

London Borough of Waltham Forest

Report Title	Constitution Updates - Council Procedure Rules and Councillors' Code of Conduct
Meeting / Date	Council, 16 October 2025
Directorate	Resources
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Wards affected	None specifically
Public access	Open
Appendices	Appendix 1 – Amended Council Procedure Rules Appendix 2 – Amended Councillors' Code of Conduct

1. Summary
 - 1.1. Amendments to the Council Procedure Rules are proposed following endorsement at the Constitution Working Group, and Audit and Governance Committee. The proposals are in relation to public statements, and include formalising the precedents for handling requests, altering deadlines and adding clarity around the notice requirements to make a statement.
 - 1.2. There is also a proposed amendment in relation to councillor questions, around amending the deadline for questions to the executive.
 - 1.3. Additionally, a minor update to the Councillor Code of Conduct is also proposed, accounting for circumstances where members act as an advocate for their constituents.
2. Recommendation
 - 2.1. Council is recommended to **approve**:
 - 2.1.1. The proposed changes to the Council Procedure Rules at Appendix 1, and
 - 2.1.2. The proposed changes to the Councillors Code of Conduct at Appendix 2.

3. Background

Council Procedure Rules

- 3.1. The Council and Committee procedure rules were last reviewed in April 2019. At that time, no substantial changes were made to the rules for public statements and no changes were made to the rules for councillor questions.
- 3.2. Following referral by both Group Leaders to Constitution Working Group, the group have received different proposed options for changes to public statements and councillor questions and had the opportunity to discuss over the course of three meetings.

Councillors' Code of Conduct

- 3.3. The minor update is to address a gap in the Councillors' Code of Conduct in relation to members acting as an Advocate for their constituents, and the potential conflicts of interest this can create. The Monitoring Officer has proposed an addition is made to the code.

4. Proposal

Council Procedure Rules

- 4.1. It proposed that the Council Procedure Rules be amended as set out in Appendix 1. A summary of the changes and a short rationale are provided below:
 - 4.1.1. Increasing time allotted to public statements to 20 minutes (11.1.3)
 - 4.1.2. Giving the Mayor discretion to vary the time allowed to each speaker (11.1.4)
 - 4.1.3. Amending the deadline for requests to two working days before the meeting. (11.2.2)
 - 4.1.4. Adding that a clear summary should be provided as notice and that the Mayor can request a statement in full in advance once permission is granted to speak (11.2.3, 11.2.5)
 - 4.1.5. Addition around how Mayor may prioritise statements, formalising current precedent (11.2.4)
 - 4.1.6. Amending deadline for questions to the executive to five clear working days before the meeting (12.2.1)
- 4.2. Increase of allotted time – the increase and giving the Mayor discretion to vary time given to each speaker means that more speakers could be heard and give dedicated time to key issues.
- 4.3. Amendment to include earliest day (public statements) – the amendment to set an earliest day that someone can request to speak at a meeting aims to promote fairness and ensure those who register later in the process are not disadvantaged.

- 4.4. Amendment of deadline (public statements) – the amendment of the request deadline to a day earlier means that more notice is provided to those that selected to speak and those not. This also gives more time to organise if speakers are asked to group statements.
- 4.5. Adding clear summary and full statement request (public statements) – adding a sentence around notices to speak including a clear summary will ensure that requests can be dealt with fairly. The Mayor being able to request a full statement is provided in advance of the meeting if permission is granted to speak, means this could increase public satisfaction by increasing the number of statements that will receive a response at the meeting rather than in writing as Cabinet members will be prepared to respond. The need to supply a full statement in advance is not mandatory, consideration will be given to those that may find it difficult, and if necessary extra support will be provided (such as telephone calls etc).
- 4.6. Amendment of deadline (councillor questions) – the amendment of the submission of questions to the executive to five clear working days before the meeting allows more time for officers to manage the requests for information. This will also allow Cabinet members to produce more comprehensive responses and should reduce the need to follow-up any questions in writing. The longer period will also improve the overall end-to-end management of the Council process by officers within a smaller resource envelope in the future, we would like to take the steps to address this now rather come across issues in the future. In addition, as mentioned above, Waltham Forest is an outlier in London in terms of the deadline, therefore this change offers greater continuity across London boroughs.
- 4.7. Addition of how Mayor may prioritise statements (public statements) – the addition of formalising the current precedent around this means that all requests will be considered and a fair process to decide who and in what order is followed consistently.

Councillors' Code of Conduct

- 4.8. For the reason set out in paragraphs 3.8, the suggested amendment to the code is to add a paragraph (6A) with the title 'Use of Position – Advocacy'.
- 4.9. The wording is set out in the existing possessive language of the Code, designed by the Local Government Association to encourage accountability for members:

"6A. Use of position – Advocacy

Your role as an advocate is likely to generate a conflict between your duties to:

- i. The Council and its officers,
- ii. The service user for whom you are an advocate, and
- iii. Other ward constituents

In some cases, this may also create an impression of undue influence due to your position within the council. In exceptional circumstances, such as where you may wish to act as an advocate for a family member or if you are a professional advocate, this should be explained and agreed in advance with the Monitoring Officer.”

5. Options and Alternatives

Council Procedure Rules

- 5.1. No change to the rules:
- 5.2. Whilst these changes are not a requirement, the proposed amendments are to ensure clarity for members and residents around public statements and councillor questions, and to maximise resources available to the benefit of all stakeholders.
- 5.3. Both Group Leaders referred the Council Procedure Rules to Constitution Working Group to ensure they were fit for purpose and following discussions the proposals satisfy both groups’ original concerns, and consensus has been reached.

Councillors’ Code of Conduct

- 5.4. No change to the code:
- 5.5. Not changing the code would mean not addressing the potential risk of conflict of interest around members acting as an Advocate for their constituents.

6. Consultation

- 6.1. The Constitution Working Group has endorsed the changes to the Council Procedure Rules and Councillors’ Code of Conduct.
- 6.2. Both Group Leaders have also been consulted on the proposed changes and support the recommendation.

7. Implications

7.1. Finance, Value for Money and Risk

- 7.1.1. The Code of Conduct is an essential document for members to ensure that they comply with their legal obligations and inform the Monitoring Officer of potential perceived or actual risks of conflict.
- 7.1.2. The risk of Councillors acting as Advocates in cases where the council is bringing action against a constituent brings a risk of an impression of undue influence.

7.1.3. There is no existing need to declare such relationships within the register of interests, therefore the change seeks to close this gap.

7.2. Legal

7.2.1. It is a legal requirement to have a Constitution, and it is important that it is reviewed from time to time to reflect changes in legislation and good practice. The document gives effect to the law and is indispensable to the legal framework in which the organisation operates.

7.2.2. The Localism Act 2011 requires that the Council make and maintain a Code of Conduct. The existing Code is based upon the model Code drafted by the LGA.

7.3. Equalities and Diversity

7.3.1. There are no specific equality implications arising from the recommendations in this report although any changes to be taken forward should be assessed to ensure that they remain accessible to people making statements and asking questions at meetings.

7.4. Sustainability (including climate change, health, crime and disorder).

7.4.1. There are no specific sustainability implications arising from the recommendations in this report.

7.5. Council Infrastructure (e.g. human resources, accommodation or IT issues)

7.5.1. There are no specific implications arising from the recommendations in this report.

Background Information (as defined by Local Government (Access to Information) Act 1985)

None.