



CONSTITUTION COMMITTEE: 6 November 2013

REVIEW OF THE COUNCIL PROCEDURE RULES

REPORT OF THE COUNTY CLERK AND MONITORING OFFICER

AGENDA ITEM 5

Reason for the Report

- 1) To enable the Committee to consider:
 - a) amendments to the Council Procedure Rules following the recent pilot period of revised rules; and
 - b) how to best finalise the review of the Rules.

The Council: a Local Parliament?

- 2) Full Council can be likened to a local Parliament, where Members, as the people's representatives, meet to debate key issues of concern and to hold Cabinet to account. This is seen by many as a worldwide standard of democratic governance.
- 3) The pilot has performed a really useful role in strengthening full Council as an important check on Cabinet and a forum for the debate of major issues relevant to the life of the City. Well run and lively Council meetings provide an important showcase for the work of the Council and an opportunity for public debate on the big issues, and can demonstrate the diversity of views in the city.
- 4) In deciding how to proceed the Committee needs to ensure that the full Council meeting continues as a powerful vehicle, giving opposition and non-Cabinet controlling group members the opportunity to exercise, influence and be involved in Council business. The pilot has demonstrated the value of introducing a private members' system in which a ballot gives time for an individual member to introduce a policy or publicise an issue.
- 5) The Committee needs to ensure in formulating its advice on the options that full Council continues to:

- a) effectively hold the Cabinet, and all other Council bodies to account;
- b) be a real debating chamber, which considers and approves major policy initiatives and is a debating forum for some policies prior to their consideration by Cabinet;
- c) be a genuine forum for opinion;
- d) provide leadership for overview and scrutiny;
- e) be responsible for guaranteeing integrity and supervising the standards of conduct of members and officers; and
- f) lead in the development of a long-term vision for the Council.

Background

- 6) Members of the Committee may be familiar with the amendments made to the pre-existing Council Procedure Rules. However, the following provides a summary of the most significant amendments to aid discussions:

a) Member Debates

Member Debates have been introduced to enable Members to raise issues that are important to them (but that might not normally appear on the agenda). The aim has been to create a process that allows for free and frank discussion in an attempt to better inform and shape policy and Cabinet decisions.

Any Member may propose a Member Debate. Members wishing to do so are entered into a draw on a quarterly basis. Winning the draw entitles a Member to introduce their chosen topic for a short debate.

b) Green Papers

The revised Rules contain a procedure by which Cabinet can bring forward new policy ideas for early consultation and debate through the use of Green Papers.

The procedure enables the Green Paper to be presented and for it to be the subject of a short debate at the meeting. It is also intended that Members will be able to provide written feedback on Green Paper proposals following the debate.

c) Changes to Members' Questions

The proposal of the Committee is that Members' questions be split into two types:

- Oral Questions – which will be dealt with at the meeting. Oral Questions are designed to stimulate debate on major issues and hold the Cabinet to account over significant current proposals or policy decisions.
- Written Questions – these will be dealt with in writing, but will form part of the minutes and public record. They are intended to provide a forum for

Members to raise issues that affect smaller groups of citizens or factual queries, but for which a formal recorded reply is required.

The stated motivations of the Committee in making these changes were to:

- maintain the ability of Members to hold the Cabinet to account by asking questions in a public forum;
- maintain the ability for Members to have questions recorded on the public record;
- make the questions dealt with orally at the meeting easier to follow and more like ‘mini-debates’ rather than simply being the reading of pre-prepared answers and questions;
- allow members of the public and press to follow proceedings clearly from the public gallery or webcast; and
- maximise effective use of officer time in preparing answers to questions.

This matter has been the subject of much debate by the Committee. Every option that was discussed involves striking a balance between the number of questions that can be asked and the time that can be spent dealing with each question. The proposal set out in the draft Rules is the Committee’s considered view as to the best way to balance these competing interests.

d) Other Changes

In addition the following, less significant, amendments were made to the rules:

- The rules relating to Ordinary Motions and the right of reply have been generally clarified.
- Petitions will receive different responses, depending on their size.
- The rules relating to dealing with disturbances, inappropriate conduct and the general rules of debate have been clarified and strengthened.
- Provision has been made for all “unopposed business” (i.e. routine business that does not need to be debated) to be swiftly dealt with as one agenda item.
- All votes will now be carried out electronically with the way individual Members voted being recorded electronically and included in the minutes.
- It has been clarified that Notices of Motion are to be limited to a maximum of 20 allocated on the basis of proportionality. However, this maximum may be exceeded to ensure that each political group is allocated a minimum of two Notices of Motion.

Feedback from Members

- 7) A summary of the issues that have been the subject of negative or mixed feedback by Members is set out at Appendix A. A full copy of the feedback provided is set out at Appendix B.

LEGAL IMPLICATIONS

- 8) There are no legal implications arising directly from the content of this Report. Members of the Committee are reminded of the importance of Council meetings in ensuring good governance as summarised in the body of this report.

FINANCIAL IMPLICATIONS

- 9) There are no direct financial implications arising from this report.

RECOMMENDATIONS

The Committee is recommended to:

1. Consider the feedback provided by Members and form a view as to whether any further amendments should be made to the pilot Council Procedure Rules;
2. Consider how to best progress the review of the Council Procedure Rules that has been undertaken by the Committee. Options open to the Committee include:
 - a. reverting to the pre-existing Council Procedure Rules;
 - b. adopting the revised pilot Council Procedure Rules; or
 - c. adopting certain aspects of both the pre-existing and the revised Rules.
3. Delegate authority to the County Clerk and Monitoring Officer in consultation with the Chair of the Committee to make such amendments to the pilot Council Procedure Rules as are agreed during the meeting and to finalise the draft Council Procedure Rules for recommendation to Council.

MARIE ROSENTHAL

County Clerk and Monitoring Officer

31 October 2013

Appendix A – Summary of Feedback Provided by Members

Background Document – Report to Constitution Committee 18 September 2013 entitled “Council Procedure Rules – Feedback and Next Steps”

Council Procedure Rules

Summary of Issues that have been the subject of Negative Feedback

Set out below is a summary of the main issues that have been the subject of negative or mixed feedback.

Where feedback was mainly positive or no feedback was received the issue has been assumed to be settled.

Issue	Current Position	Considerations
Oral Questions	<p>Feedback was mixed.</p> <p>In order to respond to a number of concerns raised by the feedback, the following amendments have been made to the revised rules:</p> <ul style="list-style-type: none">- Initial questions are no longer read out. They are made available in advance of the meeting.- Members who are not members of political groups are now entitled to one question each, rather than one between them on a rotating basis.- The second supplementary question, by a member of a different political group from the original questioner, has been re-instated.	<p>Feedback continues to be mixed.</p> <p>Committee may wish to discuss whether any further amendments should be considered.</p>
Member Debates	<p>Feedback has generally been positive. Initial debates met the criticism that the debate was not opened to the floor. In response to this feedback, the procedure has been amended to allow for the</p>	<p>Committee may wish to consider whether they wish to continue with this item at every Council meeting or to limit the number of Member debates per year.</p>

Issue	Current Position	Considerations
	<p>debate to be opened to the floor for 10 minutes.</p> <p>Generally perceived as a useful addition to the rules, but some Members have questioned the practical purpose these debates serve.</p>	
Length of meeting	<p>Recent informal feedback has suggested that Members are disappointed that the length of meetings has increased.</p> <p>It is important that in making comparisons, thought is given to the amount of substantive business being conducted at the meetings being compared.</p>	<p>Committee may wish to discuss whether the length of the meetings is considered to be a problem, and if so what amendments to the procedures could be made to reduce the length of meetings.</p>
Green Papers	<p>General view seems to be that this is a useful addition to the rules, however, there has been insufficient opportunity to work through the procedure. The current provision in the pilot needs to be revisited to reflect Senior Officer feedback. A draft note on proposed changes has been prepared.</p>	<p>Initial feedback proposes the following procedure as being more appropriate:</p> <ul style="list-style-type: none"> • Cabinet Member announces Green Paper as part of their statement. The usual questions on statements rule could apply. • Consultation period. • Results of Consultation analysed. • Report produced for Council including the consultation responses, circulated in advance of the meeting with the Council Papers. • Council debate. • Development of white paper with recommendations on the way forward – informed by debate at Council and consultation responses. • Scrutiny and Partners receive copies of

Issue	Current Position	Considerations
		<p>the White paper and invited to respond.</p> <ul style="list-style-type: none"> • Cabinet decision <p>Committee may wish to consider revisiting this element of the rules and the above proposal.</p>
Petitions	<p>General view seems to be that this is a useful addition to the rules, however, the levels relating to the size of the Petition should be revisited, and especially in relation to those becoming the subject of a debate at Council. There has been insufficient opportunity to fully assess the procedure.</p> <p>At the last Constitution Committee there was a suggestion that a Petitions Panel could be set up to review Petitions tabled at Council.</p>	<p>Establishing a Petition's Panel, however this would require specific officer resource to support it.</p> <p>Committee may wish to consider revisiting this element of the rules.</p>

Additional issues to consider:

- The Constitution is silent on the number of Notices of Motion per meeting per Group. Currently there are 22 Notices of Motion allocated on a proportional basis, with no limit on the number of Notices of Motion that may be dealt with at any particular meeting.