

Full Council

22 May 2018



Report of: Shahzia Daya, Director – Legal and Democratic Services

Title: Constitution changes

Ward: Citywide

Officer Presenting Report: Not applicable

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Recommendation

To approve changes to the Council's constitution.

The full details of the proposed changes are set out in the body of the report, and in the appendices. Details of votes to be taken at the meeting are also set out in the body of the report.

Summary

The report sets out a number of constitutional changes which require Full Council approval.

The significant issues in the report are:

As set out in the main report. The most significant changes are highlighted in this covering report and in Appendix A.

The full changes are set out in Appendix B as “tracked changes” documents.

Audit Committee comments are set out in Appendix C.



Policy

1. Not applicable

Consultation

2. **Internal**
Party group leaders and whips
3. **External**
Not applicable

Context

4. Constitutional changes require the approval of the Full Council.

Background

5. Section 37 of the Local Government Act 2000 requires the Council to keep its constitution under review.

These proposals have been developed based on feedback/engagement from the following:

- The Constitution Working Group noting that this group met throughout 2016-17
- Feedback from all party political groups via Party Group Leaders
- Feedback from Audit Committee
- Peer review by Lewisham Council
- Outcomes from the Scrutiny review of ways of working
- Feedback from the Scrutiny Task and Finish Group on Commissioning and Procurement

COUNCIL PROCEDURE RULE 21.2

6. Council procedure rule 21.2 provides that any motion to add to, vary or revoke the Council Procedure Rules (CPR 21.2) will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Full Council. **In order to give immediate effect to any changes to the Council Procedure Rules agreed at this meeting, it is recommended that CPR 21.2 be suspended for the purposes of this meeting.**

VOTE 1 – SUSPENSION OF COUNCIL PROCEDURE RULE 21.2

Full Council is therefore asked to VOTE on the following motion (the motion will need to be moved and seconded prior to voting taking place):

THAT FULL COUNCIL AGREES TO SUSPEND COUNCIL PROCEDURE RULE 21.2 SO THAT THE PROPOSED AMENDMENTS TO THE COUNCIL PROCEDURE RULES CAN TAKE IMMEDIATE EFFECT, IF APPROVED.

Proposal

7. The Council’s constitution is its primary document setting out how it operates its decision making processes and is comprised of the following parts:
 - Part 1 - Summary and explanation
 - Part 2 - Articles of the constitution
 - Part 3 - Responsibility for functions
 - Part 4 - Council procedure rules
 - Part 5 - Council codes and protocols
 - Part 6 - Members allowances scheme
 - Part 7 - Council’s management structure
 - Part 8 - Members’ contact details
 - Part 9 - Mayor’s Forward plan & Officer schemes of delegation

8. Appendix A sets out a summary in table form of the main changes proposed and also includes details of some other proposals that were put forward during the constitution review process but which are not being recommended for approval at this meeting. At Appendix B, documents are attached showing the full “tracked changes” that are being proposed. The comments of the Audit Committee (from their meeting held on 2 May 2018) are included at Appendix C.

SUMMARY OF MAIN CONSTITUTION CHANGES:

9. Set out below is a summary of the main constitution changes **proposed for approval at this meeting:**
 1. **Changes to Full Council meetings/arrangements:**
 - a. **Time limit:** The time limit for Full Council to be reduced to 2.5 hours, not including the 1 hour Member Forum. Any extension to the time limit of a Full Council meeting to be at the discretion of the Lord Mayor.
 - b. **Start time:** The start time of Full Council meetings will be either 2.00 pm or 6.00 pm. The proposal is that the meetings in May (annual meeting), December, January, and February (budget meeting) will start at 2.00 pm, and the July, September, November and March meetings will start at 6.00 pm.

- c. **Agenda publication:** The agenda for Full Council meetings to be brought forward by one working day and published 6 clear working days in advance of a Full Council meeting (not including the day of publication or the day of the meeting). By way of example, this would mean that the agenda for the meeting of the Tuesday 17 July 2018 Full Council meeting would be published on Friday 6 July 2018. In light of this proposal, the deadline for the submission of motions will be 7 clear working days in advance of a Full Council meeting. Again, by way of example, this would mean the deadline for the submission of motions ahead of the 17 July 2018 Full Council meeting would be 5.00 pm on Thursday 5 July 2018.
- d. **Petitions - Option to raise petition signature threshold to qualify for a Full Council debate:** Under the current rules, a petition that secures 3500 signatures from people who live, work or study in Bristol can qualify for a Full Council debate (if the petition organiser wishes to take up this right). Under this option, it is proposed that the qualifying signature threshold is raised to 1% of Bristol’s population. Each May, to coincide with the annual Council meeting, a qualifying “number” of signatures required to meet the threshold for a Full Council debate will be published. In light of the latest estimate of Bristol’s population, the qualifying signature threshold would be 4,500 for the 2018-19 municipal year.
- e. **Election of Lord Mayor - Option to change the Lord Mayor selection process, to apply from the start of the 2019-20 municipal year:** Under this option, it is proposed that, with effect from the 2019-20 municipal year, a new Lord Mayor selection process will be brought into place. This process would operate in a similar way to the model by which the Speaker of the House of Commons is elected. Candidates would be nominated at Full Council from a pool of all councillors. A Full Council vote(s) would then take place in respect of those candidates meeting an agreed nominations “threshold” (10% of the Full Council membership is suggested). If this option is approved, it is proposed that the exact model/arrangements for the operation of the Lord Mayor selection process will be agreed through the party group whips. This option would replace the current informal arrangement where the role is rotated between the party groups each year.
- f. **Motions - Option for “Golden” (first priority) motions to be allocated so as to reflect the political proportionality of the Full Council membership:** Under this option, over the course of a municipal year, “Golden” motions would be allocated to political groups in line with the political proportionality of the Full Council membership (as far as is reasonably practicable). By way of example, for the forthcoming municipal year (where 6 Full Council meetings will consider motions), the allocation of “Golden” motions would be as follows:

Political Group	Number of allocated “Golden” motions
Labour	3
Conservative	1
Green	1
Liberal Democrat	1

- g. **Reports from Mayoral Commissions:** Each Mayoral commission (e.g. Bristol Women’s Commission) may submit/present a progress report to Full Council each year for information.

- h. **Member Forum (held in the hour preceding Full Council) questions deadline:** The deadline for Member Forum questions (maximum of 2 questions per councillor) to be 5 clear working days ahead of a Full Council meeting. Written replies to questions from the Mayor/relevant Cabinet member to be published by 12 noon on the working day prior to a Full Council meeting. In light of this proposal, by way of example, the deadline for questions ahead of the Tuesday 17 July Member Forum would be 5.00 pm on Monday 9 July 2018; written replies would be published by 12 noon on Monday 16 July 2018.

2. Changes to Scrutiny meetings/arrangements:

- a. **Chair of OSM Board:** The Chair of the OSM Board to be a member of the largest political group that the Mayor is not a member of.
- b. **Scrutiny Task groups:** The membership of Scrutiny Task groups (set up by the OSM Board) to reflect the political proportionality of the Full Council membership.

3. Option for the chairing of Scrutiny and other committees :

In advance of the formal appointment of scrutiny and other committee chairs, party group whips usually agree the allocation of chairs between the political groups.

Under this option, that allocation of the chairs of scrutiny and other committees would reflect the political proportionality of the Full Council membership. For the purposes of allocating the chairs of these bodies in line with political proportionality, the allocation of Cabinet member positions will not be taken into account. Also under this option, the chairs of the scrutiny commissions should not be members of the same political group as the Mayor.

Under this option, therefore, taking the above into account, the chairs of the following bodies will be allocated on a politically proportionate basis:

Scrutiny Commissions:

OSM Board)	
Adult, Children and Education scrutiny commission)	Chairs of scrutiny bodies not to be a member of the same political group as the Mayor
Communities scrutiny commission)	
Growth and Regeneration scrutiny commission)	
Resources scrutiny commission)	

Regulatory/other committees:

Development Control Committee A
 Development Control Committee B
 Public Safety and Protection Committee
 Public Rights of Way
 Licensing Committee
 Audit Committee

Human Resources Committee (or Employment & Remuneration Committee, depending on other decisions taken on the constitution at this meeting)

4. Health and Safety:

A Health and Safety Committee to be established (to govern employee health and safety), elevated to the status of a public, democratic meeting.

5. Standards (Values and Ethics):

The Audit Committee to appoint a Values and Ethics Sub-Committee. The membership of the sub-committee shall comprise 1 member of each political group represented on the Audit Committee; the sub-committee to be chaired by an independent member.

6. Recommendation from the Human Resources Committee that the name of the committee be changed to “Employment and Remuneration Committee” and that the Selection Committee be incorporated within the Employment and Remuneration Committee:

This is a recommendation from the Human Resources Committee following their review of the committee’s terms of reference.

VOTING ON THE CONSTITUTION CHANGES:

10. Following discussions in advance of this meeting between the Mayor and party group leaders, Full Council is asked to debate and then vote on the following particular options included within the proposed constitution changes:

VOTE 2 – VOTE ON OPTION TO RAISE THE SIGNATURE THRESHOLD FOR PETITIONS QUALIFYING FOR A FULL COUNCIL DEBATE TO 1% OF BRISTOL’S POPULATION

Full Council is asked to debate and then VOTE on the above option.

Note: If this option is not approved, the current rule (i.e. a signature threshold of 3500) will remain in place.

VOTE 3 – VOTE ON OPTION TO INTRODUCE A NEW SELECTION PROCESS FOR THE LORD MAYOR, TO APPLY FROM 2019-20

Full Council is asked to debate and then VOTE on the above option.

Note: if the option is approved, the detailed arrangements for the Lord Mayor selection process will be agreed through the party group whips.

Note: If the option is not approved, the current process for the election of the Lord Mayor will stay in place.

VOTE 4 – VOTE ON OPTION FOR “GOLDEN” (FIRST PRIORITY) MOTIONS TO BE ALLOCATED SO AS TO REFLECT THE POLITICAL PROPORTIONALITY OF THE FULL COUNCIL MEMBERSHIP

Full Council is asked to debate and then VOTE on the above option.

Note: If this option is not approved, the current process (under which the allocation of the “Golden” motion rotates on a rolling basis between the political groups) will stay in place.

VOTE 5 – VOTE ON OPTION FOR THE ALLOCATION OF THE CHAIRS OF SCRUTINY AND OTHER COMMITTEES TO REFLECT THE POLITICAL PROPORTIONALITY OF THE FULL COUNCIL MEMBERSHIP, ON THE BASIS THAT THE CHAIRS OF SCRUTINY COMMISSIONS SHOULD NOT BE MEMBERS OF THE SAME POLITICAL GROUP AS THE MAYOR.

Full Council is asked to debate and then VOTE on the above option.

Note: If this option is not approved, the current chair allocation process will stay in place.

VOTE 6 – VOTE ON RECOMMENDATION FROM THE HUMAN RESOURCES THAT THE NAME OF THE COMMITTEE BE CHANGED TO “EMPLOYMENT AND REMUNERATION COMMITTEE” AND THAT THE SELECTION COMMITTEE BE INCORPORATED WITHIN THE EMPLOYMENT AND REMUNERATION COMMITTEE.

Full Council is asked to debate and then VOTE on this recommendation /option.

Note: If this option is not approved, the currently agreed Human Resources and Selection Committees will remain in place.

11. Following the voting process on the above options, the Full Council is asked to vote “en bloc” on the remaining constitutional changes:

VOTE 7 – VOTE ON ALL OTHER CONSTITUTION CHANGES

Full Council is asked to VOTE on all other constitution changes, i.e. as per the tracked changes document set out in Appendix B. In so doing, the Full Council is asked to delegate authority to the Monitoring Officer to finalise and publish the updated Constitution.

Note: the Monitoring Officer has delegated authority to make minor adjustments and administrative changes to the constitution as necessary.

Other Options Considered

Not applicable.

Risk Assessment

Not applicable.

Public Sector Equality Duties

Not applicable.

Legal and Resource Implications

Legal

As set out in the main body of the report, constitutional changes require Full Council approval.

(Legal advice provided by Shahzia Daya, Director – Legal and Democratic Services)

Financial

Not applicable.

Land

Not applicable.

Personnel

Not applicable.

Appendices:

Appendix A – summary in table form of the main constitution changes proposed, also including detail of some other proposals that were put forward during the constitution review process but which are not being recommended for approval at this meeting.

Appendix B – Documents showing the full detail of the “tracked changes” to the constitution.

Appendix C – Audit Committee comments

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: None.