

Report of the Monitoring Officer

Updating the Constitution – New Council Procedure Rules

Summary

- 1 This report asks Members to make recommendations to Council in respect of revised procedure rules for Full Council.

Background

- 2 As part of the review of the Constitution the sections dealing with Full Council have been comprehensively reviewed. A draft of the revised rules appears at Annex A to this report. These changes have been the subject of considerable consultation within the Council for some time now. As a result of that consultation some changes have already been made such as the introduction of filming, webcasting and recording of meetings. Other issues which were raised included:
 - A view that motions were not given sufficient priority and that time should be found within the agenda to allow for them to be debated
 - A wish to reinvigorate the system of asking questions of Members
 - Suggestions that the current process for dealing with petitions could be improved upon
- 3 The new draft rules seek to address these issues. The main changes of substance are described in the following paragraphs. In addition to these changes many provisions have been rewritten in an effort to reduce complexity.
- 4 The new Constitution will have a different style from the existing one. One aim will be to reduce to a minimum the amount of cross referencing which is required to understand aspects of the Council's operation. Consistent with this aim

the opening section of the new rules sets out the functions of Full Council. Currently similar provisions appear in separate Articles.

- 5 The rules also define the meaning of the “policy framework” which is the list of plans requiring full Council approval. The draft omits the Children and Young People’s plan which is now a YorOK board plan. It is also suggested that the Food Law Enforcement Service plan can sensibly be omitted from the list requiring Full Council approval.
- 6 The new provisions set out the role of the Lord Mayor and reference his or her term of office (which continues, though with limited voting rights, after he or she has ceased to be a Councillor).
- 7 In relation to the annual meeting two changes are proposed. It is suggested that the meeting will agree the allocation of motions for the forthcoming year. This will allow the business to be managed by continuing to limit to four the number to be presented at each meeting but ensuring that Councillors who are not members of the largest groups have a fair opportunity to submit motions. A specific provision has also been introduced which allows other business to be added to the normal agenda. This happens from time to time when some uncontroversial business needs to be transacted. A similar provision is also included in the standard order of business for ordinary meetings.
- 8 Further changes are proposed to the order of business for ordinary meetings as well as to the way business is handled and to certain time limits. The Leader will present his or her written report, as now, with Group Leaders having the same opportunity to respond. It will no longer be necessary to give advance notice of questions on the Leader’s report and the time for questions has been extended to 15 minutes. Members will be permitted to make a comment on the report as well as asking a question. The rules make it clear that the original speaker may raise one supplementary matter with up to two other Councillors raising one further each.
- 9 A similar change has been made in respect of Cabinet Member’s reports although the time for questions remains at 10 minutes. The new rules also make it clear that Cabinet

Members (other than the Leader) do not speak to their report. They simply move it.

- 10 A question time session for the Leader and Cabinet Members has been introduced. This 15 minute session will allow questions to be asked (but not comments to be made) without notice and replaces the existing provision for written questions.
- 11 The new rules do not contain a provision for questioning committee chairs or members of outside bodies.
- 12 Motions will need to be submitted a little earlier – eight rather than five clear days before the meeting. Amendments will also need to be submitted earlier - on the third working day before the meeting rather than the day before.
- 13 Motions will be debated at an earlier point in the meeting than hitherto. They will follow immediately after the Leader's report. The time for speeches has been reduced. Movers of motions have 5 and not 10 minutes for their speech and other speakers have 3 rather than 5 minutes.
- 14 Changes are proposed to the petitions process. Members will still be able to present a petition at Council but will not speak to it. Petitions with more than 1000 signatures will no longer automatically be debated at Council. The new process will involve all petitions being considered by a Committee. More detailed proposals are contained in a separate report on this agenda.
- 15 The new rules make specific reference to the electronic voting system.
- 16 A provision has been introduced specifying how an election will be conducted where more than two people are nominated for a position to be filled and there is no clear majority.
- 17 The opportunity for members of the public to speak at Full Council has not been changed by the new rules. However, specific provisions have been introduced in relation to acceptable behaviour.
- 18 The rules now contain a reference to filming at Council meetings in accordance with the agreed protocol and so long as no disturbance is caused.

Application to Committees and Cabinet and other Groups referred to in the Constitution

- 19 The nature of the Full Council meeting requires it to have more formal rules of debate. However, the following rules should apply to other bodies:
- 14.7 Public participation rights – requirements placed on speakers
 - 36 Exclusion of Public
 - 37 Misconduct by members
 - 38 Disturbance by public
 - 39 Filming and use of social media

Council Plan

- 20 The Constitution is an essential element of the council's corporate governance framework. As such it has an important role in maintaining the Council as an effective organisation. The Council Plan is one of the documents which fall within the policy framework and has to be adopted by Full Council in accordance with the rules now being proposed.

Implications

- 21 There are no implications to this report in relation to:
- **Finance**
 - **Human Resources (HR)**
 - **Equalities**
 - **Legal**
 - **Crime and Disorder**
 - **Information Technology (IT)**
 - **Property**

Consultation

- 22 All political groups were asked for their views on changes which ought to be made to the way the Council meeting operates. Specific changes which were proposed have also been the subject of consultation and drafts of the Rules now being proposed have also been shared.

Recommendations

- 23 Members are asked to:

Recommend that Council:

- a) adopts the rules set out in the annex to this report in place of the existing constitutional provisions
- b) agrees that the rules set out in paragraph 19 above should apply to Committees, Cabinet and other groups referred to in the Constitution

Reason

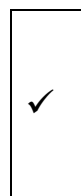
To ensure that the Council meeting operates effectively

Contact Details

**Author and Chief
Officer responsible for
the report:**

Andy Docherty
Assistant Director
Telephone: 01904
551004

**Report
Approved**



Date

8 September
2014

Specialist Implications Officers

Not applicable

Wards Affected: Not applicable

All



For further information please contact the author of the report

Background Papers

None

Annexes

Annex A - Draft Rules