

Subject: Proposed Minor Changes to the GLA's Standing Orders

Report to: GLA Oversight Committee

Report of: Executive Director of Secretariat

Date: 21 March 2013

This report will be considered in public

1. Summary

- 1.2 The GLA Oversight Committee is asked to consider the attached proposed minor changes to the GLA's Standing Orders, set out in the **Appendix**, and is recommended to grant delegated authority to the Chair of the London Assembly: (i) to consult the Mayor of London about any proposed revisions to the GLA's Standing Orders; and (ii) following consultation with the Mayor of London to agree any final revisions to Standing Orders, for submission to the Annual Meeting of the London Assembly on 1 May 2013 for formal approval.

2. Recommendations

- 2.1 **That the Committee considers the proposed revisions to the GLA's Standing Orders attached as Appendix 1; and**
- 2.2 **That, subject to the decision in relation to recommendation 2.1 above, the Committee agrees to grant delegated authority to the Chair of the Assembly to: (i) consult the Mayor of London about the proposed changes to the GLA's Standing Orders in advance of the London Assembly's Annual Meeting on 1 May 2013; and (ii) following consultation with the Mayor, to approve the final proposed revisions to the GLA's Standing Orders for consideration at the Annual Meeting of the Assembly.**

3. Background and issues for Consideration

- 3.1 In accordance with Section 36 of the GLA Act 1999 (as amended), the Assembly may make the Standing Orders for the Authority, in consultation with the Mayor.
- 3.2 The GLA's current Standing Orders were approved at the meeting of the London Assembly held on 20 June 2012, following consultation with the Mayor of London. Since that time the opportunity has been taken to review some of the Standing Orders and propose minor revisions. The proposed minor revisions are set out in **Appendix 1** to this report and a summary is set out below.

Standing Order 2.4 - Quorum

- 3.3 The proposed amendments to Standing Order 2.4 (Quorum) set out in **Appendix 1** clarify that the quorum for a meeting of a Committee of five Members or less shall be 3. This is not a change but clarifies that for smaller committee comprising four Members the quorum is three Members. It is considered best practice to have a quorum of three for all committees because if the quorum were to be two Members, it would be possible for the Chair of the meeting to use his/her casting vote to determine the decision on each agenda item.
- 3.4 John Biggs AM, Chairman of the Audit Panel and Budget Monitoring Sub-Committee (both four Member ordinary sub-committees) asked whether it would be possible for four Member sub-committees to have a special quorum of two, with the understanding that the Chair would not use his casting vote in the event that only two Members were able to attend a meeting. It is possible for the Assembly to apply a special quorum of two to its relevant meetings, if it so wishes, and the draft revised text under Standing Order 2.4 in the appendix is designed to give effect to this proposal. Given that the ability of Chairs of local authority committees and sub-committees to exercise a casting vote is set out in statute, it is not possible for Standing Orders to fetter that ability. The Assembly could however seek informal agreement that no Chair of such a body would use a casting vote and, if agreed, that informal agreement could be reflected as footnote in Standing Orders.

Standing Order 2.13 - Food and Drink in the Chamber

- 3.5 The current Standing Order 2.13 prohibits the consumption of food or drink in the Chamber, other than the drinking water provided. However, the Chair, Deputy Chair and party Group Leaders have discussed informally a proposal to amend Standing Orders to allow Assembly Members and invited guests to drink hot beverages in the Chamber when they are in plain, non-branded mugs, cups or glasses. The proposed revised Standing Order 2.13 is set out in **Appendix 1**.

Standing Order 3.20 – Scope and Procedure for Lodging Petitions

- 3.6 The current Standing Order (3.20 B(4)) states that in order for a petition to be considered it must *“include each petitioner’s name and address (sufficient that the person and their address can be identified), as well as his/her signature or, where the petition was organised on the internet, their names and email addresses”*. However, on many petitions petitioners include their signature and address but not necessarily their printed name and vice versa. Under the current rules it is not possible to accept such petitions without suspending Standing Orders. In order to ensure flexibility in allowing such petitions to be taken forward via the Assembly it is proposed to amend the Standing Order to allow petitions where either the signatories printed name or signature are included just one or the other, provided that the name and address is legible. The proposed revised wording is set out in **Appendix 1**.

Standing Order 4.5 – Procedural Motions

- 3.7 It is proposed to delete the following wording from the Application preamble of Standing Order 4.5 *“except when the latter or any of its sub-committees deals with a complaint about a Member under the local assessment regime”*. This is to reflect that the local assessment regime ceased to exist on 30 June 2012 and the wording is therefore no longer relevant.

Standing Order 9.2 – The Police and Crime Committee – Confirmation Hearings

- 3.8 It is proposed to amend Standing Order 9.2(B) to reflect that in law the decision about whether to hold a confirmation hearing for the Mayor’s Office for Policing and Crime’s proposed appointee to the office of Deputy Mayor for Policing and Crime and whether to request that the proposed appointee produce documents in advance of the meeting that relate to his or her proposed appointment must be made by the Police and Crime Committee. It is not permissible to delegate authority to the Chair of the Police and Crime Committee as these functions constitute special scrutiny functions under section 32(5) of the Police Reform and Social Responsibility Act 2011, and special scrutiny functions must be exercised by a meeting of the whole Police and Crime Committee. The proposed revised wording set out in **Appendix 1** reflects the legal position.
- 3.9 All Groups have been informally consulted on the changes and have confirmed their in principle approval.

Standing Order 11.4 – Delegation of Standards Functions

- 3.10 The Localism Act 2011 has removed the Monitoring Officer’s power, contained within the Local Government Act 2000, to delegate his standards functions to Deputies. Instead, the Localism Act 2011 provides that the Assembly and Mayor acting jointly may delegate standards functions to an officer and that Standing Orders regulate the exercise of those functions by such an officer.
- 3.11 The current Standing Order 11.3B envisages that where the Monitoring Officer is unable to carry out standards functions, the functions will be delegated to a Deputy Monitoring Officer. Although the previous approval of this Standing Order by the Assembly (after consulting the Mayor) contains the implied position that a Deputy Monitoring Officer can exercise the relevant functions in certain circumstances, it is suggested that this delegation of relevant functions be made explicit within Standing Orders. This would remove any doubt surrounding this issue.
- 3.12 Revised text at Standing Order 11.4B is set out in **Appendix 1**.
- 3.13 Subject to in-principle agreement to the proposed changes to SO11.4, the Mayor and Assembly will jointly be asked formally to (i) approve the delegation of standards functions to a Deputy Monitoring Officer in circumstances when the Monitoring Officer is unable to carry out any of those functions due to absence, illness or conflict of interest; and ii) to update the GLA’s Guidance on Making a complaint about a GLA Member’s conduct to reflect that delegation.

4. Legal Implications

- 4.1 Section 36 Greater London Authority Act provides that the Assembly, in consultation with the Mayor, may make Standing Orders of the Authority and the procedure of the Assembly, its committees and sub-committees shall be regulated by those Standing Orders.
- 4.2 The Standing Orders of the Authority may make provision regulating the procedure to be followed by any Member of the Assembly.
- 4.3 The Standing Orders may also make provision regulating the procedure to be followed by the Mayor or by the Assembly in discharging any functions of the Mayor or Assembly to the extent that the functions:
- consist of consultation, or any other interaction or relationship between the Mayor and the Assembly; or

- are exercisable by the Mayor in relation to the Assembly or by the Assembly in relation to the Mayor.

- 4.4 Standing Orders of the Authority may make provision for any other matter for which provision by Standing Orders of the Authority is authorised or required by or under any provision of the GLA Act or another enactment, but are also subject to any other provisions of the GLA Act or other enactments which regulate the procedure of the Assembly or any procedure to be followed by the Mayor.
- 4.5 The Standing Orders of the Authority may make different provision for different circumstances.

5. Finance Implications

- 5.1 There are no direct financial implications.

List of appendices to this report:

Appendix 1 – Proposed revisions to Standing Orders

Local Government (Access to Information) Act 1985
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List of Background Papers: None.

Contact Officer:	Ed Williams, Head of Committee and Member Services
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Telephone:	020 7983 4399
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E-mail:	ed.williams@london.gov.uk
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