

REPORT TITLE: Proposed Amendments to the Council’s Constitution

Meeting:	Annual Council (Reference from Corporate Governance and Audit Committee (CGAC))
Date:	22 May 2024
Cabinet Member (if applicable)	Cllr Paul Davies
Key Decision Eligible for Call In	No

Purpose of Report

To seek the approval of the proposed changes to the council's constitution as described in paragraph 2 and in Appendix 1 (report to CGAC). The report is referred from the Council's CGAC who made some proposed changes to the proposals in the report at Appendix 1. These are reflected in the updated recommendations and set out in more detail in paragraph 2 of this report.

Recommendations

That CGAC recommends that Council:-

- Notes the changes made to the Constitution in 2023-2024 listed in Appendix 1
- Approves the following proposed changes to the Constitution set out in section 2 of the report considered by CGAC:
 - (i) That 6.1.1 of Article 6 – Overview and Scrutiny Function, be amended to remove responsibility for Flood Risk Management from the Overview and Scrutiny Management Committee and re-allocate to the Environment and Climate Change Scrutiny Panel.
 - (ii) Amendments to CPR 9 relating to the presentation of petitions and referral of subject matter.
 - (iii) Amendments to CPR 9a subject to the replacement of the word “may” with “will” and clarification that where a debate is requested (for petitions exceeding 3000 valid signatures) this will be scheduled within a reasonable time period.
 - (iv) Amendments to CPR’s 9 and 10 to make them consistent with CPR 11 in respect of the need to be a resident or business owner in Kirklees in order to be able to present a petition or deputation.
 - (v) That the proposed amendments in respect of CPR 11(6) be applied to CPR 12 for written questions by the public and Elected Members at Full Council meetings only.
 - (vi) That CPR 12(6) be approved subject to the removal of wording “with the consent of the Chair”
 - (vii) Amendments to CPR 11(7) subject to the removal of wording “for a period of 12 months”.

- Notes that, for clarity, proposals relating to Member Speaking Rights (CPR 36(1)), Permission to Speak by Members of the Public (CPR 37), Video requests for deputations (CPR10) and the wider application of the proposals set out in (v) above to Cabinet and Council Committees be subject to further consideration following a future review.
- Notes that work will continue to keep the Constitution under review.
- Recommends to Council that they note and approve (as applicable) the above recommendations and delegate authority to the Service Director – Legal, Governance and Commissioning to make appropriate amendments to the constitution which may be agreed by Council as well as any consequential amendments to the constitution to reflect the changes agreed

Reasons for Recommendations

- It is essential the Council’s Constitution is regularly reviewed and updated to ensure that it remains fit for purpose and to enable Council meetings to be conducted in a fair, business like and effective manner.
- It is also essential that the Constitution complies with current legislation, as failure to do so could lead to challenges, unnecessary procedural delays and less transparency in the Council’s democratic process.

Resource Implications:

None

Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall 13.05.2024
Is it also signed off by the Service Director for Finance?	N/A
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft 10.05.2024

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

Has GDPR been considered? YES

1. Summary

- 1.1 The Council's CGAC considered the report and appendices contained in Appendix 1 at its meeting on the 10th May 2024.
- 1.2 The report set out a number of proposed changes to the council's constitution which are described in paragraph 2 of Appendix 1 and appendices to that report.
- 1.3 It also set out a number of issues to note including:
 - Changes made to the constitution by the monitoring officer using delegated powers during the 2023/24 municipal year
 - Other changes made during the year which do not require council consent
 - The ongoing work to keep the council's constitution under review
- 1.4 The CGAC accepted most of the proposed changes but made some suggested amendments to the changes described in the report and appendices to the council procedure rules.

2. Information required to take a decision

2.1 ARTICLES

ARTICLE 6 – THE OVERVIEW AND SCRUTINY FUNCTION

- 2.2 Members agreed to remove responsibility for Flood Risk Management Strategy from OSMC and allocate responsibility to Environment and Climate Change Scrutiny Panel. This is because the revised remit of OSMC now includes corporate matters and as a result it is felt more appropriate to include flood risk management in the Environment and Climate Change Panel.

2.3 **COUNCIL PROCEDURE RULES**

- 2.4 Members of CGAC considered a number of proposed changes to the Council's procedure rules which included clarifying current processes relating to petitions, which are set out in the Petition scheme. These proposals were accepted subject to a slight amendment to make the wording more definitive. Additionally, it was agreed that petition debates would not take place during a consultation period and would not be debated if the matter had been listed for debate in the last 6 months. Debates would be scheduled within a reasonable time period.
- 2.5 Discussion took place in respect of CPR10 relating to the issue of whether to disallow video and audio presentations as part of a deputation. The Committee resolved not to accept the proposed wording to disallow this and suggested the issue be considered as part of a future review acknowledging that requests would have to be timely and comply with the Council's IT security policy.
- 2.6 Members accepted the proposed changes to CPRs 9 & 10 in order to make them consistent with CPR 11 to ensure that to be able to present a petition or deputation a person should be a resident or business owner in Kirklees.

- 2.7 With regard to proposed changes to questions from the public and Elected Members at Council, Cabinet and Committee meetings, the Panel discussed in detail suggested changes that would result in questions being submitted in writing and in advance. The questioner would receive a written response in advance of the meeting and be able to attend to ask a supplementary question should they wish. All questions would be published in advance of the meeting. During discussion of this issue, the Committee concluded that they were supportive of the change for full Council meetings but any proposed changes to questions at Cabinet and Council committees should be considered as part of a future review to fully consider the implications for public participation and transparency. With regard to answers being recorded on the webcast it was agreed to remove the time limit of 12 months and for it to be in line with the Council's retention policy.
- 2.8 Further proposals were considered in relation to speaking rights of Members and public speaking rights at committees (CPR 36 and CPR 37) were not accepted and it was suggested they be considered as part of a future review.

3 Implications for the Council

3.4 Council Plan

The Council Constitution sets out the decision-making structures of the Council; how it conducts its business; who is responsible for making decisions; and how decisions are made that affect the residents of Kirklees and contribute to all Council priorities.

3.5 Financial Implications

N/A

3.6 Legal Implications

N/A

3.7 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

N/A

4 Consultation

A number of relevant officers have been consulted.

5 Engagement

None

6 Options

6.1 Options Considered

We are required to review the constitution. Any proposed amendments where there may be options are set out in the report.

6.2 Reasons for Recommended Option

As above

7 Next steps and timelines

Any amendments subsequently agreed by Council will be made to the Constitution.

8 Contact officer

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Commissioning
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9 Background Papers and History of Decisions

None

10 Appendices

Appendix 1 – Report considered by CGAC on 10 May 2024

11 Service Director responsible

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