> <p>They also have 2 Mayor's representatives who assist with attending engagements and have badges of office.</p>
St Albans	Points system
Stevenage	Majority group who then select according to length of service

PART A

Report to: Constitution Working Party
Date of meeting: 14 June 2016
Report of: Democratic Services Manager
Title: Order of business at full Council meetings

1.0 **Summary**

- 1.1 This report provides the opportunity for members to consider the order of business in a Full Council agenda.
- 1.2 This report asks members to consider moving motions to be taken after the substantive business on the agenda.

2.0 **Recommendations**

- 2.1 To make a recommendation to Council to alter the order of the agenda items on Full Council agendas.

Contact Officer:

For further information on this report please contact: Caroline Harris,
Democratic Services Manager
telephone extension: 8372 email: caroline.harris@watford.gov.uk

Report approved by: Head of Democracy and Governance

3.0 **Detailed Proposal**

- 3.1 Council motions can be put forward on a wide range of topics, the scope within the constitution allows for a breadth of subjects:
“Motions must be about matters for which the Council has a responsibility or which affect the Borough”
- 3.2 As such a number of motions can be received for a Full Council agenda. The subjects of which may be contentious or topics which are of great concern to a number of residents at the time of the meeting.
- 3.3 In 2015/16 there were between 1-4 motions on the agenda at each meeting from June – March.
- 3.4 Full Council also receives the Mayor’s report which can take a significant amount of the meeting time. In 2015/16 for each Mayor’s question time there were 10-11 questions per meeting.
- 3.5 Reports are also received from across the Council which can only be considered at a Full Council meeting e.g., from the policy framework and the budget.
- 3.6 In order to effectively manage the time of the meetings it is proposed to move the report items to be taken after any urgent business brought forward by the Chair of Council or Head of the Paid Service. Motions would then be taken after the reports had been considered.
- 3.7 This would allow time in the meeting for the reports to be given adequate consideration and for any members who wish to speak to be able to do so. Each member, outside of those moving the report, has up to 5 minutes to speak.
- 3.8 The agenda format would then look as follows:
1. Apologies for absence
 2. Disclosure of interests
 3. Minutes
 4. Official Announcements
 5. Mayor’s report
 6. Questions by members of the council under council procedure rule 10.0
 7. Questions by members of the public under council procedure rule 11.0
 8. Petitions presented under Council procedure rule 12.0
 9. Business especially brought forward by the Chairman or the Head of Paid Service which in the opinion of the Chairman should be considered as a matter of urgency
 10. Report
 11. Report etc
 12. Motions submitted under Council procedure rule 13.0

3.9 If 10.30pm finishing time is reached then Council can vote to extend the meeting if it wishes. If this is not carried then any motions which had not been discussed could be carried forward to the next ordinary meeting.

4.0 **Implications**

4.1 **Financial**

4.1.1 The Shared Director of Finance comments that there are no financial implications in this report

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report.

Background Papers

No papers were used in the preparation of this report.

File Reference

- None

