

Gloucester City Council

Meeting:	General Purposes Committee Council	Date:	7 November 2024 21 November 2024
Subject:	Constitutional Changes		
Report Of:	Head of Paid Service		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Tanya Davies, Policy and Governance Manager		
	Email: tanya.davies@gloucester.gov.uk	Tel: 39-6125	
Appendices:	1. Draft Revised Council Procedure Rules		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 To consider proposals for various changes to Council Procedure Rules.

2.0 Recommendations

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

- (1) The proposed changes to Council Procedure Rule 6 (Duration of Meetings) be approved.
- (2) The proposed changes to Council Procedure Rule 12 (Questions by Members) and any consequential changes to other Council Procedure Rules or parts of the Constitution be approved.
- (3) The proposed changes to Council Procedure Rule 13 (Motions on Notice) and any consequential changes to other Council Procedure Rules or parts of the Constitution be approved.
- (4) The proposed changes to Council Procedure Rule 15 (Rules of Debate) and any consequential changes to other Council Procedure Rules or parts of the Constitution be approved.
- (5) If agreed, the amendments shall take effect at the close of the Council meeting at which they are agreed.

2.2 Council is asked to **RESOLVE** to consider the recommendations of the General Purposes Committee and, subject to any further changes, that

- (1) The proposed changes to Council Procedure Rule 6 (Duration of Meetings) be approved.
- (2) The proposed changes to Council Procedure Rule 12 (Questions by Members) and any consequential changes to other Council Procedure Rules or parts of the Constitution be approved.
- (3) The proposed changes to Council Procedure Rule 13 (Motions on Notice) and any consequential changes to other Council Procedure Rules or parts of the Constitution be approved.
- (4) The proposed changes to Council Procedure Rule 15 (Rules of Debate) and any consequential changes to other Council Procedure Rules or parts of the Constitution be approved.
- (5) If agreed, the amendments shall take effect at the close of the Council meeting at which they are agreed.

3.0 Background and Key Issues

- 3.1 Following consultation with the General Purposes Committee and other discussions, the Head of Paid Service was asked to prepare a report in order for the Committee to make recommendations to Council on various aspects of the Council Procedure Rules contained within the Constitution.

Duration of Meetings

- 3.2 Recent Council meetings have required use of the provisions of Council Procedure Rule 6 to determine whether the meeting will continue beyond the 3-hour mark. If Members do not vote to close the meeting at that point, there is currently no provision within the Constitution to close the meeting at a later point, meaning that it must continue indefinitely. It considered that the possibility of an indefinite meeting duration at a late hour has the potential to result in a breach of the Council's obligations under the Equalities Act 2010 because of the impact on attendees with caring responsibilities and disabilities. Therefore, it is proposed that Rule 6 be amended to state that, should Members not vote to close a meeting at the 3-hour mark, it can be extended by a maximum of one hour and, at the conclusion of the fourth hour, the meeting must close, and all remaining business will be void. The annual Budget Council meeting is to be excluded from this.

Questions by Members

- 3.3 In November 2021, Council Procedure Rules were amended to replace oral questions without notice to Cabinet Members and Chairs of Committees at Council meetings with a requirement to submit questions in advance. Despite the later introduction of limit of the number questions each Member could ask, the change resulted in a significant and sustained increase in the number of questions submitted for Council meetings, creating a significant draw on Officer time spent preparing and collating responses for publication.
- 3.4 Since the changes were implemented, Members from all political Groups have expressed a desire to return to oral questions without notice. Therefore, it is proposed

that Council Procedure Rule 12 be amended to reinstate the previous 30-minute time slot for Members to ask spontaneous oral questions to the Leader of the Council and Cabinet Members. The approach of giving priority to Group Leaders with two questions and related supplementary questions each would be retained and, thereafter, the time slot would be managed to ensure that, subject to the time limit, other Members could ask one question and related supplementary question before any remaining time is used to permit Members to ask subsequent questions.

- 3.5 It is proposed that oral questions without notice to Chairs of Meetings at Council meetings are also reinstated, with Members permitted to ask questions and related supplementary questions within the 15-minute time slot. There would be no additional facility for written questions to Chairs of Meetings, particularly as the facility is generally utilised much less.
- 3.6 No changes are proposed to the notice requirements for questions to Cabinet Members at meetings of the Cabinet, as the volume of questions has been more manageable, however, to retain the arrangements it is necessary to amend Rule 27 to set them out explicitly as there is no other reference in the rules to written questions from Members.
- 3.7 Other sections in Rule 12, Rule 2 and Rule 27 have been amended to reflect the proposed changes to Questions By Members.

Motions on Notice

- 3.8 In recent years, there has been an increase in the number of Motions on Notice submitted for each Council meeting and on two occasions the time it has taken to conduct the business of the meeting has meant that a number of motions have not been able to be considered because Members voted to close the meeting at the three-hour guillotine. To focus Council business on topics that matter most to Members, Members are invited to consider the following two options:
 1. As is currently the case at Gloucestershire County Council, to limit the time allocated to debating Motions on Notice to a period not exceeding two hours. If agreed, consideration would need to be given to the order of debate and how that would be determined. Any motions not debated within the time allocated would be void and could be resubmitted to a future meeting.
 2. To reinstate a previously unused rule under Rule 13 to require Group Leaders, before each Council meeting, to select which motions which will be debated by a simple majority, with any tied vote settled by weighing the balance of all political group numbers on each side. Any motions not selected for debate could either be voted on without debate OR not be voted on and be resubmitted to a future meeting.
- 3.9 If either of the above options is recommended, a mechanism to determine the order of motions would be required and two options are set out below.
 1. For Group Leaders to decide the order of motions in advance of the meeting, with any tied vote settled by weighing the balance of all political group numbers on each side.

2. For the Managing Director, in consultation with the Mayor, to determine the order of debate for motions to ensure that each Group has the opportunity for their motions to be debated in the time available, the likely outcome being to rotate the order through the Groups.
- 3.10 Following General Purposes Committee, Appendix 1 will be amended to reflect the options recommended by the Committee in respect of Rule 13.
- 3.11 In addition to the increase in the number of Motions on Notice, there has been a trend towards motions seeking to commit significant resources, both financially and in respect of Officer time, which has the potential to divert resources away from strategic objectives and delivery of essential services. Members are already asked to amend any such motions to ensure they are referred to Cabinet, as the decision-maker able to commit such resources, and it is proposed that Rule 13 be amended to make this explicit and also offer the option for the motion to be considered by the Overview and Scrutiny Committee before being referred to Cabinet.

Rules of Debate

- 3.12 To ensure that Members have the opportunity to properly consider all proposed amendments, it is proposed that the requirement for advance notice of amendments to Motions of Notice be extended to all business included on the summons for Council and Committee meetings and that the deadline for amendments to be submitted is moved from noon on the day of the meeting to noon one working day before the meeting, with acceptable amendments to be published by 5.00pm the same day instead of by 3.00pm on the day of the meeting. This will ensure that consideration can be given to the acceptability of any proposed amendments and that, if acceptable, Members have sufficient time to consider and determine their stance on what is proposed. To give effect to this proposal, changes are proposed to Rule 14 and Rules 15.01 and 15.06.

4.0 Social Value Considerations

- 4.1 Not applicable.

5.0 Environmental Implications

- 5.1 Not applicable.

6.0 Alternative Options Considered

- 6.1 Various alternative options have been considered in drawing up the proposals. Members may wish to propose further alternatives for consideration.

7.0 Reasons for Recommendations

- 7.1 It is considered that the recommendations represent the most effective mechanisms by which to conduct business efficiently at Council Meetings.

8.0 Future Work and Conclusions

- 8.1 The proposed amendments, if agreed shall take effect at the close of the Council meeting and therefore be in place for the next ordinary meetings of Council and Cabinet. The changes will be made to the Constitution, which will be republished on the council's website.
- 8.2 Further reviews and proposed revisions will be made in future to reflect the fact that the Constitution is an evolving document.

9.0 Financial Implications

- 9.1 There are no financial implications arising from this report.
- (Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

- 10.1 There are no specific legal implications arising from this report.
- (One Legal have 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