

NOTTINGHAM CITY COUNCIL

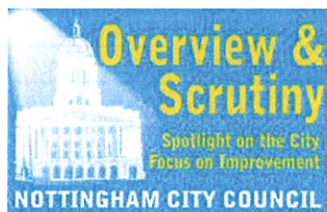
A REPORT ON

NOTTINGHAM CITY COUNCIL'S CONSTITUTION

PREPARED BY

**THE OVERVIEW AND SCRUTINY
COMMITTEE**

MARCH 2005



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CHAIR'S FOREWORD

The Constitution of any organisation is crucial if good governance is to prevail; therefore the opportunity to assist the revision process was a challenge readily accepted by the Overview and Scrutiny Committee.

In producing recommendations for consideration by the Executive and ultimately Council, members were mindful that time constraints would limit the scope of the Review.

Despite those difficulties the Working Party has produced a set of proposals which will, if adopted, symbolise the Council's commitment to the change agenda. In addressing issues of community consultation and engagement, it was felt that this should be real and continuous. Indeed, the imperative to embed it as an integral part of policy making, service delivery and the review process was paramount.

Clearly, some of our recommendations, particularly those affecting the conduct of Council meetings may prove controversial, but nevertheless should be given serious consideration. From a drafting point of view many of the procedural issues have been clarified to make the document more user friendly.

Whilst the exercise was daunting, I would like to put on record the appreciation of the Working Party to all those witnesses who have generously contributed to this important review. In particular I would like to thank Professor Steve Leach of De Montfort University and Gordon Mitchell, who encouraged us to stretch the boundaries and find new ways of invigorating the public face of local government. As ever, Barbara Cast has brilliantly pulled it all together with the support of Tony Austin, Val Mattinson and Tony McGovern and we are grateful for their substantial contribution. On a personal note I would also like to thank my colleagues; Councillors Gill Haymes, Chris Gibson, Penny Griggs and Gary Long for their input and in particular, the very amicable way they contributed to the review.

Councillor Malcolm Wood

Chair – Overview & Scrutiny Committee

March 2005

SUMMARY OF RECOMMENDATIONS

1. That the **constitution document** be organised in such a way that it is easy to use, much shorter, and with a summary section to allow all with an interest to easily access information on how the Council conducts its business. Within the legal framework, the document should contain only those matters necessary for the conduct of business and allow for flexibility of approach. A series of appendices should contain the necessary technical detail.
2. That a Council Business Steering Group (CBSG) be established to coordinate the programme for **full Council meetings**, determining what business should be presented to Council and when. The Steering Group should allow flexibility in the programme for different kinds of Council meetings and for items to be introduced into the programme should issues arise warranting Council attention. This steering group could, if required, have wider powers to oversee Council business in general.
3. That the CBSG be chaired by the Lord Mayor and be politically balanced. Consideration should be given to including the group whips in its membership which, in any event, should be kept as small as practicable. However, it would be for each group to determine the member/s to serve. Substitutes should be allowed in accordance with the Council's practice and the Deputy Lord Mayor should be an ex-officio member.
4. That the emphasis of the Lord Mayor's role in Council business should be to represent the interests of the wider Council and the public and to order the management of full Council meetings with that in view.
5. That an early task of the Council Business Steering Group should be to consider those items which form part of the Policy Framework and other policy or strategic papers which are or may be taken to Council. Further, that it should consider how best these items should be presented and if any items could be grouped together. Further, that the Steering Group ensures that Council meeting agenda are manageable and that the Lord Mayor considers appropriate indicative time allocations for each item to ensure that the matters of major interest to the Council and City are given adequate attention.
6. That consideration should be given to having a variety of full Council meeting types, depending on the business to be conducted. These would include the annual meeting with its civic and ceremonial character and the budget debate in March, but there could also be special themed meetings which people from other organisations could be invited to participate in, such as State of the City debates, and an annual youth participation event. The topics would be determined by the Steering Group. In pursuance of this it is recommended that there be up to ten meetings of Council each year and that some be commenced at 2pm and others at 5pm, depending on the subject and those to be involved.

7. That thirty minutes be allocated at the commencement of, or following adjournment of, certain of the meetings of full Council to allow for public participation. (The aim would be for this session to be held in the early evening at approximately 5pm.) This would be for (a) the receipt of petitions from City groups, accompanied by a brief two minute statement from the petition organiser or their representative councillor, and (b) questions from the public, addressed to any portfolio holder or Chair, with prior written notice of one week, to which a response would be given and one supplementary question relating directly to the initial question from the questioner allowed. The Lord Mayor should be given the discretion to determine whether any question was to be answered in full Council, by another body of the Council or in writing.

8. That questions be accepted from those appearing on the City's electoral register or people under 18 who have a City address.

9. That the public participation session be given a year's trial which the Council Business Steering Group would then review.

10. That the Lord Mayor, prior to installation, should undertake training on the management of full Council meetings, to include management of debates and the conduct of members, particularly for those occasions when people from outside the Council are involved. Training should also include the issues around the enforcement of codes of conduct and the application of standing orders.

11. That consideration should be given to adopting a "green paper" model for policy framework documents to allow full participation at the planning stage of such policies. Those documents which require a "green" stage could be determined by the Steering Group and fitted into the programme accordingly. Such deliberations should be held at "Council in Committee" sessions to allow officers to present papers and address members and, for these meetings, the Deputy Lord Mayor should preside. Any recommendations arising from this process would be taken to the Executive Board.

12. That the budget should be the only item on the agenda for that particular full Council meeting, excepting for urgent matters.

13. That fifteen minutes maximum be allocated for the proposer of an item to speak at full Council meetings and ten minutes maximum for each other speaker on that item and that, apart from proposers and seconders, members should only speak once on an item, excepting where there is a right of reply. It is acknowledged that there may be occasions when this time limit needs to be more flexible, including the budget debate, and the Lord Mayor should judge on this.

14. That, when amendments are proposed to Council items, the Lord Mayor should immediately identify which members wish to speak on that amendment and take those speakers until that amendment is resolved, before returning to those who wish to speak on the main recommendation.

15. That the practice on supplementary questions be formalised to ensure that the questioner is able to ask the first supplementary and that the Council Business Steering Group considers the practice to ensure that it is fairly and equitably managed. It is not considered desirable for the answers to supplementary questions to be recorded.

16. That the Leader present a report to the Annual Council Meeting setting out his or her proposals for the Executive Board composition and allocation of responsibilities and that any in year adjustments to this be delegated to him or her. The exception to this delegated power would be if the Leader proposed any changes which might require adjustments in levels of responsibility and, therefore, levels of responsibility allowance, in which case such proposals would be considered by the Independent Remuneration Panel and determined by Council.

17. That changes to the membership of Council bodies required after the Annual Council Meeting should be delegated to the Corporate Services Director for action, subject to it being ensured that political balance was maintained where it was applicable.

18. That there be a standing item on the Council agenda for Leader or Chief Executive announcements, depending on the subject. This would be for making members aware, without debate, of items of new information which it was necessary to be communicated without delay.

19. That consideration should be given to adopting the practice, after the 2005-06 municipal year, of holding the Annual Meeting of Council on the first Monday in May or, in an election year, the first appropriate Monday. Nominations for civic roles should be given at the meeting previous to the annual meeting, excepting in election years.

20. That there should be a standing order to allow members to correct any matters relating to them which have been stated incorrectly in Council.

21. That a guide to full Council meeting procedure should be available for new members and other interested parties.

22. That the scheme on delegations prepared by the Strategic Management Team (appended to this report at 10) should be adopted.

23. That it should be ensured that consultation with local members, as appropriate, should be required for matters on which an officer has **delegated powers**.

24. That, when a portfolio holder is making an individual decision, it should be made in conjunction with a corporate director and a declaration should be signed by both parties that this has been the case, and that the form recording the decision must be signed by both parties within 10 working days of each other.

25. That all decisions made and requiring formal record should have the same requirements for recording what consultation has taken place and with whom and, if it has not, the reasons why it was not considered necessary to consult.
26. That, where a formal record of a decision was required, that the correct and timely completion of such records be audited and that the Corporate Services Director put a system in place to ensure that records conform to requirements.
27. That the Executive consider the thresholds of **key decisions** to ensure that there was transparency and clarity about what constituted a key decision.
28. That those matters approved by the Appointments and Conditions of Service Committee relating to the **appointment** of corporate directors and related issues be adopted.
29. That, recognising that negotiation with the trade unions has been completed, that the **Appeals Panel** in its current form be abolished and be replaced by a new panel to consider appeals against dismissal to comprise an independent corporate director, a City Councillor and a human resources advisor, of which the corporate director would make the decision.
30. That, should a member **fail to attend** three consecutive meetings of a Council body of which they are a member, without stating the reason for their absence, Council should remove them from that membership. This would not apply to attendance at full Council meetings.
31. That each group be allowed to nominate up to six **substitutes** to each Council body.
32. That the Executive should consider the participation of **minority members** at meetings of the Executive Board, for example the opportunity for non-Executive minority members to address the Executive.
33. That the Executive consider whether a body should be established which will consider **risks** to the business and strategic objectives of the authority or whether the terms of reference of the Accounts Committee could be expanded to include this responsibility and a name more reflective of this role be given.
34. That **declarations of interest** a councillor has in any matter to be discussed at a meeting should be made at the commencement of the meeting.
35. That the **Housing General Committee** should be abolished due to the creation of Nottingham City Homes and the concurrent changes in responsibility.

36. That increased **public participation** in bodies of the Council other than full Council, including overview and scrutiny bodies and area committees, should be explored.