

CABINET

29 June 2005

REVIEW OF DECISION MAKING STRUCTURES, COUNCIL MEETINGS AND MEMBER SERVICES

REPORT OF CITY SECRETARY AND SOLICITOR

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RECENT REFERENCES:

PS167 – Review of Decision Making Structures and Member Services (Principal Scrutiny Committee on 29 March Minute1037 and Cabinet on 4 April 2005 Minute1063 refer)

EXECUTIVE SUMMARY:

Cabinet and Principal Scrutiny Committee have considered Report PS167 and made a number of recommendations, which were agreed by Council on 13 April 2005, including the reference of some matters to a meeting of Group Leaders, which was subsequently held on 23 May 2005.

The Group Leaders took the opportunity to review all 21 recommendations and made a number of comments, which are set out as Appendix A to this report for consideration and referral to Council where appropriate.

The consequential changes required to the Constitution are set out as Appendix B.

RECOMMENDED TO CABINET AND COUNCIL:

1. That the proposed changes to the Council Procedure Rules, as shown in track changes on Appendix B , be approved and adopted
2. That the proposal to request all Members at the beginning of each Municipal Year, to either opt in or out of receiving full paper copies of the Planning Development Control and the Licensing & Regulation Committee agendas be agreed.

3. That the continuation of buffets before meetings, with numbers based upon two thirds of the Committee membership, be agreed.

RECOMMENDED TO CABINET:

That the remaining points made by the Group Leaders at their meeting held on 23 May 2005, as set out in Appendix A, be agreed and the general progress on other matters be noted.

OTHER CONSIDERATIONS:

- 1 CORPORATE STRATEGY (RELEVANCE TO):

To have efficient structures and procedures to provide political leadership to the Council.

- 2 RESOURCE IMPLICATIONS:

There should be some savings arising from the reduction in paper usage and obtaining more accurate numbers for Member buffets.

BACKGROUND DOCUMENTS:

None

APPENDICES

Appendix A – Update and Recommendations from Group Leaders Meeting (23 May 2005)

Appendix B – Proposed Changes to the Council Procedure Rules

UPDATE AND RECOMMENDATIONS FROM GROUP LEADERS MEETING (23 MAY 2005)

1. THAT DELEGATED MINUTES IN THE COUNCIL MINUTE BOOK SHOULD BE DEALT WITH EN BLOC AT THE END OF THE COUNCIL MEETING AGENDA.

This will be introduced at the Council meeting to be held on 20 July 2005 and the Council Procedure Rules amended accordingly.

2. THAT MEMBERS RECEIVE FURTHER TRAINING ON PROCEDURES AT COUNCIL INCLUDING THE RULES OF DEBATE AND THE USE OF AND TIME LIMITS FOR COUNCIL QUESTIONS.

A Member Training evening to cover Council Procedures has been scheduled for Monday 25 July 2005.

3. THAT GROUP LEADERS CONSIDER WITHIN THEIR GROUPS HOW COUNCIL QUESTIONS CAN BE FOCUSED ON ISSUES THAT ARE RELEVANT TO FULL COUNCIL AND ARE NOT USED SIMPLY TO OBTAIN INFORMATION THAT COULD HAVE BEEN OBTAINED BY OTHER MEANS.

It was agreed that improvements could be achieved if each Group undertook an internal 'sift' of questions at an early stage, to ensure as far as possible that Council would be the most appropriate forum at which to raise the issue(s) concerned. There would be no need to amend the Council Procedure Rules for this to happen.

4. THAT, WHERE APPROPRIATE, THE COUNCIL'S PARTNERS BE INVITED AND BE ABLE TO ADDRESS FULL COUNCIL BEFORE A RELEVANT DEBATE.

It was agreed to continue the current ad hoc arrangements, although 'partners' should not include commercial organisations. There would be no need to amend the Council Procedure Rules, because there was already provision for the Rules to be waived for this to happen.

5. THAT CONSIDERATION BE GIVEN TO AMENDING THE CONSTITUTION SO AS TO PROVIDE A GREATER OPPORTUNITY FOR AN INITIAL DISCUSSION TO TAKE PLACE AT THE FIRST COUNCIL MEETING WHERE NOTICES OF MOTION ARE RAISED TO HELP IDENTIFY SOME OF THE ISSUES IN THE PREPARATION OF THE SUBSEQUENT REPORT.

It was agreed that some initial discussion would be useful, perhaps with an overall time limit of 15 – 20 minutes. An amendment to Council Procedure Rules would be required.

6. THAT IN ORDER TO MAKE COUNCIL MEETINGS MORE ACCESSIBLE AND RELEVANT TO THE PUBLIC, CONSIDERATION SHOULD BE GIVEN TO AMEND THE CONSTITUTION SO THAT AN INITIAL

DISCUSSION CAN BE HELD ON ANY PETITION SUBMITTED TO COUNCIL BEFORE REFERRING IT TO THE RELEVANT BODY FOR FURTHER CONSIDERATION.

It was agreed that, as with item 6 above, an initial discussion of a similar duration would be useful and Council Procedure Rules should be amended accordingly.

7. THAT THE PROCEDURES FOR RECOMMENDATIONS 5 TO 6 BE BASED ON A FULL MINUTE BEING TAKEN OF POINTS BEING MADE, WITHOUT FORMAL MOTIONS BEING CONSIDERED.

This was agreed and Council Procedure Rules should be amended accordingly.

8. THAT THE CONSIDERATION OF THE PERFORMANCE PLAN IN JUNE SHOULD PROVIDE AN OPPORTUNITY FOR AN OVERVIEW OF THE COUNCIL'S POLICIES AND PROGRESS AND THAT THE RESULTANT MEMBER DISCUSSION COULD ASSIST IN THE DEVELOPMENT OF FUTURE STRATEGIES, PLANS AND WORK PROGRAMMES.

This was agreed without further comment.

9. THAT THE PUBLICATION OF THE COUNCIL MINUTE BOOK BE CONTINUED.

This was agreed without further comment.

10. THAT THE COUNCIL SHOULD LEARN FROM BEST PRACTICE AT OTHER LOCAL AUTHORITIES REGARDING HOW TO DEVELOP THE ROLE OF THE WARD MEMBER AND A FURTHER REPORT BE CONSIDERED IN DUE COURSE.

Arrangements will be made for the appropriate Members and officers to visit some other relevant local authorities in the autumn to examine alternative practices.

11. THAT PAPER COPIES OF THE AGENDA AND REPORTS OF CABINET AND PRINCIPAL SCRUTINY COMMITTEE CONTINUE TO BE SENT TO ALL MEMBERS.

Agreed

12. THAT, IN ORDER TO ACHIEVE SAVINGS THROUGH REDUCED PRINTING COSTS:

a) THAT WITH REGARD TO THE PLANNING DEVELOPMENT CONTROL COMMITTEE AND THE LICENSING AND REGULATION COMMITTEE (*and sub committee*) MEMBERS OF THESE COMMITTEES SHOULD CONTINUE TO RECEIVE A FULL SET OF AGENDAS AND REPORTS. ALL OTHER MEMBERS SHOULD RECEIVE PAPER COPIES OF THE AGENDA AND INTRODUCTORY PAGES OF THE PLANNING SCHEDULE (AND SIMILAR INFORMATION FOR THE LICENSING AND

REGULATION COMMITTEE) ONLY, CLEARLY INDICATING THE AVAILABILITY OF FURTHER INFORMATION THROUGH EITHER THE COUNCIL'S WEBSITE OR FROM THE CITY SECRETARY AND SOLICITOR.

b) THAT THE CIRCULATION OF THE PAPER COPIES OF THE REPORTS OF ALL OTHER COMMITTEES AND FORUMS OF THE COUNCIL ETC. BE RESTRICTED TO THE RELEVANT MEMBERS AND DEPUTY MEMBERS OF THESE COMMITTEES, THE PORTFOLIO HOLDERS AND GROUP LEADERS. *(and the Chairman of Principal Scrutiny Committee)*

c) THAT ONLY PAPER COPIES OF THE AGENDAS OF THESE OTHER COMMITTEES AND FORUMS ETC SHOULD BE SENT TO ALL MEMBERS INDICATING WHERE FURTHER INFORMATION CAN BE ACCESSED THROUGH EITHER THE COUNCIL'S WEBSITE OR FROM THE CITY SECRETARY AND SOLICITOR.

The Group Leaders agreed with all of the above, subject to all Members being allowed at the beginning of each Municipal Year, to either opt in or out of receiving full copies of the Planning and Licensing agendas. To progress this matter, all Members were asked three weeks ago to indicate which they would prefer and the results were four (non-committee) Members who wished to receive full sets of Licensing agendas and seven (non-committee) Members who required the full Planning agenda. The remaining non-committee members who have not responded will be assumed to have opted for the agenda sheet only in both cases.

It is proposed that the agreed system be introduced for the meetings cycle commencing after Council on 20 July 2005.

The City Secretary and Solicitor reported that action had been taken to reduce the need for officer paper copies of full agendas. To date, a 23% reduction in agenda circulation has been achieved across the Departments.

13. THAT THE PROVISION OF MEMBERS' BUFFETS PRIOR TO EVENING MEETINGS BE DISCONTINUED.

It was agreed that buffets be continued and based upon a number which was two thirds of the Committee membership.

14. THAT GROUP LEADERS SHOULD BE FORMALLY CONSULTED ON THE DRAFT COPY OF THE ANNUAL TRAINING PROGRAMME.

The Group Leaders considered the draft Programme and approved the content, subject to emphasising the need to take account of other evening commitments and not to 'over-crowd' any particular month with training dates. The final Programme has since been circulated to all Members.

15. THAT THE MEMBERS' CHARTER BE REVISITED AND IN PARTICULAR THE SECTION REGARDING THE COMMUNICATION BETWEEN MEMBERS AND OFFICERS ON WARD ISSUES.

It was agreed that this be undertaken as soon as practicable.

16. THAT CONSIDERATION BE GIVEN TO WIDEN THE SCOPE OF PORTFOLIO HOLDERS' DECISION NOTICES AND A FURTHER REPORT BE MADE IN DUE COURSE.

It was agreed that this be undertaken as soon as practicable.

17. THAT, IN MOST INCIDENCES, TRAFFIC ORDERS SHOULD BE DECIDED BY THE PORTFOLIO HOLDER FOR ECONOMY AND TRANSPORT, BUT THAT THERE SHOULD BE PROVISION FOR THE PORTFOLIO HOLDER TO REFER MORE CONTENTIOUS TRAFFIC ORDERS TO A COMMITTEE OF CABINET.

This was agreed and has since been approved by Cabinet.

18. THAT THE MEMBERSHIP OF THE STANDARDS COMMITTEE BE AMENDED TO 6 (7) COUNCILLORS, 4 (3) INDEPENDENT MEMBERS, AND 3 (2) PARISH REPRESENTATIVES (PREVIOUS MEMBERSHIP SHOWN IN BRACKETS). THE CHAIRMAN SHOULD BE DRAWN FROM THE INDEPENDENT MEMBERS ON THE COMMITTEE.

This was agreed by Council on 13 April 2005 and Councillor appointments were duly made at the Annual Meeting.

19. THAT THE WINCHESTER TOWN FORUM BE INVITED TO CONSIDER ACCEPTING DELEGATED POWERS TO DETERMINE GRANTS FROM THE TOWN ACCOUNT AND WITHIN AN APPROVED BUDGET CEILING.

At its meeting on 9 June 2005, the Town Forum agreed to accept these delegated powers and the minute extract is set out elsewhere in this agenda. The necessary amendment to the Scheme of Delegation contained in the Constitution will be included in the report on consequential changes.

20. THAT DRAFT SUPPLEMENTARY PLANNING GUIDANCE, SUCH AS VILLAGE/NEIGHBOURHOOD DESIGN STATEMENTS, SHOULD BE APPROVED FOR PUBLICATION BY THE PORTFOLIO HOLDER FOR PLANNING, WITH APPROVAL OF THE FINAL DOCUMENT TO BE MADE BY CABINET, THUS ALLOWING COUNCIL MORE TIME TO FOCUS ON KEY ISSUES.

The amendment to the Scheme of Delegation contained in the Constitution will be included in the report on consequential changes.

21. THAT A FURTHER REPORT BE MADE IN DUE COURSE TO MAKE THE APPROPRIATE CHANGES TO THE CONSTITUTION.

A report containing all the consequential amendments will be submitted to Council.

PROPOSED CONSEQUENTIAL CHANGES TO THE CONSTITUTION

Proposed amendments are shown in track changes below.

COUNCIL PROCEDURE RULES

7. ORDER OF BUSINESS

- (1) Except where the Council on the ground of urgency vary the order of business in accordance with paragraph (2) of this Procedure Rule, the order of business at every ordinary meeting of the Council shall be:
 - (a) To choose a person to preside if the Mayor and Deputy Mayor be absent.
 - (b) To deal with any business required by statute to be done before any other business.
 - (c) To approve as a correct record and sign the minutes of the last meeting of the Council.
 - (d) To receive any declarations of interest from members
 - (e) To deal with business expressly required by statute to be done.
 - (f) To receive such communications as the Mayor, Leader or Chief Executive may desire to lay before the Council.
 - (g) To answer questions asked pursuant to Procedure Rule 14.
 - (h) To receive petitions under Procedure Rule 15.
 - (i) To dispose of business (if any) remaining from the last meeting.
 - (j) To receive and consider reports of the Cabinet and of Committees which require determination by Council.
 - (k) To consider notices of motion in the order in which they have been received.
 - (l) To consider any urgent items under Procedure Rule 13.
 - (m) To consider the making or termination of appointments to bodies set up by the Council.
 - (n) To note the delegated minutes of the Cabinet and of Committees
- (2) The order of business may be varied by a resolution passed on a motion duly moved and seconded, which shall be put without

discussion, provided that business falling under items (a), (b) or (c) of paragraph (1) shall not be displaced.

9. NOTICES OF MOTION

- (1) Except as provided by Procedure Rule 10, notice of every motion shall be in writing, signed by the member or members of the Council giving the notice and delivered to the Chief Executive by 10am on the Monday of the preceding week to the meeting of the Council on the Wednesday (or the same timescale in working days should the Council meet on another day).
- (2) The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the member giving such a notice has, when giving it, intimated in writing that he/she proposed to move it at some later meeting or has withdrawn it in writing.
- (3) If a motion thus set out in the summons be not moved it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.
- (4) A motion shall only be moved by a member by whom notice has been given, or by a member authorised by such a member.
- (5) A period of up to 20 minutes shall be allowed for the Council to have an initial discussion about the motion, such period to be in addition to any introductory speech by the mover (which may be up to eight minutes). A summary of that discussion will be included in the minutes of the meeting.
- (6) If the subject matter of any motion of which notice has been duly given comes within the province of any overview and scrutiny committee it shall, upon being moved and seconded and following any discussion as in (5) above, stand referred to such Committee, or to Cabinet or such other Committee or Committees as the Council may determine, for consideration and report. All such reports from Committees shall then be referred initially to the Cabinet for consideration and comment if they relate to an executive function, and then referred to the Council for decision. Provided that, except in relation to a motion on a financial matter and subject to Procedure Rule 3, the Mayor may, if he/she considers it convenient and conducive to the despatch of business, allow such motion to be dealt with at the meeting at which it is brought forward.
- (6) Motions must be about matters for which the Council has powers or duties or which affect the District.

12. PRESENTATION OF MINUTES

- (1) Minutes of Cabinet or Committees presented to the Council shall be divided as between:-
 - (a) Referred minutes (as indicated in Part 3 of this Constitution – Responsibility for Functions) in respect of which the Council's confirmation or instructions are required, and
 - (b) Delegated minutes which do not require confirmation by the Council.
- (2) The Chief Executive shall be authorised to determine the order in which the referred minutes shall be debated, having regard to the relative importance of each matter, and shall arrange the agenda accordingly.

##Renumber remaining paragraphs##
- (2) The Chairman will be deemed to have moved that the minutes of the Cabinet or of his/her Committee be received and adopted, unless he/she indicates to the contrary at the meeting.
- (3) In respect of the referred minutes of the Cabinet or of a Committee, the Mayor, or if the Mayor so wishes the Chief Executive, will read out the number and heading of each minute in order whereupon:
 - (a) the Chairman will make no introduction unless the minute is of special importance;
 - (b) if no member rises to speak that minute will be deemed to be confirmed and the next minute will be called;
 - (c) if discussion of a minute commences the Mayor will permit questions and then debate (and appropriate votes) on that minute but members may question matters of fact arising during the debate.
- (4) Where the Council has before it referred minutes of more than one body on the same subject the following procedure shall apply (unless the Council resolves otherwise in any particular case):-
 - (a) All such minutes shall be taken together when the minute of the earliest meeting is presented;
 - (b) any introductions by the Chairmen of the appropriate body shall be made in the same order as the dates of the relevant meetings.
 - (c) if no member rises to speak on any of the minutes they shall all be deemed to be confirmed;
 - (d) motions or amendments may be moved in respect of any of the referred minutes before the Council but any amendments may only relate to one minute;

- (e) Chairmen exercising their right of reply under Procedure Rule 16 (13) shall do so in the same order as the dates of the relevant meetings provided that the Chairman of the Cabinet shall have the final right of reply.
- (5) The Mayor will take any questions of which due notice has been given under Procedure Rule 14(2)(a) in respect of any delegated minute of the Committee, immediately following the noting of all the delegated minutes .

15. PRESENTATION OF PETITIONS

- (1) At any meeting of the Council (except the annual meeting) or any meeting of Cabinet, or of an overview and scrutiny committee, any member of the Council, or a local government elector for, or resident of, the area of the Council may present a petition on any matter in relation to which the Council has powers or duties or which affects the District.
- (2) The person wishing to present the petition shall give notice of his/her intention to do so to the Chief Executive or City Secretary & Solicitor by 10am on the Thursday immediately preceding the Council meeting on the Wednesday at which the petition is to be presented (or the same timescale in working days should the Council meet on another day) and shall show him/her the petition. Where the person proposing to present the petition is not a member of the Council, the notice of intention to present a petition shall not be accepted unless the Chief Executive or City Secretary & Solicitor has satisfied himself/herself that the petition is proper to be presented.
- (3) A petitioner shall have the choice of where he/she wishes the petition to be first heard. This may be at Council, or the relevant overview and scrutiny committee (as determined by the Chief Executive or City Secretary & Solicitor), or Cabinet. The petitioner shall have the right to address the meeting he/she has selected, and also a later Council meeting, should the matter be referred there for final consideration.
- (4) If the petitioner wishes the petition to be first heard at Council, it shall, after being presented and following any initial discussion pursuant to (6) below, stand referred to the Cabinet or the appropriate policy review committee, as directed by Council. In those circumstances, the petitioner shall not have the right to address either Cabinet or the appropriate overview and scrutiny committee, under the provisions of this Procedure Rule.
- (5) The presentation of a petition shall be limited to not more than five minutes and shall be confined to reading out, or summarising, the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the person presenting it shall think fit.
- (6) A period of up to 20 minutes shall be allowed for the Council to have an initial discussion following presentation of the petition, such

period to be in addition to any supporting speech by the petitioner (which may be up to five minutes). A summary of that discussion will be included in the minutes of the meeting

- (7) The number of petitions to be presented at any meeting of the Council, Cabinet or overview and scrutiny committee shall not exceed two.
- (8) The above procedures shall not apply in respect of planning development control or licensing applications, for which special arrangements exist with regard to public participation.
