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Report of: Executive Director, Resources
Report to: Cabinet
Date of Decision: 16 May 2018
Subject: Changes to full Council meetings

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? Deputy Leader and Cabinet Member for Finance		
Which Scrutiny and Policy Development Committee does this relate to? Overview & Scrutiny Management Committee		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Purpose of Report:

This report provides details of proposed changes to the operation of meetings of full Council following the trialling of changes at Council meetings during the 2017-18 Municipal Year and seeks the approval of Council, at its Annual Meeting on 16 May 2018, for changes to the Council Procedure Rules as set out in Part 4 of the Constitution.

Recommendations:

That Cabinet recommends to the Annual Meeting of the City Council on 16 May 2018 that:

1. Council adopts the changes to Part 4 of the Constitution – (Council Procedure Rules), as set out in the report and appendix; and
2. The Member working group continues to develop proposals during 2018/19 in accordance with its terms of reference.

Background Papers:

None

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Paul Foster</i>
		Legal: <i>Deborah Eaton</i>
		Equalities: <i>Michael Bowles</i>
<p><i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i></p>		
2	EMT member who approved submission:	<i>Eugene Walker, Executive Director, Resources</i>
3	Cabinet Member consulted:	<i>Councillor Olivia Blake, Deputy Leader of the Council and Cabinet Member for Finance</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Jason Dietsch</i>	Job Title: <i>Head of Democratic & Member Services</i>
	Date: <i>4 April 2018</i>	

1. PROPOSAL

Background

- 1.1 The Council has looked at how meetings of full Council can work better and bring about improvements through a phased programme of reflection, consultation and change.
- 1.2 This report provides details of proposed changes to the operation of meetings of full Council following the trialling of changes at Council meetings during the 2017-18 Municipal Year and seeks the approval of Council, at its Annual Meeting on 16 May 2018, for changes to the Council Procedure Rules in Part 4 of the Constitution.
- 1.3 At its Annual Meeting on 17 May 2017, Council considered a report which:
- looked at how meetings of full Council can work better and bring about improvements with regards to openness and accessibility and efficiency and effectiveness.
 - identified issues for consideration and the establishment of a cross party Member working group to prepare proposals for change.
 - began a wider review of public engagement with decision making.
- 1.4 A cross party Member working group was established to explore ideas to improve the way Council meetings work in order to improve openness and accessibility and increase efficiency and effectiveness of meetings.
- 1.5 The terms of reference for the working group were as follows:
- (i) Plan and prepare the implementation of changes relating to the issues outlined in the report of the Chief Executive to Annual Council on 17 May 2017 with effect from the meeting of Council in September 2017.
 - (ii) The review and evaluation of those changes.
 - (iii) Proposals relating to a wider review of democratic engagement to be conducted over the coming Municipal Year.
- 1.6 In the first stage of this work, the working group considered the problems and issues relating to full Council and its purpose and the function. Members explored solutions and options for change by looking at the practice in other local authorities. Changes to Council meetings were piloted from September 2017 and these were kept under continuous review.
- 1.7 The second phase of work is to consider a wider review of public

engagement with Council decision making and this is an area which it is proposed will be progressed in 2018/19 in consultation with the Member working group. This area of work would include:

- reviewing the process for **petitions** to make sure that they are considered by the most appropriate body or decision maker and the public are aware of the process and outcomes
- progressing **audio/video recording** of meetings and access to the recordings
- exploring how members of the public might ask **questions** of decision makers and decision making bodies.

Summary of changes

1.8 The proposed changes to Council Procedure Rules (CPRs) are set out in detail and in track changes in the **appendix** to this report and are summarised as follows:

- (i) CPRs 5.5 & 5.6 – meetings to start at 2pm with a duration of 3 hours and 30 minutes;
- (ii) CPRs 5.7 & 9 – agendas to be ordered with items of public engagement and interest before other business items;
- (iii) CPR 10.2 – Notices of Motion – to be submitted with a subject title and the names of the mover and seconder (for inclusion on the agenda); and the number of motions to be limited to no more than 4;
- (iv) CPR 12.4 – the changes reflect existing practice, but bring Amendments to Motions in line with arrangements introduced for Motions at CPR 10.2(a);
- (v) CPR 13.1(b) – petitions requiring a Council debate to have a reduced time limit (from 40 minutes to 25 minutes) and time limit for Members' speeches to be reduced from 3 minutes to 2 minutes (except for the appropriate Cabinet Portfolio holder's initial contribution which shall continue to be for up to 5 minutes) - in line with the time limits to be introduced for notices of motion and for items on matters reserved to Council;
- (vi) CPR 17.5 – length of speeches to be 3 minutes for the proposer of a motion and 2 minutes for the seconder of the motion, the mover and seconder of amendments, all other speakers on the debate, and for the right of reply for the mover of the motion;
- (vii) CPR 17.6 – a 25 minute time limit to be introduced for the debates on notices of motion and items of business relating to matters reserved to the Council;
- (viii) CPR 17.7 - a new Rule added, which sets out the procedure for debate. The procedure is the revised procedure adopted during 2017/18. Consequential changes made to other Rules of Debate relating to when a Member may speak again, amendments to motions, and closure motions.

2. HOW DOES THIS DECISION CONTRIBUTE?

2.1 Meetings of full Council can contribute to the following:

- Accountability – public questions and Members’ questions. Council meetings present an opportunity to hold executive members to account through motions and questions.
- Political debate – debating motions proposed by elected members and debated petitions
- City leadership - debates, motions, celebrations and via ‘strong leader’ arrangements.
- Statutory duties – debating and agreeing the Council’s policy framework, budget, and appointments to key roles, committees and outside bodies.
- Public engagement – public questions, responding to petitions, and holding debates triggered by petitions receiving more than the threshold number of signatures.
- Debate and democracy - debating issues of importance to the local area.

2.2 The proposals for changes to some of the procedure rules by which full Council operates aim to increase the efficiency and effectiveness of meetings, whilst supporting the principles of openness and accessibility. Meetings of full Council can help to support good governance by acting in the public interest and demonstrating behaviours which include integrity and are in accordance with ethical values, being open, engaging with people and being accountable and transparent.

2.3 Full Council can contribute to the Council’s aims and objectives, including the aim of being an in-touch organisation, which means listening, being connected and being responsive; it can help councillors to fulfil their various roles as community leaders; and assist effective decision making by enabling people affected by a decision to have the opportunity to express their views and influence the decision making process.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 The cross party Member working group has discussed and has been consulted on various proposals for change to the way meetings of Council operate and Members have evaluated and reviewed the changes trialled at meetings of full Council since September 2017. Members of the working group have sought the views of their respective political groups on the Council, which were in turn reported to and were considered by the working group as a whole.

3.2 An evaluation questionnaire was produced and distributed at the meeting of Council in October 2017 and members of the public attending the meeting and elected members participated in that exercise. This evaluation asked for people’s views on the changes which were being

piloted at meetings of Council and for their suggestions about other changes which could form part of a wider review.

- 3.3 The range of views expressed by Members as part of the evaluation exercise related to a number of different issues, including the revised start time of full Council meetings; the duration of meetings; time management of business to be conducted; the number of motions; time allowed for speeches and consideration of Members' supplementary questions.
- 3.4 The responses received during the evaluation and review by the Member working group, based on the experiences at meetings during the trial period, informed the proposals for change which are the subject of this report and will be subject of a decision by full Council.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 The proposals are about increasing accessibility of the formal decision-making process and enabling people in the City to participate. The Working Group will consider equality implications as part of a wider review of public engagement with Council decision making and the designing and implementing of any further recommendations.

4.2 Financial and Commercial Implications

- 4.2.1 There are no financial implications arising directly from the proposals.
- 4.2.2 Where the Council chooses to implement a recommendation that requires a further decision to be made, this would be taken in the usual manner and in line with the Council's Constitution and Leader's Scheme of Delegation. This would include any financial and commercial implications.

4.3 Legal Implications

- 4.3.1 The Local Government Act 2000, the Local Government Act 1972, the Localism Act 2011, other local government Acts and Regulations made under those Acts prescribe the governance arrangements for local authorities in detail. In particular they cover (amongst other things) the requirements for holding council meetings and the rules of procedure.
- 4.3.2 Under section 9P of the Local Government Act 2000, the Council must prepare a constitution and keep it up to date. It must be available to the public and, under the Local Government Transparency Code 2015, be published on the Council's website.
- 4.3.3 The constitution must also contain the Council's standing orders (procedural, and relating to contracts and to the appointment, discipline and dismissal of officers), and the code of conduct for members and co-

opted members. Other contents are prescribed by the Local Government Act 2000 (Constitutions) (England) Direction 2000. This still has legal effect.

4.3.4 Following the introduction of the executive form of governance under the 2000 Act, ODPM (the predecessor to DCLG) produced guidance, some of which was classed as “statutory guidance”, including model “modular constitutions”. Most, if not all, local authorities followed and adapted this template. In practical terms this guidance is now 18 years old but nevertheless the Council is legally obliged to have regard to it. Most local authority constitutions, including the Council’s constitution, follow the format set out in the relevant modular constitution, but it is not obligatory and several local authorities are adopting more modern and plain English models.

4.3.5 The Guidance states that:

‘The council meeting will be the forum at which all members of the local authority (whether they are members of the executive or not) discuss and decide the local authority’s policy framework and budget. Local authorities will need to consider how the role of the council meeting in policy determination can be enhanced, by considering:

- How public participation in the council meeting can be encouraged.’

4.3.6 By carrying out the review and making proposals for changes for the reasons set out below the Council is acting lawfully and in accordance with the Guidance.

4.3.7 Except where delegated by Council, variations to the Constitution may only be made by Full Council. Any permanent change to Council Procedure Rules requires a recommendation of the Cabinet.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 Alternative proposals for change have been considered and piloted as part of the review of full Council meetings and these have included:

- (i) Changing the start time of the meeting to 5.00pm, which was piloted beginning in September 2017 and continued for the remainder of the Municipal Year 2017/18. Following consultation through the working group, the proposal is for meetings to start at 2pm with a duration of 3 hours and 30 minutes.
- (ii) Considering Members’ Questions later in the meeting: during the pilot, this item was subsequently moved towards the beginning of the agenda.

5.2 Do nothing option – to revert back to the arrangements which operated up to the start of the Municipal Year 2017/18. This is not supported by the working group, as the changes operated during the pilot, many of

which gained cross party support, would be lost.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The review of full Council meetings is seeking to improve openness and accessibility and increase efficiency and effectiveness of meetings. The proposed changes have been trialled at full Council over several months and have been subject to consultation.
- 6.2 The Council wishes to make meetings accessible and open to people in order to address issues including engagement and transparency and increase participation by both members of the public and Members of the Council.
- 6.3 Any permanent change to Council Procedure Rules requires a recommendation of the Cabinet.