

Gloucester City Council

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| Meeting: | General Purposes Committee Council | Date: | 11 January 2024 25 January 2024 |
| Subject: | Constitutional Changes | | |
| Report Of: | Head of Paid Service | | |
| Wards Affected: | All | | |
| Key Decision: | No | Budget/Policy Framework: | No |
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| Appendices: | 1. (A) Updated Officer Code of Conduct (B) Comparison of Current Employee Code of Conduct with proposed updated Officer Code of Conduct 2. (A) Updated Planning Committee Functions as set out in Part 3C of the Constitution. (B) Comparison of current Planning Committee Functions as set out in Part 3C of the Constitution with updated Planning Committee Functions as set out in Part 3C of the Constitution 3. Changes to Council Procedure Rules | | |

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 To propose changes to the Officer Code of Conduct and the Planning Committee Functions. The report also seeks authority to update the Council Procedure Rules in relation to Questions by the Public Question; Petitions and Deputations from the Public; questions by Members and Motions on Notice.

2.0 Recommendations

2.1 General Purposes Committee is asked to **RECOMMEND TO COUNCIL** that:

- (1) The updated Officer Code of Conduct set out in Appendix 1 is adopted.
- (2) The updated Planning Committee Functions as set out in Appendix 2 is adopted.
- (3) The Council Procedure Rules 10, 11, 12 and 13 in Part 4 of the Constitution are amended as set out in Appendix 3 are adopted.

2.2 Council is asked to **RESOLVE** that:

- (1) The updated Officer Code of Conduct set out in Appendix 1 is adopted.

(2) The updated Planning Committee Functions as set out in Appendix 2 is adopted.

(3) The Council Procedure Rules 10, 11, 12 and 13 in Part 4 of the Constitution are amended as set out in Appendix 3 is adopted.

3.0 Background and Key Issues

Updated Officer Code of Conduct

3.1 The Officer Code of Conduct is considered to be an integral part of the suite of documents that ensure that high standards of behaviour are maintained and, alongside the Member Code of Conduct, the Officer Code of Conduct underpins a strong governance culture. The updated Officer Code of Conduct is considered to provide clarity on the role of Officers at the Council and ensures that the Officer Code of Conduct aligns with the recently adopted Member Code of Conduct and Member/Officer Protocol.

3.2 The changes can be summarised as follows:

3.2.1 references to employees have been replaced with references to Officers, to properly reflect the duties of Officers to the Council as an elected body and to align with the Member/Officer Protocol.

3.2.2 adds clarity the responsibility of Officers to provide support across the Council and to act in way that maintains public confidence in the Council as a whole.

3.2.3 clarifies the expectations in relation to personal relationships between Officers and Officers and Members and reinforces the importance of not being under the influence of alcohol and/or drugs while at work.

3.2.4 it proposes that subject to consultation with Trade Unions the rules in relation to secondary employment will apply to all Officers of the Council and not just those at Grade F and above.

3.2.5 updates the expectations of Officers in relation to the use of Council facilities and systems as well as social media.

3.3 The differences between the current Code of Conduct and the updated code of conduct are shown as track changes at Appendix 1B.

Changes to Functions of Planning Committee

3.4 Minor Amendments are proposed to the Functions of the Planning Committee. The amendments bring the Planning Committee functions into alignment with other Gloucestershire councils' planning committee functions and addresses technical issues that have arisen.

3.5 The differences between the current arrangements and the amended arrangements are shown as track changes at Appendix 2B.

Council Procedure Rules

3.6 A number of changes are proposed to Council Procedure Rules in order to bring the rules up to date with current practice and further improve the efficient dispatch of Council business. All proposals are highlighted in Appendix 3 and the main changes are set out below.

Rule 10 - Questions by the Public

- 3.7 The changes proposed to public questions are aimed at providing a process that mirrors the one that is in place for Members. As notice of public questions is already required, it follows that the responses to the submitted questions be published in advance of the meeting and members of the public be permitted to attend and ask one supplementary question without notice if they would like to.
- 3.8 Currently the Constitution permits members of the public to ask one question, however, in practice we have allowed any number of additional questions to be asked. In recent times, this has meant that individuals have on occasion asked as many as seven questions at a single meeting, which is more than Members are permitted to ask, and can mean that a disproportionate amount of time is spent on public questions. It is therefore proposed that a maximum of 3 questions per person be accepted, which is in line with neighbouring Councils that have a limit.

Rule 11 – Petitions and Deputations from the Public

- 3.9 It is proposed that a notice requirement is introduced for petitions and deputations to ensure that a substantive response can be provided at the meeting at which they are presented. In the case of petitions, it is also important to have this information in advance to enable a petition to be handled in accordance with the Council's Petitions Scheme, particularly if a petition has met the threshold for a Council debate.
- 3.10 A further amendment proposes to confirm current practice whereby a ward Member can present a petition on behalf of members of the public if the petition organisers request it and the Member agrees.

Rule 12 – Questions by Members

- 3.11 The first amendment **proposed** seeks to ensure that Group Leader priority for questions to Cabinet Members is applicable to any number of political Groups. The second amendment seeks to bring questions to Chairs of Meetings into line with the provisions for questions to Cabinet Members. A lower maximum of three questions per Member is proposed because Chairs of Committees have a narrower remit than Cabinet Members.

Rule 13 – Motions on Notice

- 3.12 Currently, there are no limits of the number or time spent on notices of motion. The Constitution does include provision for Group Leaders to select which motions will be called for debate (Rule 13(3)), however, this provision is not used in practice. Recently, the number of motions received at Council meetings has increased, with as many as seven or eight motions on a single agenda, and there is a need to consider how best to handle motions to ensure the efficient and effective dispatch of Council business and to keep Council meetings to a reasonable length, noting that there is an optional three hour guillotine that, to date, Members have not voted to invoke.
- 3.13 Practice at neighbouring councils has been considered and Members are invited to consider two options:

- (i) A limit on the number of motions that a single Member can move or second, with a suggested limit of three. Thereafter, all motions could be included for debate, or a selection process could also be established to decide which motions would be debated and/or in what order.
- (ii) A limit on the time available for debating motions, with a suggested limit of two hours, and any motion not discussed within the time limit deemed void. Motions could be taken in the order of receipt or a selection process could also be established to decide the order.

3.14 Rule 13(5), which provides for the automatic reference to the relevant alternative decision-making body, any motion that comes within the province of a Cabinet portfolio or Committee, is also not utilised in practice, with any motion submitted within the relevant timescales being placed on the agenda and debated. Members are invited to consider whether this rule should be retained and, if so, whether greater consideration should be given to whether a motion is appropriate for Council consideration or should be referred elsewhere.

3.15 Rule 13(7) states that motions will be ruled out of order if they are not relevant to some matter in relation to which the Council has powers or duties or which affects the City. Again, as all motions submitted are generally placed on the agenda, it has become common for Council to debate motions on topics that it has no direct power or influence over, often resulting in a letter being written to the Government or another decision-making body and no substantive action by the Council itself. Members are invited to comment on whether greater consideration should be given to whether motions are of relevance to the powers and duties of the Council and, where they are deemed not to be, should be ruled out of order.

4.0 Social Value Considerations

4.1 Not applicable.

5.0 Environmental Implications

5.1 Not applicable.

6.0 Alternative Options Considered

6.1 Council could decide not to adopt the updated documents as part of the Constitution. This is not recommended as it is considered that the proposed updated Officer Code of Conduct, Planning Committee Functions and amendments to the Council Procedure Rules reflect good practice and will support effective and efficient decision making within the Council and support high standards of behaviour both of which underpin good governance.

7.0 Reasons for Recommendations

7.1 The adoption of the documents at Appendix 1A and Appendix 2A and the changes set out in Appendix 3 is considered to be good practice as they take into consideration experience and guidance published since these parts of the Council's constitution were last reviewed and revised.

8.0 Future Work and Conclusions

- 8.1 It is proposed that if the revised documents are adopted, they shall take effect at the close of the Council meeting. The changes will be made to the Constitution, which will be republished on the Council's website as soon as reasonably practicable.

9.0 Financial Implications

- 9.1 There are no direct financial implications arising from the recommendations.

(Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

- 10.1 The Council must have a constitution and the requirements of the constitution are set by statute. It is considered good practice to keep the Constitution under review and update is as appropriate to reflect changing legislation, practice and to ensure that it supports the efficient functioning of the Council.

- 10.2 There are no legal implications arising from the proposed amendments to Part 4 and 5 of the Constitution.

(The Monitoring Officer has been consulted in the preparation this report.)

11.0 Risk & Opportunity Management Implications

- 11.1 Not Applicable

12.0 People Impact Assessment (PIA) and Safeguarding:

- 12.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact; therefore, a full PIA was not required.

13.0 Community Safety Implications

- 13.1 Not applicable

14.0 Staffing & Trade Union Implications

- 14.1 Not applicable

Background Documents: None