

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Legal Services

TO: Civic Affairs Committee

17/2/2016

WARDS: None directly affected

CONSTITUTION CHANGES: FOR COUNCIL MEETINGS PROCEDURE RULES, AMENDING THE CONSTITUTION/TERMS OF REFERENCE FOR REVIEW OF LOCAL DEMOCRATIC ENGAGEMENT

1 INTRODUCTION

1.1 This report seeks:

- approval for a change to Council Procedure Rules (to better manage the time spent at council meetings), following discussion between group leaders, members of Civic Affairs and the Mayor;
- agreement to the Terms of Reference for a review of local democratic engagement in line with the Motion agreed at Council on 22 October 2015
- approval for the Monitoring Officer to make routine changes to the Constitution to keep it up to date.

2. RECOMMENDATIONS

Constitution changes:

- 2.1 To recommend to Council the changes to Council Procedure Rules as set out in Appendix 1
- 2.2 That the Committee review the effect of these changes in Spring 2017.

Motion on public engagement in local democracy:

- 2.3 To agree a member working group with terms of reference, composition and delivery timetable as set out in paragraphs 4.2 to 4.3.

Updating the Constitution

- 2.4 To recommend to Council the changes to the Constitution as set out in Appendix 2 to allow the Monitoring Officer to keep the Constitution updated.

3. **CHANGES TO COUNCIL PROCEDURE RULES**

- 3.1 At its meeting on 18 March 2015, at the request of Councillor Holland, the Committee considered points made by Cllrs Holland and Hipkin regarding the length of Council meetings. Cllrs Holland and Hipkin made the following points:

- i. Council (and Area Committees) should not be open ended in duration.
- ii. Councillors should consider the equalities implications of late into the night meetings (e.g. childcare arrangements). Late meetings were not good for decision making. The Council should look to the changes made by Parliament to help those with caring responsibilities and good governance.
- iii. There was a general deterioration in behaviour and quality of debate as members became tired.
- iv. By 10.30pm, four and a half hours of debate had been had – that would be enough time to do business if members focussed their contributions. Council should consider a guillotine.
- v. There was a cost to the Council of late meetings (officer time, heating/lighting, childcare allowance).

- 3.2 In response, Civic Affairs Committee resolved to establish a working group comprising the Chair and spokes of the Committee, Group Leaders and the Mayor to consider the duration of Full Council meetings (minute 15/19/CIV).

- 3.3 The working group met in July and discussed a range of options which could reduce the duration of meetings without compromising the importance or integrity of the meeting. An agreed short list of

options was then discussed separately by the political groups on the Council with a further meeting of the working group held in November to consider the areas of consensus. The recommendations before the Committee have therefore been through a deliberative process, between and amongst, the three groups on the Council.

3.4 As a result of this process, this report proposes the following changes to Council Procedure Rules:

A. Length of speeches relating to motions

The member working group were seeking ways in which the overall duration of Council meetings could be reduced, without cutting off any member's right to speak. It was agreed to recommend a revised limit on time any member could speak from five minutes to three minutes and that movers and seconders of Motions (and amendments) should speak for ten minutes in total. It was felt that this would make a positive contribution to the overall duration of meetings.

B. Motions and amendments

The member working group agreed that amendments to a motion should be debated at the same time as the motion. This would also reduce the overall duration of meetings.

C. Wording of Motions when submitted

The member working group agreed that the Mayor should be able to encourage consensual wording where notice is given of two or more motions with similar effect.

3.5 The recommended changes to the Constitution are attached as Appendix 1 (proposed changes) with Appendix 2 showing the current wording for ease of reference.

3.6 The working group recommended that Civic Affairs Committee keep the effect of these changes under review, and revisit the issues in a year's time.

4. **REVIEW OF PUBLIC ENGAGEMENT IN LOCAL DEMOCRACY**

4.1 At the Council meeting on 22 October 2015, the following Motion was agreed:

“Mindful of the need to engage the public as fully as possible in the democratic life of the city and at the same time acknowledging the severe financial pressures we are under, this Council calls for a comprehensive review, undertaken by the Civic Affairs Committee or a sub-group of that committee, of the ways in which the council can most effectively combine its responsibilities to promote local democracy while at the same time ensuring the prudent use of resources.”

4.2 The terms of reference of the review are proposed as follows:

- i. To identify the current means by which the public engages with councillors and with the formal decision making processes of the Council (meetings of Full Council, scrutiny committees, regulatory committees and area committees and consultations on major policies) and, as far as possible, the resources used for each of those means;
- ii. To assess the impact of the current means of public engagement in decision making;
- iii. To review the costs and perceived impacts of different approaches to public engagement in decision making of comparable councils;
- iv. To report back to Civic Affairs with recommendations in September 2016.

4.3 It is proposed that a working group be established to oversee the review. It is recommended that this comprise the Chair of Civic Affairs Committee or his nominee; the Vice Chair of Civic Affairs Committee or his nominee; the opposition spokes on Civic Affairs Committee or his nominee; the Leader of the Council or his nominated representative of the Executive; the Leader of the Minorities Group or his nominee; and one councillor who has been newly elected to the Council since May 2013 from each of the two largest groups. The working group would invite views from all city councillors. The working group would be supported by officers from Corporate Strategy service.

4.4 The Working Group would aim to report back to Civic Affairs Committee in September 2016, in time for any recommendations with a budgetary impact to be considered as part of the budget setting process.

5. UPDATING THE CONSTITUTION

5.1 The Council's Constitution has the following provisions:

14.3 Changes to the Constitution

14.3.1 **Approval.** *Changes to the constitution shall only be approved by the full Council after consideration of a report by the Chief Executive and Monitoring Officer to the Civic Affairs Committee.*

14.3.2 *However, the Monitoring Officer may approve drafting changes to the Constitution where these correct obvious errors or better give effect to the clear intention of the constitution.*

5.2 Whilst this is appropriate for substantive changes to the Constitution, there is a level of routine updating that is needed on a regular basis and which, in the officers' view, does not require approval by full Council and consideration by Civic Affairs. Officers have in mind specifically the following:

- Amending references to posts in the Council's Scheme of Delegation, where responsibilities and/or post titles change in the light of restructuring;
- Updating the Scheme of Delegation to reflect changes to delegations made by regulatory committees or by the Executive;
- Updating the responsibilities of members of the Executive, as determined by the Leader;
- Updating references to legislation where an Act of Parliament is replaced by another Act in substantially similar terms or reflecting changes in the law which are required by new legislation which the Council has no choice but to make.

5.3 Appendix 2 sets out proposed changes to the Constitution to allow the Monitoring Officer to keep the Constitution up to date in these areas without the need for reports to Civic Affairs and full Council.

5. CONSULTATIONS

5.1 Group leaders, the Chair of Civic Affairs and the Liberal Democrat Spokesperson have been consulted about the proposals in this report.

6. IMPLICATIONS

- (a) **Financial Implications** None
- (b) **Staffing Implications** Work to support the proposed Review can be carried out from within existing resources.
- (c) **Equality and Poverty Implications** An equality impact assessment has not been carried out in respect of the proposals in this report. The constitutional changes proposed are unlikely to have any equality or poverty implications. Equality and poverty implications will be considered in the context of any proposals made by the Review.
- (d) **Environmental Implications.** Nil
- (e) **Procurement.** Nil
- (f) **Consultation and communication** No further consultation or communication is proposed in relation to the constitutional changes. The member working group conducting the review will need to consider consultation and communication as part of the review's methodology.
- (g) **Community Safety.** Nil

BACKGROUND PAPERS: There are no background papers for this report:

if you have a query on the report please contact:

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Report file:

Date originated: 09 February 2016

Date of last revision: 09 February 2016

Appendix 1: Proposed changes to the Council Procedure Rules

21. Length of speeches

Generally

21.1 No speech shall, subject to the exceptions provided in 21.2 or elsewhere in the Council Procedure Rules, exceed five minutes in length without the consent of the Council given by reason of the exceptional importance of the subject and which consent shall be ascertained by the Mayor either on his/her own initiative or on a motion made which shall be put without amendment or discussion. Provided that it shall be within the discretion of the Mayor to permit up to a further five minutes beyond the time so mentioned without the necessity for any such consent.

Motions

21.2 Movers and seconders of motions may speak for a total of ten minutes between them, as may movers and seconders of amendments to motions. Other speeches on motions shall not exceed three minutes in length without the consent of the Council or of the Mayor given in accordance with 21.1.

13. Notices of Motion

13.1 Notice

13.1.1 Notices of every motion, other than a motion which under Rules 4.2 or 14 may be moved without notice, shall be given in writing, bearing the names of the member or members of the Council giving the notice, and received not later than 10 am on the Tuesday preceding the usual day for issuing the summons for the next meeting of the Council, at the office of the Chief Executive by whom it shall be dated, numbered in the order in which it is received, and entered in a book which shall be open to the inspection of every member of the Council.

13.2 Motion set out in agenda

13.2.1 The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received but will consult the Mayor on

the order prior to publication. This applies unless the member giving such a notice intimated in writing, when giving it, that s/he proposed to move it at some later meeting, or has since withdrawn it in writing. If the order is changed it will be made clear on the agenda. The original order of motions in the order received may be restored by a resolution passed on a motion (which need not be put in writing) duly moved and seconded.

13.2.2 If the Mayor considers that notice of two or more motions with similar effect have been given then, if those giving notice agree, a combined or consolidated motion may be included in the Council agenda in their place.

RULES OF DEBATE

17. Motions and amendments

17.1 A motion or amendment shall not be discussed unless it has been proposed and seconded (except as provided in Rules 15 and 16), and, unless notice has already been given in accordance with Rule 13, it shall, if required by the Mayor, be put into writing and handed to the Mayor or Chief Executive before it is further discussed or put to the meeting.

17.2 An amendment of which notice has been given in accordance with Rule 13 shall be considered in debate at the same time as the motion which it seeks to amend. To this end, and without prejudice of the right of the mover and seconder to speak, such an amendment shall be deemed to have been formally moved and seconded at the commencement of debate, subject to the requirement that a seconder for the amendment is identified.

Appendix 2: Proposed changes to updating the Constitution

14.3 Changes to the Constitution

14.3.1 **Approval.** Subject to 14.3.2 and 14.3.3, changes to the constitution shall only be approved by the full Council after consideration of a report by the Chief Executive and Monitoring Officer to the Civic Affairs Committee.

14.3.2 However, the Monitoring Officer may approve drafting changes to the Constitution where these correct obvious errors or better give effect to the clear intention of the constitution.

14.3.3 The Monitoring Officer may also approve drafting changes in these circumstances:

- To update the Council's scheme of delegation where responsibility for a function the subject of delegated powers is moved from one officer to another; for instance, following a departmental restructuring or to reflect changes in job titles or the management structure.
- To reflect changes to delegations to officers made by regulatory committees or by the Executive.
- To reflect changes in responsibilities of members of the Executive, as determined by the Leader.
- To update references in the Constitution to legislation where an Act of Parliament is replaced by another Act in substantially similar terms or to reflect changes which are required by new legislation which the Council has no choice but to make.