

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 5
6 OCTOBER 2022	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Coles, Cabinet Member for Finance and Corporate Governance	
Contact Officer(s):	Fiona McMillan, Director of Law and Governance and Monitoring Officer	Tel.

CONSTITUTION UPDATES

RECOMMENDATIONS	
FROM: <i>Fiona McMillan, Director of Law and Governance and Monitoring Officer</i>	Deadline date: N/A
<p>It is recommended that the Constitution and Ethics Committee:</p> <p>Council Agenda Structure and Questions on Notice</p> <p>1. Consider any changes to the Council Standing Orders it wishes to recommend to Full Council in relation to the order of Council business.</p> <p>2. Consider any changes to the Council Standing Orders it wishes to recommend to Full Council in relation to the process for submitting, asking and answering Questions on Notice.</p> <p>Motions with Significant Implications</p> <p>3. Consider any changes to the Council Standing Orders it wishes to recommend to Full Council in relation to Motions with Significant Implications.</p> <p>Constitution Naming Conventions</p> <p>4. Consider the recommendation of the Task and Finish Group to promote equality and diversity amongst Councillors with regards to naming conventions and make any recommendations to Full Council</p> <p>Officer Employment Rules</p> <p>5. Consider and recommend to Full Council updating the Officer Employment Rules as set out in section 4.9 of the report</p>	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Constitution and Ethics Committee following a request from the Monitoring Officer and as part of the Committee's work programme.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to review and update the constitution and recommend to Full Council any changes to the constitution as agreed by the Committee.

2.2 This report is for Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1

Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. **BACKGROUND AND KEY ISSUES**

COUNCIL AGENDA STRUCTURE AND QUESTIONS ON NOTICE

4.1 At the Constitution and Ethics Committee meeting in March 2022 the Committee debated 'Ward Specific' questions and agreed to leave the process as it was, with a more general consideration of Questions on Notice to be brought to a future meeting, as well as consideration of the overall Council agenda structure.

The order of business for normal business meetings of Council is set out within Council Standing Orders (at paragraph 2.1). An example of what a typical Council agenda currently looks like is set out at **Appendix 1**.

Council Standing Orders 16 and 18 relate to Questions on Notice from the public and Members respectively.

Questions on Notice from the public are heard first, with a 30-minute overall time limit. Any petitions from the public or Members are then received, prior to taking any questions from Members. Question on Notice from Members have a separate time limit of 30-minute for questions to Cabinet Members and Chairs, and an additional 15-minutes for questions to Combined Authority Representatives.

Currently, the public are limited to two questions each, with Members also being limited to two questions each to the Cabinet and Chairs, with one additional question available for Combined Authority Representatives.

Possible alterations that could be considered to the process are:

- Amending the number of questions permitted for each member of the public or Council Member.
- Introducing a limit on the total number of questions permitted at each meeting.
- Amending the various time limits for asking Questions on Notice.

MOTIONS WITH SIGNIFICANT IMPLICATIONS

4.2 At the Full Council meeting held on 3 March 2021 the further criteria of 'Motions with Major Implications' was added to Council Standing Orders. This required motions with significant resource implications (the equivalent of £100,000 or more) or a significant impact on Council policy or procedures, the Council's strategic/contractual partners, or the city as a whole be received in draft form 14 clear days before the meeting. Nine clear days before the meeting such motions will be published alongside a briefing note from the relevant Director.

This was considered by the Committee at its meeting in November 2021, where it was agreed to continue with the revised process and review it again in six-months' time.

The Committee may wish to change this process in some manner, including definitions, deadlines, or reverting to the previous process which made no distinction between 'significant' implications or 'non-significant' implications.

CONSTITUTION NAMING CONVENTIONS

- 4.3 The Task and Finish Group to promote equality and diversity amongst Councillors recommended that the constitution should be amended to update the use of any "Chairman" title to "Chair" and that it should be at the Mayor's discretion whether they are addressed as "Mr Mayor", "Madam Mayor" or in the same format as Councillors, for example "Mayor" and then surname.
- 4.4 The Committee may wish to consider further options with regards to the naming conventions, which could include allowing those members appointed to chair a committee to decide individually their preference.

OFFICER EMPLOYMENT RULES

- 4.5 The Officer Employment rules set out the rules that govern the way that officers are appointed and dismissed and focus in particular on the role that elected members have in officer appointments and dismissals.
- 4.6 Within the Officer Employment rules it sets out the period within which objection from a member of the executive to the appointment or dismissal is to be made to the Leader is at least 2 clear days.
- 4.7 The regulations set out in the Local Authorities (Standing Orders) (England) Regulations 2001, as amended, sets out the parameters for notifying members of the Executive on the appointment that the Employment Committee wishes to make:
- (b) the proper officer has notified every member of the executive of the authority of—
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and
 - (c) either—
 - (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any other member of the executive has any objection to the making of the offer;
 - (ii) the proper officer has notified the appointor that no objection was received by him within that period from the executive leader; or
 - (iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
- 4.8 There is no legal specified time period for which well-founded objections need to be given to the Leader. It is therefore suggested that the Officer Employment rules are updated to modify this given the Leader sits on the Employment Committee.
- 4.9 The Chief Executive and Assistant Director of Human Resources have also requested that the Officer Employment Rules, along with the terms of reference of the Employment Committee, are amended to remove the requirement for the Employment Committee to appoint Deputy Chief Officers, as this makes the process overly onerous in terms of timescales. There is no legal requirement for this to happen and it is not a usual approach for a council to take, as most focus solely on Chief Officer appointments only in order to fulfil legal requirements. It is proposed that

this requirement is removed so appointment is the responsibility of the Chief Executive as Head of Paid Service.

Proposed amendments to Officer Employment Rules are attached at Appendix 2 and if agreed, amendments will also be made to the terms of reference of Employment Committee.

5. CONSULTATION

- 5.1 Members of the Constitution and Ethics Committee are consulted and agree any recommendations before being presented to Full Council
- 5.2 With regards to the Officer Employment Rules, consultation has taken place with the Chief Executive and Assistant Director HR and Organisational Development.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 If any of the changes to the constitution are agreed they will be presented to Full Council.

7. REASON FOR THE RECOMMENDATION

- 7.1 These recommendations are presented to Committee to strengthen the constitution and streamline some of the processes and procedure where appropriate.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The Committee may decide to not agree to any further changes and keep the status quo.

9. IMPLICATIONS

Financial Implications

- 9.1 There are none.

Legal Implications

- 9.2 There are none.

Equalities Implications

- 9.3 There are none.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 [Officer Employment Rules Part 4 Section 9](#)
Council Standing Orders
Recommendations and reports from the Task and Finish Group to promote equality and diversity amongst Councillors

11. APPENDICES

- 11.1 Appendix 1 – Example Council Agenda Frontsheet
Appendix 2 – Officer Employment Rules – Track Changes