

COUNCIL:

25 JANUARY 2018

REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL SERVICES

CONSTITUTION COMMITTEE – RECOMMENDATIONS ON COUNCIL PROCEDURE RULES AND SCRUTINY PROCEDURE RULES

Reason for this Report

1. To allow full Council to consider the Constitution Committee's recommendations in respect of proposed changes to:
 - i. the Council Meeting Procedure Rules; and
 - ii. the Scrutiny Procedure Rules (in relation to Call-In).

Background

2. The Constitution Committee has responsibility, in accordance with its approved terms of reference, for reviewing the Constitution and recommending any changes to full Council for approval.
3. The Chair of the Committee has identified a number of constitutional areas for potential review, and party groups have been consulted to seek their views. Members have been invited to consider ways to:
 - Improve the significance of meetings
 - Make Full Council meetings more meaningful
 - Increase the number of debates on policy matters
 - Create an improved platform for non-executive members to contribute to policy development
 - Increase back-bench contributions in debates
 - Make better use of time available/more manageable
 - Make best use of council resources.
4. The Committee has approved a Forward Work Plan 2017/18 to consider the above issues and any other relevant business.

Issues

Council Meeting Procedure Rules

5. Over the course of several Committee meetings (on 31st August 2017, 25th October 2017 and 8th January 2018), the Committee has considered the arrangements for meetings of full Council, which are governed by the

Council Meeting Procedure Rules ('the Rules'). Members have broadly agreed with the aim to have more focused Council meetings, with more time for opposition members and backbench members of the leading group to contribute. A number of potential changes to the Rules have been considered, and circulated to party groups for consultation.

6. Having carefully considered feedback from party groups, the Committee has formulated a number of proposed changes to the Council Meeting Procedure Rules. A schedule of the proposed changes is attached as **Appendix A**, along with a marked up copy of the amended draft Rules at **Appendix B**.
7. In summary, the recommended changes to the Rules cover the following:
 - i. A rule to limit tributes and eulogies;
 - ii. A limit of 2 Ordinary Motions per meeting (and rules for selecting the Motions if more than 2 are submitted);
 - iii. To change the allocation rules for Ordinary Motions by deducting Cabinet Green Papers from the leading group's allocation; removing Cabinet members and Assistants to Cabinet members from the proportionality calculations; and reducing the minimum number for any recognised political group;
 - iv. To introduce a 'Submission Period' (which brings forward the deadline) for Ordinary Motions in order to allow time for party groups to agree the selection of Motions if there are more than the maximum number (of 2) for a particular Council meeting;
 - v. A rule that amendments to Ordinary Motions must not negate the original motion ('wrecking amendments');
 - vi. A right for the Cabinet member to reply to a motion and (with the agreement of the mover and seconder) to move that the vote be adjourned to the next meeting, in order to give the Cabinet the chance to consider the matter first;
 - vii. A requirement for Cabinet Statements to be circulated with the Council agenda;
 - viii. To remove Cabinet members and Assistants to Cabinet members from the calculation of the proportional allocation of Oral Questions;
 - ix. To remove provision for a second supplementary question on Oral Questions;
 - x. To provide for composite answers to Oral Questions which are closely related or on the same subject matter, whenever appropriate;
 - xi. To allow political groups to identify their preferred speakers in advance on particular matters if they wish to (but retaining the discretion of the Lord Mayor); and
 - xii. To include the current time limits on agenda items within the Rules, with discretion for the Lord Mayor to extend them.
8. It is proposed that the above changes to the Council Meeting Procedure Rules should take effect from the start of the 2018/19 municipal year, that

is, at Annual Council on 24th May 2018; and then be reviewed at the end of that municipal year.

9. Certain other aspects of the Council Meeting Procedure Rules (such as the rules governing filming and recording of Council meetings) are also due to be reviewed by the Constitution Committee, and any further recommended changes to the Rules will be reported to full Council for approval in due course.

Scrutiny Procedure Rules

10. The Constitution Committee has also considered, and agreed to recommend, an amendment to the Call-In rules, which has been suggested by the Scrutiny Chairpersons.
11. At the Scrutiny Chairs Liaison meeting in August 2017, it was agreed that where a matter has been subject to pre-decision scrutiny, in order to avoid unnecessary duplication of work, a Call-In should *only* be permitted if there is significant new or additional information, which had not been previously considered by the Scrutiny Committee.
12. The Constitution Committee considered this matter at its meeting on 8th January, and agreed to recommend an amendment to Rule 12 (Call-In Procedure) of the Scrutiny Procedure Rules to this effect, as shown in **Appendix C**.

Other Issues

13. Members may also wish to note that, amongst other issues, the Constitution Committee is due to consider making constitutional provision for Cross-Party Working Groups. The intention is to increase the participation of non-executive members in the development of Council policy, by providing an additional platform for discussion and debate outside of formal settings. This matter is due to be considered at the Committee's next meeting, scheduled for 5th March 2018.

Legal Implications

14. The Local Government Act 2000 requires the Council to keep its Constitution under review and up to date. Article 14 of the Constitution provides for its review and revision.
15. Under its Terms of Reference, the Constitution Committee is authorised by the Council to review the Council's Constitution, and to recommend to Council any changes.
16. The recommended changes to the Council Meeting Procedure Rules and the Scrutiny Procedure Rules require the approval of full Council.

Financial Implications

17. There are no financial implications arising from the report.

RECOMMENDATIONS

Council is recommended to:

- (1) note the information set out in this report;
- (2) approve the proposed changes to the Council Meeting Procedure Rules, as shown in **Appendix B**, with effect from Annual Council in May 2018;
- (3) approve the proposed changes to the Scrutiny Procedure Rules, as shown in **Appendix C**; and
- (4) request the Monitoring Officer to update the Constitution accordingly.

DAVINA FIORE
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER

18^h January 2018

APPENDICES

- APPENDIX A: Schedule of Proposed Changes to the Council Meeting Procedure Rules
- APPENDIX B: Council Meeting Procedure Rules – showing recommended amendments
- APPENDIX C: Scrutiny Procedure Rules – showing recommended amendments

Background papers

Constitution Committee reports, 'Council 25th May 2017: Reference back to the Constitution Committee of Proposed Changes to the Council Procedure Rules' (31st August 2017); 'Review of the Constitution' (25th October 2017); 'Council Meeting Procedure Rules' (8th January 2018); and 'Scrutiny Call-In Rules' (8th January 2018). Consultation with Group Leaders and Whips - emails from the Monitoring Officer dated 15/12/17 & 02/01/18