

AUDIT COMMITTEE	AGENDA ITEM No. 6
26 MARCH 2018	PUBLIC REPORT

Report of:	Fiona McMillan, Interim Director of Law and Governance	
Cabinet Member(s) responsible:	Councillor Seaton, Cabinet Member for Resources	
Contact Officer(s):	Pippa Turvey, Democratic and Constitutional Services Manager	Tel. 452460

CHANGES TO THE CONSTITUTION

RECOMMENDATIONS	
FROM: <i>Governance Board</i>	Deadline date: <i>N/A</i>
<p>It is recommended that Audit Committee recommend that Council approve:</p> <ol style="list-style-type: none"> 1. The updated Petitions Scheme set out in Appendix 1 to the report. 2. Changes to Council Standing Orders set out in Appendix 2 to the report. 3. Changes to the Combined Authority Questioning Protocol set out in Appendix 3 to the report. 4. Changes to the Member Officer Protocol set out in Appendix 4 to the report. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Audit Committee in anticipation of the matters being considered and referred by the Governance Board.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to outline options for changes to Peterborough City Council's constitution for Audit Committee to provide comments and opinion for recommendation to Full Council.
- 2.2 This report is for Audit to consider under its Terms of Reference No. 2.2.1.10 'To maintain an overview of the Council's constitution with the exception of those matters under the remit of the Executive or a regulatory committee.'

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

Petitions Scheme

- 4.1 The process for the debate of petitions at Full Council added into the Petitions Scheme by Council on 26 June 2017. Since this time the debate procedure has been followed twice, regarding Rhubarb Bridge and a 20mph speed limit in Werrington.
- 4.2 The current process sets out that a petition will be debated and then, once debate is finished, proposals will be sought from the relevant Cabinet Member, and then alternative proposals sought from the floor. Each proposal will then be voted on in turn until one is agreed.
- 4.3 This is at odds with the normal debate procedure of the Council (and generally), which requires a motion or proposal to be moved and seconded prior to any debate.
- 4.4 As such, it is proposed to amend the Petitions Scheme to reflect this existing debate procedure. This will ensure that Members and the public can more easily follow petition debate within the context of a Council meeting.
- 4.5 The procedure proposed involves the Petition opening the item with a five minutes address to Council. The relevant Cabinet Member will then move a proposal, which will be seconded. The Mayor will then open the floor to any alternative proposals. The proposals will be debated and voted upon in the order they were received until a proposal is agreed.

Questions on the Combined Authority

- 4.6 Following Annual Council in 2017 it was agreed that a report would be submitted to each Council meeting outlining the decisions taken by the Cambridgeshire and Peterborough Combined Authority Board and Committees in the intervening period.
- 4.7 Members would have the opportunity to ask questions without notice of the Combined Authority representatives on the decisions made. Separately, Members also have the ability to ask questions on notice of Combined Authority representatives on any matter within their remit.
- 4.8 After an initial six month period these arrangements are to be reviewed.
- 4.9 The questions on notice provision has been utilised six times in the past six months. The questions without notice provision has also been utilised six times in the past six months.
- 4.10 It is suggested that the questions in relation to the Combined Authority be amalgamated going forward. Members would still be provided with a report of all the decisions taken by the Combined Authority to note at the Council meeting. This report would be included in the agenda, in full.
- 4.11 Members would be able to submit questions on notice prior to the meeting. The deadline for submission falls after the publication of the the agenda. Questions can be submitted on any area within the Combined Authority remit, whether this is the subject of previous decision or not.
- 4.12 This amendment is suggested in order to ensure that the answers provided to Members at the meeting are as comprehensive as possible. Answers to questions that have been provided *with* notice will have had greater opportunity to develop their answers for a more robust response.

Full Council Public Speakers

- 4.13 Peterborough City Council's Constitution currently requires any members of the public wishing to ask a question at Council to provide notice of their question to officers by 12noon five working days before the meeting.
- 4.14 The question asking public are permitted three minutes in which to put their question. This time is often used to provide Members with background information surrounding their question.

- 4.15 It is suggested that the Council's Standing Orders are amended to require members of the public to provide their preamble alongside their question. This would ensure that those Members answering questions are given the full context of the issue and can cover all arising issues when responding.
- 4.16 No changes are proposed to the rules in relation to supplementary questions.

Voting Procedure

- 4.17 A simple change is proposed to the Council's Standing Orders to reflect the new use of the electronic voting system. This will retain the ability to use a 'show of hands' system should the electronic system fail.
- 4.18 Also included, following an agreed motion at by Council, is the additional standing order that all votes cast using the electronic voting system be taken as recorded votes. This change to the standing orders can be approved as a consequential change by the Monitoring Officer, as it has already been agreed by Council. It is included here for context and completeness.

Time Limits for Motion Debates

- 4.19 In order to preserve the flow of the meeting and ensure that all items are able to be discussed in a meeting, it is proposed to add the following time limits to debates on motions on notice:
- 30 minutes for each individual Motion on Notice
 - 2 hours for debate of all Motions on Notice

Postponing Meetings - Extenuating Circumstances

- 4.20 At the current time there is no provision set out in standing orders to allow for the postponement of a meeting in extenuating circumstances, for which papers have already been published. An amendment is suggested to allow for such a circumstance in agreement with the Chairman and in consultation with Group Representatives.

Member Officer Protocol - Cross Ward Working

- 4.21 An additional sentence has been proposed for inclusion in to the Member Officer Protocol to ensure that ward councillors work within their relevant ward boundaries:
Ward councillors should "Refer any issues put to them by constitution not in their ward to the relevant local ward councillors."

5. CONSULTATION

- 5.1 The Council's cross party Governance Board are due to be consulted on the proposals set out in this report following publication has been consulted on all the proposals set out within this report.
- 5.2 Any comments from the Governance Board will be provided to the Audit Committee at the meeting.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 It is anticipated that the changes proposed to the constitution will ensure that it is clear and understandable for the public, Members, and officers, and that the procedures set out within allow for equitable debate and consideration at meetings.

7. REASON FOR THE RECOMMENDATION

- 7.1 The recommendations are proposed to provide clarity around the Council's governance processes and to ensure that the procedures set out within the constitution accurately reflect those undertaken in practice.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 To not update the constitution. This was dismissed, as leaving the documents as they are currently would mean that clarity around Governance processes was not provided and that the Council Standing Orders would not reflect the practice agreed for meetings.

9. IMPLICATIONS

Financial Implications

- 9.1 There are no financial implications arising from this report.

Legal Implications

- 9.2 There are no legal implications arising from this report.

Equalities Implications

- 9.3 There are no equalities implications arising from this report.

10. BACKGROUND DOCUMENTS

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

- 10.1 Peterborough City Council Constitution

11. APPENDICES

- Petitions Scheme - Appendix 1
- Council Standing Orders - Appendix 2
- Combined Authority Questioning Protocol - Appendix 3
- Member Officer Protocol - Appendix 4