

TRAFFORD COUNCIL

Report to: Executive/Council.
Date: 26 November 2018/28 November 2018.
Report for: Decision
Report of: Corporate Director for Governance & Community Strategy and Monitoring Officer

Report Title

Constitution Working Group – Proposed Changes to the Council’s Constitution

Summary

A cross-party Constitution Working Group, Chaired by the Executive Member for Constitutional Reform and Resident Engagement, was formed in June 2018. The Group was established to review current practice in a number of areas and to make recommendations for changes and improvements, with the aim of improving openness, transparency and public engagement in a number of areas including

- Allowing public questions at the start of all Executive and Committee meetings.
- Reducing the threshold for petitions to be heard at full Council and to allow petitioners to address meetings of the Executive.
- Enabling smaller groups to submit motions for debate by reducing the number of signatories from three to two.
- Extending webcasting to Executive and Committee meetings.
- Publishing a public summary of decisions taken by the Executive.
- Adding a lay member to the Audit Committee to enhance public scrutiny of financial management and governance.
- Agreeing to changes to improve the scrutiny function.

This report sets out the Group’s proposed recommended changes to date.

The report was submitted to the Standards Committee and Scrutiny Committee prior to the Executive and Council for comments on the proposals in accordance with the Articles of the Council.

Recommendation(s)

That the Executive provide any comments they may have on the proposed recommendation as set out below.

- 1) That Council agree the proposed changes as set out in the report.

2) That the Corporate Director for Governance and Community Strategy be authorised to amend the Constitution of the Council in accordance with and as a consequence of this report and other decisions made by Council at this meeting.

Implications

Relationship to Policy Framework/Corporate Priorities	The proposed changes are aimed at improving transparency and engagement with the Council's priorities.
Financial Implications	There are no specific financial issues arising from this report, although there is some one-off expenditure arising from the proposals to webcast additional Council Committee meetings which will be met from the legal and democratic budget.
Legal Implications	The Council is required to review and update its constitution from time to time. This report reflects the review carried out by the Cross Party Constitution Working Group in consultation with the Corporate Director of Governance and Community Strategy.
Equality/Diversity Implications	None
Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	None
Risk Management Implications	None
Health and Safety Implications	None

Contact person for access to background papers and further information:

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Background Papers:

Reports submitted to the Constitutional Working Group

1.0 Background

A cross-party Constitution Working Group, Chaired by the Executive Member for Constitutional Reform and Resident Engagement, was formed in June 2018 to review current practice in a number of areas, and to make recommendations for changes and improvements. The Group discussed a range of issues with the objective of improving openness, transparency and public engagement within the Council. Some of the proposed improvements require a change to the Council's Constitution.

The Working Group Membership consisted of the following Elected Members:

Councillors M. Freeman (Chair), D. Acton, Dr K. Barclay, R. Bowker, G. Coggins and M. Young.

Meetings were attended by the Council's Monitoring Officer, the Head of Governance, and a representative from the Communities and Partnerships Team. Reports were produced for Members' consideration on each area of review.

The Group met on two occasions and agreed the recommended changes, which are set out in sections 2.1 and 2.2 of the report. Further meetings of the Group will be scheduled to discuss the areas still under review, which are set out in section 2.3 of the report.

2.0 Summary of Proposed Changes

2.1 Changes which require an amendment to the Constitution

Questions and Public Scrutiny	
Questions at meetings	<p>The Group agreed that provisions for taking questions from members of the public at the start of Council meetings, held in public, should be set out in the Constitution.</p> <p>The Leader or the Chair of the relevant body / Committee would have discretion about how these questions were managed at each meeting.</p> <p>However, the Standards and Scrutiny Committees felt that more guidance should be set out around the process for receiving questions to avoid potential problems. They suggested that the following be included</p> <ul style="list-style-type: none">• That it be clear that questions must relate to the agenda or be within the remit of the Executive or the Committee to which the questions are proposed to be addressed;• That questions must be submitted before the meeting so that officers can check that they are within the remit of the Executive or the Committee to which the questions are proposed to be addressed ; and• That the time allocated to public questions be limited. <p><u>RECOMMENDATIONS</u></p> <ol style="list-style-type: none">1. That Part 1 of the Constitution be amended to refer to the rights of the public to ask questions at Executive and Committee meetings subject to the procedure rules set out in Part 4.2. That Article 3 in Part 2 be amended to reflect the rights of Members of the Public to ask questions subject to the procedure rules set out in Part 4.3. That the Access to Information procedure rules in Part 4 of the Constitution be amended to permit member of the public to ask questions at any meeting of a Council Committee subject to:<ol style="list-style-type: none">a. The questions being within the remit of the

	<p>Committee or that they relate to a matter under discussion at the meeting.</p> <ul style="list-style-type: none"> b. The questions being submitted to the Council by 4pm on the day before the meeting. c. That the time to be allowed for all questions to be put and answered is limited to no more than 15 minutes at the start of the meeting. <p>4. That the Executive procedure rules in Part 4 of the Constitution be amended to clarify the rules around questions at any meeting of the Executive are subject to the following:</p> <ul style="list-style-type: none"> a. The questions being within the remit of the Executive or that they relate to a matter under discussion at the meeting. b. The questions being submitted to the Council by 4pm on the day before the meeting. c. 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.
<p>Petitions</p>	<p>The Group felt that the current threshold of 3,000 signatures for a petition to be debated at full Council was too high and is a barrier to public engagement and representation. They also felt that a provision to allow petitioners to address the Executive should be included in the scheme as many decisions are those for the Executive to take.</p> <p>The Group agreed that a threshold of 300 signatures be set for a petition to be debated at a meeting of the Executive, and a threshold of 500 signatures be set for a petition to be debated at full Council.</p> <p>Other minor changes to the Council’s Petition scheme were agreed, with the responsibility for finalising the Petition Scheme delegated to the Head of Governance.</p> <p><u>RECOMMENDATION</u></p> <p>That the petition procedure rules in Part 4 of the Constitution be amended to reduce the current threshold of 3,000 signatures for a petition to be debated at full Council to 500 and that a new right to allow a matter to be debated at the Executive be introduced subject to it having received at least 300 signatures and that it relates to Executive functions.</p>
<p>Substitute Members</p>	
<p>Provision for Substitute Members at Employment Committee</p>	<p>The Working Group agreed that provisions to allow one substitute Member for each Group for the Employment Committee should be included in the Constitution.</p> <p>The Employment Committee is held during the day and therefore it may sometimes be difficult for Committee Members to attend. Therefore a provision for substitute Members should be made.</p>

	<p style="text-align: center;"><u>RECOMMENDATION</u></p> <p>That Council allocate one substitute Member for each Group for the Employment Committee and this be set out in the Terms of Reference of the Committee in Part 3 of the Constitution.</p>
Motions	
Number of Members supporting a motion.	<p>The Working Group felt that the rules requiring written notice of every motion to be signed by at least 3 members, or with electronic consent of at least 3 members should be amended to reduce this to two Members. This would enable smaller parties to participate in the process.</p> <p style="text-align: center;"><u>RECOMMENDATION</u></p> <p>That rule 11.1 of Council procedure rules in Part 4 of the Constitution be amended to state that motions must be signed by at least 2 members.</p>

2.2 Changes which do not require an amendment to the Constitution

Openness of Council Meetings	
Quarterly e-Bulletin	To improve openness and public engagement, the Group agreed that an e-Bulletin detailing the Executive and Council decisions should be published quarterly with effect from October 2018.
Webcasting	<p>To improve openness and transparency, it was agreed that the Council should extend the webcasting facility to other Committee and Board meetings held in public.</p> <p>After considering a number of options, it was agreed that the Council would webcast these additional meetings via its YouTube channel using a standalone camera and microphone system in the Committee Rooms. This would be implemented on a 12 month trial basis, with the other options revisited after this period.</p> <p>Following the trial, if it was felt that the standalone camera option had not met the Council's objectives to an adequate standard, consideration should be given to installing a full webcasting system in Committee Rooms 2 & 3.</p> <p>There is a small set up cost of approximately £1000 to purchase ICT and cameras for this option.</p>
Questions by Members at Council	
Questions by Members at Council	Questions raised by Members at full Council meetings will now be published on the Council's website in advance of the meeting. This will allow Members of the public to see what

	<p>issues are to be raised in the meeting.</p> <p>This was actioned for the September meeting of Council.</p>
Audit Committee	
Appointment of Independent member of the Accounts and Audit Committee	<p>There are already provisions in place for the appointment of an Independent member of the Accounts & Audit Committee, but this provision has not been utilised.</p> <p>The Group agreed the process for making this appointment, with the responsibility for finalising the process delegated to the Corporate Director, Governance & Community Strategy and the Head of Governance.</p> <p>The Group stressed the importance of ensuring proper due diligence was performed before making the appointment.</p> <p>This role has been advertised.</p>
Scrutiny	
Review of Scrutiny – Action Plan	<p>Following the Scrutiny Committee’s Review of the Council’s Scrutiny Function earlier in the year, the Constitution Working Group considered the report’s recommendations and the Executive’s response. The Group agreed with the Executive response to the recommendations, but felt that recommendation 4 about the Chair of the Committee providing a written report should be more explicit in ensuring that a verbal update could be provided in conjunction with any written Scrutiny report presented to Council.</p> <p>It was agreed that the accepted recommendations should be implemented as soon as practically possible.</p> <p>The Executive response to the Scrutiny report is attached (Appendix 1).</p>

2.3 Other areas still under consideration.

Area Governance	
Area Governance	<p>The Group held discussions relating to Area Governance and how the Council consults with residents.</p> <p>It was felt that the distinction would need to be made as to whether the Council were looking to adopt a formal consultation process or strategy, or whether a less formal approach should be taken in an attempt to improve engagement with residents.</p> <p>The Corporate Director for Governance and Community Strategy and the Head of Partnerships & Communities, in consultation with the Executive Member for Constitutional</p>

	<p>Reform and Resident Engagement, will continue these discussions and submit proposals to the Executive on the most appropriate way to progress this.</p>
<p>Motions</p>	
<p>Motions at full Council</p>	<p>Concerns have been raised on a number of occasions in the past about the number of motions being submitted to full Council meetings. On occasion, time constraints have led to motions not being adequately debated.</p> <p>The Group considered a report providing options for proposed changes to how motions are considered at full Council meetings.</p> <p>Members agreed that this item would be deferred to a future meeting of the Working Group to allow Members to discuss the proposals with their respective political groups. Members have been asked to send their comments to the Head of Governance, who would produce a report for consideration at a future meeting of the Working Group.</p>
<p>Electronic Agenda</p>	
<p>Electronic Agenda</p>	<p>The number of Members requesting paper copies of agenda is continuing to increase, resulting in additional print and staff time costs for the Council. The view of the Working Group is that enhanced ICT is needed to support Members who are keen to reduce the environmental impact of paper agenda.</p> <p>The Chief Digital Officer is exploring new ICT solutions and the intention is to move all meetings to being paperless once the ICT enhancements have been put in place.</p> <p>The Working Group will discuss progress against this area at a future meeting.</p>

3.0 Recommendations

That the Executive provide any comments they may have on the proposed recommendation as set out below.

- 1) That Council agree the proposed changes as set out in the report.

- 2) That the Corporate Director for Governance and Community Strategy be authorised to amend the Constitution of the Council in accordance with and as a consequence of this report and other decisions made by Council at this meeting.

Other Options

The Working Group considered a range of options around the constitution including research on other areas practices. The recommendations reflect the local circumstances and ambitions to open up decision making in the Council.

Consultation

The proposals have been submitted to Standards and Scrutiny Committee as part of the consultation process.

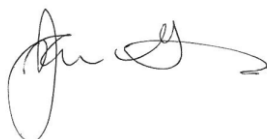
Reasons for Recommendation

The recommendations are part of a package of measures to enhance decision making and transparency in the Council.

Key Decision (as defined in the Constitution): No

Finance Officer Clearance NB

Legal Officer Clearance JL



CORPORATE DIRECTOR'S SIGNATURE

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.