

## TRAFFORD COUNCIL

**Report to:** Scrutiny Committee  
**Date:** 10 July 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 Scrutiny Committee:

- 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 remain 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 working 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 working 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 Standards Committee Recommendations**

6.1 Recommendations made by the CWG were considered by members of the Standards Committee on 28 June 2024.

6.2 During the Standards Committee meeting the following was confirmed:

- i) *Paragraph (e) does not make it clear if the Chair of the Executive would retain their discretion, once the current Chair has “approved” the transfer of the principles of the current petition scheme which ensures all parties are represented.*

*Response: To clarify, the intention would be to seek the endorsement of the current Chair of the Executive committee to include the proposal to move Petitions to the executive forum in the CWG’s report to Council, after which full Council would make a decision. If the decision to move Petitions to the executive forum was ratified by Council, then this decision would become a permanent protocol which would then fall outside of the Chair’s discretion. Likewise, the intention was to acknowledge the Chairs role in respect of how the executive meeting is conducted. To be clear, the intention would be to seek the endorsement of the current Chair of the Executive committee to include the proposal to move the current Petition scheme principles over to the executive forum in the CWG’s report to Council, after which full Council would make a decision. If the decision to move the current Petition scheme principles over to the executive forum was ratified by Council, then this decision would become a permanent protocol which would then fall outside of the Chair’s discretion.*

- ii) *The full petition practices that have been adopted for Full Council – namely the structure of debate which allows for the petitioner, the administration and all opposition groups to address the subject of the petition in full – must be replicated at Executive. These procedures must be fully codified within the revised Constitution*

*Response: The CWG has already 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 (see recommendation d above). However, these principles currently sit within the Council’s petition which is a document which sits alongside the Council’s constitution. The recommendation is that the current position is retained and the petition scheme document is updated rather than the detailed procedural provisions being included the constitution.*

6.3 The Standards Committee:

- i) agreed the recommended constitutional changes proposed by the Constitutional Working Group, as set out in section 5 of the report; and
- ii) Recommend the additional changes set out in section 6.4, to the Constitutional Working Group for consideration in its final report to Council; and
- iii) Recommend to Council that the constitutional changes as detailed in the report, including those set out in section 6.4, are approved.

6.4 Standards Committee Recommendations to CWG:

- i) In addition to the ten minute maximum amount of time on the agenda, the number of questions shall be limited to two per political group in any given meeting of the Full Council.
- ii) That the following amendments shall be made to the text of the original report and any such repetition thereof going forward:

**Motion with notice:**

It was agreed that the current scope of motions shall not be amended. The total number of motions on any one Council agenda shall be limited to 5.

It was also agreed that the total number of motions shall be allocated to each political party in accordance with political balance. [Delete – Labour] **The Administration Group** may submit up to two motions per meeting. [Delete – The Conservative Party, the Liberal Democrats and the Green Party] **Each different Opposition Group** may each submit one motion, should they choose to.

Cross party motions shall be dedicated to the proposing party in terms of their entitlement to submit motions.

- 6.5 These recommendations will need to be considered by the CWG before it makes its final recommendations to Council. If the CWG do not agree to the recommendations made by the Standards Committee, the views of standards committee would also be presented to Council who would be asked to make a final determination.

## **7.0 Other Options**

- 7.1 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.