



TRAFFORD COUNCIL

AGENDA PAPERS MARKED 'TO FOLLOW' FOR STANDARDS COMMITTEE

Date: Thursday, 27 June 2024

Time: 6.30 pm

Place: Maria Margaret Netherwood Conference Rooms A & B, Trafford Town
Hall, Talbot Road, Stretford, M32 0TH

A G E N D A	PART I	Pages
1. ATTENDANCES		
To note attendances, including officers, and any apologies for absences.		
2. MEMBERSHIP OF THE COMMITTEE 2024/25		1 - 2
To note the Membership, including Chair and Vice-Chair, of the Standards Committee as agreed at the Annual Council Meeting held 22 May 2024.		
3. TERMS OF REFERENCE 2024/25		3 - 4
To note the Terms of Reference of the Committee as agreed at the Annual Council Meeting held 22 May 2024.		
4. MINUTES		5 - 8
To receive and, if so determined, to agree as a correct record the minutes of the meeting held on 7 March 2024.		
5. CONSTITUTIONAL REVIEW 2024		9 - 16
To consider a report of the Constitutional Working Group from the Monitoring Officer.		

6. URGENT BUSINESS (IF ANY)

Any other item or items which by reason of:-

- (a) Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Chairman of the meeting, with the agreement of the relevant Overview and Scrutiny Committee Chairman, is of the opinion should be considered at this meeting as a matter of urgency as it relates to a key decision; or
- (b) special circumstances (to be specified) the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.

SARA TODD

Chief Executive

Membership of the Committee

Councillors K. Procter (Chair), S. Zhi (Vice-Chair), D. Acton, M. Cordingley, P. Eckersley, W. Frass, S.J. Gilbert, E.R. Parker, H. K. Spencer, D. Western, B.G. Winstanley.

Co-opted Members: Mr. C.E.J. Griffiths, Mr R. Brown, A. Rudden, N. Jackson and Mr M. Whiting.

Further Information

For help, advice and information about this meeting please contact:

Harry Callaghan, Democratic Officer

Tel: 07977 717252

Email: harry.callaghan@trafford.gov.uk

This agenda was issued on **Thursday, 20 June 2024** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH.

WEBCASTING

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The whole of the meeting will be filmed, except where there are confidential or exempt items.

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TRAFFORD COUNCIL
MEMBERSHIP OF COMMITTEES 2024/25

COMMITTEE	NO. OF MEMBERS			
STANDARDS	11 + 2 PARISH REPRESENTATIVES + 3 INDEPENDENT MEMBERS + 2 INDEPENDENT PERSONS (of the Hearing Panel)			
LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRATS GROUP	GREEN PARTY GROUP	
Councillors:	Councillors:	Councillor:	Councillor:	
David Acton Mike Cordingley Shona Gilbert Eve Parker Denise Western Kevin Procter CH Barry Winstanley	Phil Eckersley Shengke Zhi V-CH	Will Frass	Hannah Spencer	
TOTAL	7	2	1	1

NON-VOTING CO-OPTees (5)

2 Parish Representatives: **Mr. A. Rudden** and **1 vacancy**

3 Independent Members: **Mr. C. Griffiths**, **Mr. R. Brown** and **1 vacancy**

INDEPENDENT PERSONS OF THE HEARING PANEL (2)

(under Section 28 of the Localism Act 2011): **Ms. N. Jackson** and **Mr. M. Whiting**

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STANDARDS COMMITTEE

Terms of Reference

1. To promote and maintain high standards of conduct.
2. To make recommendations to Council on the council's code of conduct and its register of interests.
3. To determine by way of its Hearing Panel whether a breach of the code has occurred; if so, whether to take any action and, if so, what action to take.
4. To determine appeals from the Monitoring Officer's decision on dispensations.

Delegation

In exercising the power and duties assigned to the Committee in its terms of reference, the Standards Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.

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STANDARDS COMMITTEE

7 MARCH 2024

PRESENT

Councillor K. Procter (in the Chair).

Councillors F. Cosby, P. Eckersley, W. Frass, S.J. Gilbert, E.R. Parker, H. K. Spencer, and D. Western.

Co-opted Members: Mr. C.E.J. Griffiths, Mr R. Brown, A. Rudden and Mr M. Whiting.

In attendance

Victoria Talbot Organisational Development and Learning Officer
Harry Callaghan Democratic Officer

APOLOGIES

Apologies for absence were received from Councillors S. Zhi, W. Hassan and F. Hornby

11. MINUTES

RESOLVED: That the minutes of the meeting held on 20th March 2023, be approved as an accurate record and signed by the Chair.

12. OMBUDSMAN COMPLAINTS REPORT 2022/23

The Chair introduced the report in the absence of the Monitoring Officer. The Chair outlined that there was always room for improvement and provided some comments on the information contained in the report before asking Members if they had any questions.

Councillor Gilbert asked what circumstances the Council paid out for waste collections. The Head of Resources and Waste provided the response after the meeting via email. Each of the cases outlined in the report had been paid out due to repeated failure to collect bins on the scheduled day.

Mr. R. Brown asked if the report could include what the aggregated pay outs from complaints were. Following the meeting, the Governance Manager confirmed that this could be included if / when this report came to the Committee in the future.

Councillor Eckersley enquired as to what nominal payments meant and whether this could be included in future reports. The Governance Manager confirmed that this could also be included in future reports.

RESOLVED: That the content of the report be noted.

13. INDUCTION TRAINING FOR COUNCILLORS

The Organisational Development and Learning Officer spoke to the report which had been shared with the agenda. The report and appendices outlined the

Standards Committee
7.3.24

opportunities for Member development and the training prepared for incoming Councillors and came to the committee on an annual basis. The Officer shared several topics from the report from the past year including an overview of the E-Learning statistics for sitting Councillors, an increased focus on improving the key skills of Councillors in Planning and Licensing, and the future migration to 360 and SharePoint which will see a change to how things were shared with Councillors.

The Organisational Development and Learning Officer informed Members of the plans for induction of newly elected Councillors at the upcoming election. This included continuing processes which worked well last year, such as; a blended approach involving Northwest Employers and the Local Government Association (LGA), a welcome meeting with the Chief Executive of the Council, and inductions with each of the Council's Directorships as well as One Trafford and L&Q Housing Association. Furthermore, the Officer was monitoring the suite of training available and was looking to create a one stop shop on the Intranet for Councillors, all of which were being done with the Member Development Steering group.

The Chair thanked the officer for bringing this report and remarked that the opportunities were much improved on when he was first elected. The Chair enquired about the buddying system for new Councillors and the Members hub which had been mentioned in the report. The Organisational Development and Learning Officer responded that the hub was available on the learning and development page on the intranet, which involved tiles signposting Members to various areas of training. Regarding the buddying system, the Officer informed that Members this was something that worked well individually within the parties, with a document drafted by the steering group and shared with party leaders to ensure that new members had a buddy system in place.

Councillor Western remarked how fantastic they found the support now and noted how far it had come.

Mr. R. Brown was concerned about the level of Councillors who had completed safeguarding children training (16%). The Organisational Development and Learning Officer responded that the low number was often down to capturing data, with many Councillors completing this training in other walks of life, such as, as a School Governor. Members were encouraged to inform the officer if they complete this elsewhere and it would be added to the total.

Councillor Frass was aware that the Council received Councillors appointment of outside bodies and thought that this could be used to chase Councillors for the safeguarding training. Councillor Frass also wondered if it would be worth looking at Councillor's all-time data, so that, although not ideal, the Officer could see whether a Councillor had ever undertaken the training. The Officer responded that this data had been taken over the past 12-months but a look back at all time data could be undertaken. Mr. R. Brown agreed with Councillor Frass but felt that it was important that when related to safeguarding, it should be important to complete training on a year-by-year basis.

Standards Committee (7.3.24)

Councillor Frass enquired as to whether training could be varied slightly with an occasional refresh, with possibly some Councillors who had been on the Council for some time, being apathetic to complete it again. The Organisational Development and Learning Officer responded that they had been looking at refreshing the course of GDPR, however, the training courses were often determined by legal requirements behind them and as such could not be changed considerably.

Councillor Spencer noted the reminders sent to Councillors across the year to complete training but felt the reminders could highlight what knowledge and information they may get from undertaking the training. The Organisational Development and Learning Officer agreed with the Member. The Officer shared that they could potentially provide party leads or Chairs of Committees with monthly updates on who had and had not completed training, who could then encourage their Members to complete.

RESOLVED:

- 1) That the report be noted.
- 2) That the Organisational Development and Learning Officer consider suggestions from Members for training and induction for Councillors.

The meeting commenced at 6.30 pm and finished at 7.03 pm

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TRAFFORD COUNCIL

Report to: Standards Committee
Date: 27th June 2024
Report for: Decision
Report of: Director of Legal & Governance and Monitoring Officer

Report Title

2024 Review of Constitution: Council Meeting Arrangements

Summary

This report sets out the current constitutional provisions in respect of arrangements for Council meetings at Trafford Council.

Following a review by the Council's Constitutional Working Group (CWG), as summarised in the report, the report details recommendations to amend the Council's constitution it believes are required to improve the quality and equality of debates at meetings due to an increase in the items being placed on the meeting agenda.

Recommendation(s)

It is recommended that the Standards Committee and Scrutiny Committee each:

- i) Consider the current constitutional arrangements in respect of Council meetings as detailed in the report and
- ii) Agree the recommended constitutional changes proposed by the Constitutional Working Group, as detailed in the report; and
- iii) Recommend to Council that the recommended constitutional changes, as detailed in the report, are approved.

Contact person for access to background papers and further information:

Name: Dominique Sykes

1.0 Introduction

- 1.1 Due to a significant increase in the number of questions, motions and motion amendments, plus a number of external factors, it has become increasingly difficult to manage the meeting agenda, and as a result there were concerns about the quality and equality of debates during meetings.
- 1.2 As per a recent motion agreed at Council, it was determined that a review of the constitutional provisions in respect of meeting arrangements should be undertaken.
- 1.3 A review of the Council's constitutional provisions in respect of meeting arrangements provided an opportunity to look at how meetings are managed and also conduct Executive and Council meetings more generally to see if the arrangements for those meetings can be improved in any way.

2.0 Constitutional Review

- 2.1 The Constitutional Working Group ("CWG") is a group which is convened from time to time to review specific sections of the constitution. Membership of the CWG is determined by a calculation of political balance. The terms of reference for the CWG are developed for each specific task. The scope of the review is also determined within the CWG's TORs.
- 2.2 The CWG was established by Council to review those sections of the Constitution which rules of procedure relating to the conduct of meetings of the Council and management therefore. It was agreed that the CWG would undertake its role by:
 - a) Reviewing areas in the Constitution to ensure that they are fit for purpose;
 - b) Considering changes proposed by Members, Officers and Committees to ensure that the proposed changes are fit for purpose;
 - c) Recommending proposed changes to the Standards Committee and the Scrutiny Committee for consideration;
 - d) Having due regard to advice from relevant officers and/or the Monitoring Officer;
 - e) Having due regard to the process for amending the constitution as detailed in the constitution.
- 2.3 The CWG agreed the following objectives for the review:
 - a) The CWG recognises the importance of ensuring that meetings can be conducted in a democratic, fair and efficient way.
 - b) The CWG will review the Council's constitution to review those sections of the Constitution which rules of procedure relating to the conduct of meetings of the Council and management therefore.
- 2.4 The CWG met as soon as possible following the elections in May 2024 and agreed that it should complete its review and shall use reasonable endeavours to ensure that final recommendations for changes to the Council's constitution are presented to the Scrutiny Committee and Standards Committee prior to the Council's ordinary meeting in July 2024.
- 2.5 The CWG have completed a review of the following:
 - a) Review the following areas in the Constitution to ensure that they are fit for purpose;
 - i. Part 1 – How the Council Operates: Rights of Members of the public

- ii. Part 3 – Article 3 – Rule 3: Right of Members of the Public
 - iii. Part 4 –
 - b) Rules of Procedure, in particular (but not limited to):
 - Rule 2: Ordinary Meetings of Council
 - Rule 5: Time and Place of meetings
 - Rule 9: Duration of meeting
 - Rule 10: Questions by members
 - Rule 11: Motions on notice
 - Rule 13: Rules of debate
 - Rule 21: Disturbance by public
 - c) Executive Procedure Rules, in particular (but not limited to):
 - Rule 1.7: Place and Time of Executive Meetings
 - Rule 2.3: Business to be conducted
 - Rule 3.3: Attendance and speaking at meetings
 - Rule 2.6: Time and Duration of the Meeting
 - Rule 3.2: Public Questions
 - d) Access to Information Procedure Rules, in particular (but not limited to):
 - Rule 3: Rights to attend meetings and ask questions
 - e) The Council's Petition Scheme
 - f) any section of the constitution which is substantially linked and/or affected by the above rules and any other areas of the constitution as agreed by the CWG throughout the review.
- 2.6 Having completed the review, the CWG now make the recommendations detailed in section 3 to the Scrutiny Committee and Standards Committee
- 2.7 The Scrutiny Committee and Standards Committee are asked to consider and agree the proposed recommendations to change the constitutional arrangements and to recommend the approval of such changes to the Council at its ordinary meeting in July 2024.

3. **Constitutional Review 2024: Council Meeting Arrangements**

- 3.1 In summary, considerations of the CWG were largely focused around the following arrangements:
- a) Meeting Time and Length
 - b) Petitions
 - c) Questions
 - d) Motions
 - e) A review mechanism for constitutional changes made.

4. **Current Constitutional provisions.**

- 4.1 Meeting time and length: Council meetings and Executive meetings are currently scheduled in the evening. Council meetings must be concluded by 9.30pm with a requirement to reconvene to conclude any unfinished items of business.
- 4.2 Petitions: The Council's petitions process allows members of the public to have direct influence on the political process and to raise concerns that are important to them/the Borough. The Council will respond to all the petitions it receives.

Where the petition is heard is determined by the number of signatures. Those petitions with in excess of 500 are heard in Council meeting, subject to the arrangements set out in the Council's petition scheme.

4.3 Questions:

- a) The Councils procedure provides either: for a response to be issued at the meeting itself; or for a fuller written response to be issued to the questioner after the meeting.
- b) Public Questions: any member of the public can ask a question at any meeting of the Executive or at any Committee subject to them complying with the following:
 - i. The questions being within the remit of the Executive or that they relate to a matter under discussion at the meeting.
 - ii. The questions being submitted to the Council via email by 4 p.m. on the day before the meeting.
 - iii. That the time to be allowed for all questions to be put and answered is limited to 15 minutes at the start of the meeting. If a question is deemed valid for referral to the meeting, the questioner will be offered the chance to present the question in person at the relevant meeting.
- c) Member Questions:
 - i. A member of the Council may ask the Leader, a Member of the Executive or the Chair of a committee any question without notice upon an item of the report of the Executive or a committee when that item is being received or is under consideration.
 - ii. A member of a committee or sub-committee may ask its Chair a question on any matter in relation to which the Council has powers or duties or which affect the Borough and which falls within the terms of reference of that committee or sub-committee, provided the following criteria is met: the question does not relate to a matter currently under review by an Overview and Scrutiny Committee; and notice of the question has been given to the Head of Paid Service in writing not later than 4.00 p.m. one clear working day before the date of the meeting; or (c) where the question relates to urgent matters, he/she has the consent of the Member to whom the question is to be put and the content of the question is given to the Head of Paid Service by 12 noon on the day of the meeting. A member asking a question with notice may ask a supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.
- d) In recent Council meetings, the Chair has asked for original questions on notice to be taken as read. There has also been a request for responses to the original question to also be taken as read and published prior to the meeting, allowing business to move directly to supplementary questions. The objective of this approach has been to manage agenda items more effectively in order to completed all items of business within the meeting timeframe.

- #### 4.4 Motions:
- There are a number of procedural motions which can be moved without notice at a Council meeting. Pursuant to a motion which was agreed at a recent Council meeting, it was determined that the Council's constitution should be reviewed in respect of motions on notice. Motions must be about matters for which the Council has a responsibility or which affect the Borough,

must be signed by at least 2 members, or with electronic consent of at least 2 members and must be delivered or submitted electronically to the Head of Paid Service not later than 4.00 p.m. six clear working days before the date of the Council meeting.

- 4.5 Review mechanism: The Council's constitution can be reviewed at any time subject to all constitutional changes being considered by the Council's Constitutional Working Group who make recommendations to both the Standards Committee and the Scrutiny Committee who, in turn, would make recommendations to full Council.

5.0 **CWG Recommendations**

- 5.1 Meeting Time and Length: current provisions to remain unchanged. The time that Council meetings are scheduled for and length of Council meeting, with an end time of 9.30pm, was felt to be inclusive and caused no concern. The approach is a long-standing approach and attendance at meetings has been good.

5.2 Petitions:

- a) The forum for hearing petitions going forward shall be amended to the Executive meeting. The current Petition Scheme shall be reviewed by the Director of Legal and Governance with a view to introducing a similar process for the conduct of petitions within an Executive meeting.
- b) It was acknowledged that whilst petitions do not often feature on Council agendas, that there is perhaps a need to ensure that the process is more embracing and informative for the petitioner.
- c) It was agreed that the Executive meeting would provide a more welcoming and relaxed forum to facilitate an interactive petition debate, improving the overall experience for the petitioner.
- d) It was also agreed that the principles of the current petition scheme should be transferred to the Executive forum to ensure that we have a structured debate across all parties.
- e) It was noted that the remit of the Executive meeting falls within the discretion of the Chair, the Leader and that this proposal would need his approval.

5.3 Questions:

- a) Public questions provisions are to remain unchanged.
- b) Provisions relating to Member questions without notice are to remain unchanged.
- c) Member Questions on Notice:
 - i. Questions and responses shall be afforded a maximum amount of 10 minutes on the agenda to conclude all associated business.
 - i. Any questions and/or responses that are not dealt with during the allotted time shall be dealt with outside of the meeting and shall be published along with the minutes of the meeting.
 - ii. Questions shall be placed at the beginning of the business agenda.
 - iii. Questions to be listed in order of political balance: Labour, Conservative, Liberal Democrats and Greens.
 - iv. The current informal approach of both primary questions and responses being circulated and published ahead of the meeting

- and thus taken as read at the meeting, to be adopted as a standard approach. Only supplementary questions and responses to be dealt with in the meeting.
- v. The Chair shall exercise a strict control over the format and scope of supplementary questions.
 - vi. A process, with reasonable timescales, shall be developed by the Director of Legal and Governance in consultation with the CWG, for the submission of questions and provision of primary responses ahead of the Council meeting:
 - Noting that the current submission deadline of 4pm, one clear day prior to the meeting, will need to be amended to bring the submission deadline forward to provide more time for officers and members to facilitate a process before the meeting.
 - vii. A process, with reasonable timescales, shall be developed by the Director of Legal and Governance in consultation with the CWG, for the provision and publication of questions and/or responses which are not provided within the meeting timeframe.
- d) It was agreed that the current approach to primary questions and responses seemed sensible but it was acknowledged that improvements were needed to ensure that a primary response was provided in a reasonable timeframe before the meeting. It was acknowledged that receiving questions up to 4pm one working day before a meeting can cause some difficulties in obtaining a response ready for the relevant meeting. It was also agreed that this was equally important for any supplementary questions or responses that are to be concluded in writing after the meeting. It was agreed that a procedure in this respect should be developed.

5.4. Motions:

- a) Motions without notice provisions are to remain unchanged.
- b) Motion with notice:
 - i. It was agreed that the current scope of motions shall not be amended.
 - ii. The total number of motions on any one Council agenda shall be limited to 5.
 - iii. It was also agreed that the total number of motions shall be allocated to each political party in accordance with political balance. Labour may submit up to two motions per meeting. The Conservative Party, the Liberal Democrats and the Green Party may each submit one motion, should they choose to.
 - iv. Cross party motions shall be dedicated to the proposing party in terms of their entitlement to submit motions.
 - v. If Parties choose not to submit a motion, the entitlement of other parties shall remained unchanged.
 - vi. The process, particularly the timescales for submission of motions and amendments, shall be reviewed and amended by the Director of Legal and Governance, in consultation with the CWG:
 - Noting that the current submission deadline of 4pm, six clear workings days prior to the meeting for motions, will be amended to bring the submission deadline forward to provide more time for officers and members to facilitate a process before the meeting;
 - Noting that the current submission deadline of 4pm, one clear workings days prior to the meeting for amendments, will be

amended to bring the submission deadline forward to provide more time for officers and members to facilitate a process before the meeting.

- vii. It was agreed that more qualitative and substantive debates would be welcomed and that limiting the number of motions would help to ensure equality of debate across all agenda items. It was acknowledged that receiving amendments up to 4pm one working day before a meeting can cause some difficulties for officers and members.

5.5 Review Mechanism: New measures are to be introduced and reviewed after a period of 6 months by the CWG. It was felt that a six month review would help to ensure that that new measures were working in the way that they are intended to and if not, allow further consideration of changes.

6.0 Recommendations

It is recommended that the Standards Committee and Scrutiny Committee each:

- i) Consider the current constitutional arrangements in respect of Council meetings as detailed in the report; and
- ii) Agree the recommended constitutional changes proposed by the Constitutional Working Group, as detailed in the report; and
- iii) Recommend to Council that the recommended constitutional changes, as detailed in the report, are approved.

7.0 Other Options

7.1 Members of the Standards Committee and/or Members of the Scrutiny Committee instead of agreeing the recommendations as set out above, could:

- a) Make their own recommendations;
- b) Propose amendments to the recommendations contained in this report;
or
- c) Determine that no changes should be made to the current constitutional provisions in respect of meeting arrangements.

7.2 Any alternative recommendations or amendments proposed by the Standards Committee and/or the Scrutiny Committee would result in a referral being made back to the CWG for their consideration. Where agreement cannot be reached between the CWG, Standards Committee and/or Scrutiny Committee, the recommendations of the CWG shall be presented to full Council for determination with the views from committees confirmed.

8.0 Reason for recommendations.

8.1 The recommendations to amend the constitution as detailed in the report are necessary to bring about changes to how meetings are administered and managed. The objective of reviewing the constitutional arrangements in respect of meetings is to improve the quality and equality of debates at meetings.

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