

Report of the City Solicitor

Report to General Purposes Committee

Date: 9th May 2016

Subject: Amendments to Council Procedure Rules and to the City Solicitor's Council Delegations

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

In June the General Purposes Committee agreed that a number of changes be introduced, for Council meetings on a trial basis (for the July and September meetings), in October this trial period was extended by General Purposes Committee for the remainder of the municipal year in recognition that the new arrangements have not yet been 'tested' on an occasion where Honorary Aldermen are being appointed, and that concerns from opposition groups remained concerning the time taken in each meeting to consider Community Committee reports.

This report considers feedback from political groups on the outcome of the trial period to date and recommends adoption of the new arrangements as agreed procedures from the commencement of the new municipal year. This report also considers proposals relating to substitution arrangements for this committee and for scrutiny boards and recommends minor amendments to the Council (non-Executive) delegations to the City Solicitor

General Purposes Committee is asked to;

- 1 Recommend that full Council approves the revised Council Procedure Rules as set out at Appendix 1.
- 2 Note the indicative timings for the consideration of business at Ordinary meetings of full Council set out at Appendix 2.
- 3 Recommend that full Council approves the amendment to the Officer Delegation Scheme (Council (non-executive) Functions) for the City Solicitor as set out at Appendix 3.

1 Purpose of this report

- 1.1 This report presents feedback from political groups on changes to the operation of Ordinary Council meetings that have been in operation for a trial period during this municipal year and seeks approval to the new arrangements set out at Appendix 1 with effect from the commencement of the new municipal year.
- 1.2 In addition this report proposes a minor amendment to the Officer Delegation Scheme (Council (non-executive) Functions) for the City Solicitor as set out at Appendix 3 to this report.

2 Amendments to Full Council Procedure Rules

- 2.1 Following cross party discussions a number of amendments to existing arrangements were introduced on a trial basis during the 2015-16 municipal year. The background to those amendments and the feedback, which has been received from political groups, is set out below.

Start time for Ordinary Full Council Meetings

- 2.2 To accommodate the proposals set out in respect of White Paper motions, there was a requirement to add further time into the Council meeting. On balance Leaders and Whips were supportive of an earlier start time for Council meetings of 1pm.
- 2.3 Group Whips have been generally supportive of this earlier start time, and it has been possible to reasonably accommodate the appointment of Honorary Aldermen¹ within the new meeting format.

Backbench Community Concerns

- 2.4 For the past two Municipal Years periods of 6 ten minute blocks have been reserved in Council business to consider Backbench Community Concerns.
- 2.5 This defined area of business has proved useful in enabling backbench members a platform to introduce concerns into the Council meeting. However, given the enhanced remit for Community Committees to lead on local issues, there is now cross party support for the removal of this formal item of business from the full Council proceedings.
- 2.6 Officers understand that all Groups remain supportive of this change.

¹ Whips remain of the view that, in circumstances where full Council are appointing Honorary Aldermen, that these meetings commence at 1pm and that the business of the Ordinary Meeting be adjusted by way of a Whips' agreement to facilitate, as far as is possible, a 7.30pm conclusion of the Ordinary Council business.

Devolution Matters/Health and Wellbeing Board Minutes

- 2.7 Groups Leaders were collectively supportive of introducing two new elements to Council business, both of which are enabled by the time freed up from the removal of Backbench Community Concerns.
- 2.8 The first related to the introduction of a reporting process to Council on matters devolved to, or of significance in respect of the work/operation of, the West Yorkshire Combined Authority. The basis of this item has been a regular report, essentially summarising the business considered by the West Yorkshire Combined Authority and issues of significance to the devolution negotiations taking place. The report has been considered after the Tea Break, for a time limited period of 30 minutes, and has enabled all groups the opportunity to contribute to this important debate.
- 2.9 Officers understand that all Groups remain supportive of this change.
- 2.10 In addition Group Leaders were supportive of a defined period of time (twenty minutes under the minute's item) for the consideration of the minutes of the Health and Wellbeing Board and for the procedures to allow for any unused time from this slot to be allocated for the consideration of Executive Board minutes.
- 2.11 Health and Wellbeing Board Minutes were considered and fully debated at the July and November meetings. At the September, January and March meetings no Health and Wellbeing Board minutes were due for consideration and so additional time was added to the consideration of the Executive Board's minutes. At the February (budget) meeting the minutes were available but time was allocated to Executive Board minutes. Officers understand that all Groups remain supportive of this change.
- 2.12 Further to the arrangements trialled during the last Municipal Year the Administration proposes that Health and Wellbeing minutes be received prior to Executive Board minutes, with the Leader then summing up at the conclusion of the Executive Board minute block.
- 2.13 A consequence of this being that the rotated consideration of other committee minutes (for a period of twenty minutes) would be removed from the order of council business with the time (a further 20 minutes) instead allocated to concentrate solely on the minutes from Executive Board. Councillor Golton, Leader of the Liberal Democratic Group has commented that General Purposes Committee should be mindful to ensure that changes proposed should not undermine the parity of esteem that needs to exist between the Executive and Scrutiny.

Receipt of Community Committee Reports

- 2.14 Group Whips have previously discussed the mechanism by which Community Committee reports are routinely considered at Council meetings.

- 2.15 The changes introduced for the trial period sought to balance a divergence of views across political groups on this item of business. During the trial period consideration of this business was time limited to no more than ten minutes per committee report, with contributor's speaking time being limited to no more than two minutes. All ten Community Committees have now reported to Council under this trial format.
- 2.16 Following the trial period, and having reflected on views expressed by all groups, the Administration now propose an alternative approach whereby the existing Annual Reports (from Scrutiny/Standards/Community Committees) are further added to and scheduled for receipt by full Council during the municipal year.
- 2.17 The proposal is that annual reports from Licensing Committee and (jointly) from Plans Panels be now received and considered to provide an opportunity for input from all political groups. This will provide a defined time of up to 30 minutes (per annual report) for consideration of the issues within the remit of these committees. The proposed cycle for receipt is set out below.

Council Meeting Cycle	Report
June/July	Scrutiny Boards (joint report)
September	Community Committees (joint report)
November	Plans Panels (joint report)
January	Licensing Committee
March/April	Standards Committee

White Paper Motions

- 2.18 Two changes to the time limits for White Papers have been introduced as part of the trial. Firstly an extension of the period of time for debating White Paper Motions from 30 minutes to 45 minutes.
- 2.19 Secondly in acknowledgment of comments received from Members concerning the too limited speaking times for Members contributing to debates and summing up, the speaking time for those moving a White Paper motion has been increased to 5 minutes and all other contributions have been increased to 4 minutes.
- 2.20 Officers understand that all Groups remain supportive of this change.

Other Speaking Rights and Amendments

Speaking rights

- 2.21 The trial period also removed restrictions on seconders from the same group being permitted to speak. Those Members being able, in the case of White Paper motions, to speak for up to four minutes, and for all other business up to 3 minutes. Discussions during the municipal year have also clarified the arrangements whereby members who have seconded motions, and then reserve the right to speak, then subsequently indicate their wish to the Lord Mayor to enter the debate.

2.22 Officers understand that all Groups remain supportive of this change.

Deadline for the Submission of Amendments

2.23 An earlier submission deadline for White Paper amendments has also been trialled with the revised deadline being 10am on the day prior to Council rather than 24 hours in advance of the council meeting. This trial has worked well and has enabled Group Whips sight of amendments a number of hours in advance of the pre Council whips meeting.

2.24 Officers understand that all Groups remain supportive of this change.

Amendments arising from the Annual Review of the Constitution

Substitution Arrangements

2.25 During the annual review of the constitution the City Solicitor has identified anomalies with regard to the existing substitution provisions for General Purposes Committee and for Scrutiny Boards. For General Purposes Committee the City Solicitor proposes that the pool of members eligible to attend in place of an absent member be extended to include group leaders and group deputy leaders. This proposal is set out in Appendix 1 (rule 26.1 (e)).

2.26 For Scrutiny Boards the City Solicitor proposes that the pool of members eligible to attend in the place of an absent member be redefined to include any non-executive member. This proposal is set out in Appendix 1 (rule 26.1 (f)).

Clarification

2.27 Council Procedure Rule 22.1 allows for Council Procedure Rules to be suspended by a motion made and seconded and carried by a majority of the Members present at the meeting. Where a motion to suspend is in relation to the introduction of a motion, for the sake of clarity, the City Solicitor proposes that a footnote be added to this rule which clarifies that such motions are capable of being amended. This proposal is set out in Appendix 1 (rule 22.1 footnote 25).

3 Amendment to Officer Delegation Scheme (Council (non executive) Functions)

3.1 The City Solicitor's executive delegations authorise the City Solicitor to "take any action intended to give effect to a decision of the Executive (taken under the Leader's executive arrangements.)" However there is currently no correlative provision in respect of this implied authority in relation to Council functions. It is therefore recommended that the City Solicitor's Council delegations are amended, as set out at Appendix 3 attached, to include express authority to take any action intended to give effect to a decision of the Council, including any decision taken in accordance with the Council's committees terms of reference or officer delegation scheme.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Consultation and engagement has taken place with the Leader of Council, with each opposition Group Leader and with group whips.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no implications for this report.

4.3 Council policies and Best Council Plan

4.3.1 All amendments are in line with the Council's Code of Corporate Governance, particularly with regard to the principles of focussing on the Council's purpose and community needs; having clear responsibilities and arrangements for accountability; and taking informed and transparent decisions which are subject to effective scrutiny and risk management.

4.3.2 The introduction of items around Health and Wellbeing Board and devolution enable full Council to deliberate these aspects of the City's wider priorities.

4.4 Resources and value for money

4.4.1 The proposal to remove the consideration of the other minutes block from the Council agenda will result in approximately £5k savings in printing costs. All Members may however request to continue to receive these minutes for information via email.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The amendments proposed are in line with legislation with there being no legal requirement for full Council to receive and consider the minutes of other Boards and Panels.

4.6 Risk Management

4.6.1 There are no implications for risk management arising from this report this report.

5 Conclusions

5.1 Members are asked now to consider the formal adoption of the revised procedures set out at Appendix 1 and make recommendations to the Annual Council meeting for the revised procedures to be agreed.

5.2 Appendix 2 provides an indicative summary of the timings of the full Council meeting under these proposed arrangements.

5.3 The proposed amendment to the City Solicitor's Council delegations, set out at Appendix 3, would confirm authority to take any action intended to give effect to a council decision (in the same way as provided by executive delegations).

6 Recommendations

6.1 General Purposes Committee is asked to;

- Recommend that full Council approves the revised Council Procedure Rules as set out at Appendix 1.
- Note the indicative timings for the consideration of business at Ordinary meetings of full Council set out at Appendix 2.
- Recommend that full Council approves the amendment to the Officer Delegation Scheme (Council (non-executive) Functions) to the City Solicitor as set out at Appendix 3.

7 Background documents²

7.1 None

² The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.