

TRAFFORD COUNCIL

Report To: Council 24 July 2024

Report of: The Constitutional Working Group

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), the Standards Committee and the Scrutiny Committee, 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 Council:

- i) Note the current constitutional arrangements in respect of Council meetings as detailed in the report;
- ii) Note the views of the Constitutional Working Group and approves the recommended constitutional changes proposed by the Standards Committee, as detailed in the report at section 6;
- iii) Note the views of the Standards Committee and approves the recommended constitutional change proposed by the Standards Committee, as detailed in the report at section 7.3;
- iv) Note the views of the Scrutiny Committee and approves the recommended constitutional change proposed by the Scrutiny Committee, as detailed in the report at section 8.3; and
- v) Notes the views of the Constitutional Working Group and Monitoring Officer detailed in section 9;
- vi) Approves the recommended constitutional changes proposed by the Constitutional Working Group, as detailed at section 9;
- vii) Delegates authority to the Director of Legal and Governance, Monitoring Officer, to amend the constitution, petition scheme and any other relevant document in accordance with the recommendations set out in the report.

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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 cross-party 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 Review Summary**

- 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. The Petition Scheme will ensure that all political groups are made aware of petitions and provided with an equal opportunity to participate in all petition debates at the Executive forum, in the same way that they are in the current Petition Scheme

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.
 - a. 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.

- 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. This approach will be clarified by the introduction of a process which determines submission and response requirements and timescales.
 - v. The Chair shall exercise a strict control over the format and scope of supplementary questions to ensure that they are succinct and arise directly out of the original question or the reply.
 - 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. In accordance with the current political balance calculation, the Administration Group may submit up to two motions per meeting. Each different Opposition Group 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 agreed 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 CWG Recommended Constitutional Amendments

6.1 Meeting Time and Length: it is recommended that the current provisions to remain unchanged.

6.2 Petitions – It is recommended that:

- a) the forum for hearing petitions going forward shall be amended to the Executive meeting.
- b) that 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 to ensure that we have a structured debate across all parties. The Petition Scheme will ensure that all political groups are made aware of petitions and provided with an equal opportunity to participate in all petition debates at the Executive forum, in the same way that they are in the current Petition Scheme
- c) The constitution is amended to reflect the recommendations above.

6.3 Questions – It is recommended that:

- a) Public questions provisions remain unchanged.
- b) Provisions relating to Member questions without notice remain unchanged.
- c) Member Questions on Notice shall be amended as follows:
 - i. Questions and responses shall be afforded a maximum amount of 10 minutes on the agenda to conclude all associated business.
 - a. 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 are to be listed on the agenda in order of political balance.

- iii. Questions shall be placed at the beginning of the business agenda.
- 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.
 - a. This approach will be clarified by the introduction of a process which determines submission and response requirements and timescales
- v. The Chair shall exercise a strict control over the format and scope of supplementary questions to ensure that they are succinct and arise directly out of the original question or the reply.

6.4 Motions – it is recommended that:

- a) Motions without notice provisions are to remain unchanged.
- b) Motion with notice:
 - i. 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. the total number of 5 motions shall be allocated to each political party in accordance with political balance:
 - a. based on the current political balance calculation, the allocation of motions would be as follows: 2 motions to the administrative party and 1 question each to the opposition political groups.
 - 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.

6.5 Review Mechanism: It is recommended that new measures are to be reviewed after a period of 6 months by the CWG from the date of introduction. Any further amendments shall be referred to Standards Committee, Scrutiny Committee and Council by CWG.

7.0 Standards Committee Recommendations

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

7.2 The Standards Committee:

- i) agreed the recommended constitutional changes proposed by the Constitutional Working Group, as set out in section 6 of the report; and
- ii) Recommend to Council that the constitutional changes as detailed in section 6 the report and as set out in section 7.3 are approved.

7.3 Standards Committee Recommendations to Council:

- i) In addition to the ten minute maximum amount of time on the agenda proposed by the CWG, the number of member questions shall be limited to two per political group in any given meeting of the Full Council.

8.0 Scrutiny Committee Recommendations

- 8.1 Recommendations made by the CWG and Standards Committee were considered by members of the Scrutiny Committee on 10 July 2024.
- 8.2 The Scrutiny Committee:
- iii) agreed the recommended constitutional changes proposed by the Constitutional Working Group, as set out in section 6 of the report ;
 - ii) agreed that the additional change recommended by Standards Committee, as set out in section 7.3; and
 - iii) recommend to Council that the constitutional changes as detailed in the report, in section 6, 7.3 and 8.3, are approved.
- 8.3 Scrutiny Committee Recommendations to Council:
- i) In addition to the recommendations made by the CWG and Standards Committee relating to member questions, the Scrutiny Committee recommend that in respect of member questions:
 - a) in the first instance, the Mayor shall invite each political group, in order of political balance, to ask a supplementary question to their original first question on; and
 - b) only after all political groups have been invited to ask a supplementary question on their first original question, shall the Mayor invite the groups to ask a supplementary question to their original second question, once again in order of political balance.

9.0 Monitoring Officer Recommendations

- 9.1 The CWG approve the additional recommendations made by the Standards Committee and Scrutiny. It is therefore recommended that Council approve:
- i. the additional recommendation from Standards Committee, set out in section 7.3; and
 - ii. the additional recommendation from Scrutiny Committee, set out in section 8.3.
- 9.2 In respect of motions, the CWG have recommended that: the total number of 5 motions shall be allocated to each political party in accordance with political balance.
- a. for the avoidance of any doubt, based on the current political balance calculation, the allocation of motions would be as follows: 2 motions to the administrative party and 1 question each to the opposition political groups.
 - b. the Monitoring Officer advises that changes in political balance could result in changes to these allocations and as such, advises that the wording of the constitution should not specify what the political balance allocation is currently to provide the ability for those allocations to be amended in accordance with political balance calculations.
- 9.3 The CWG have considered current timescales requirements for submission of motions, amendments and questions and requested that they be reviewed with a view to extended the timescales involved. The Monitoring Officer has concluded a review and recommended the amendments set out below to the Constitutional Working Group.
- 9.4 The Constitutional Working Group recommends that the constitutional requirements in respect of submission of motions, amendments and questions should be amended as follows:

a) From current requirements:

- Wednesday Council Meeting
- Motions – submission six clear working days before the Council meeting date (Monday week before meeting) by 4pm.
- Questions and Amendments – submission for both due one clear working day before the Council meeting date (Monday week of meeting) by 4pm.

Worked Example of Current Submission requirements using timeline – for October Council meeting	
Wednesday 2	
Thursday 3	
Friday 4 th	
Monday 7 th	Motions deadline – submission six clear working days before the Council meeting date (Monday week before meeting) by 4pm
Tuesday 8 th	
Wednesday 9 th	Agenda Publication (5 clear days prior to meeting)
Thursday 10 th	
Friday 11 th	
Monday 14 th	Q's and Amendments deadline – submission for both due one clear working day before the Council meeting date (Monday week of meeting) by 4pm.
Tuesday 15 th	Q & Amendment publication
Wednesday 16 th	Council Meeting

b) To the following amended requirements:

- Wednesday Council Meeting
- Motions – submission at least ten clear working days before the Council meeting date (Wednesday two weeks before meeting) by 2pm.
- Meeting Agenda Publication (Including Motions) at least nine clear working days before the Council meeting date (Thursday two weeks before the meeting) by 4pm.
- Questions and Amendments – submission for both due at least six clear working days before the Council meeting date (Tuesday week before meeting) by 2pm.
- Amendment Publication at least 5 clear working days before the Council meeting date (Wednesday week before meeting) by 4pm.
- Response to question submission deadline at least two clear working days before the Council meeting date (Friday week before meeting) by 4pm
- Question's and Response Publication at least one clear working day before the Council meeting date (Monday the week of the meeting) by 4pm

Worked Example of new requirements using timeline – for October Council meeting	
Wednesday 2	Motions submission deadline – submission at least ten clear working days before the Council meeting date (Wednesday two weeks before meeting) by 2pm.
Thursday 3	Meeting Agenda Publication (Including Motions) at least nine clear working days before the Council meeting date (Thursday two weeks before the meeting) by 4pm.
Friday 4 th	
Monday 7 th	
Tuesday 8 th	Questions and Amendments – submission for both due at least six clear working days before the Council meeting date (Tuesday week before meeting) by 2pm.
Wednesday 9 th	Amendment Publication at least 5 clear working days before the Council meeting date (Wednesday week before meeting) by 4pm.
Thursday 10 th	
Friday 11 th	Response to question submission deadline - submission at least two clear working days before the Council meeting date (Friday week before meeting) by 4pm
Monday 14 th	Question's and Response Publication at least one clear working day before the Council meeting date (Monday the week of the meeting) by 4pm
Tuesday 15 th	
Wednesday 16 th	Council meeting

10. Other Options

- 10.1 The Council instead of agreeing the recommendations as set out in the report, could:
- a) Determine that no changes should be made to the current constitutional provisions in respect of meeting arrangements; or
 - b) Refer the review back to the CWG for further consideration.

11.0 Reason for recommendations.

- 11.1 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.

