



SHEFFIELD CITY COUNCIL Report to Council

Report of: Chief Executive

Date: 17th May 2017

Subject: Full Council Meetings

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Summary:

- To look at how meetings of full Council can work better and bring about improvements with regards to openness and accessibility and efficiency and effectiveness.
 - To identify issues for consideration and establish a Member working group to prepare proposals for change.
 - To begin a wider democratic review of public engagement with decision making.
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Recommendations:

It is proposed that the Council:

1. Notes the issues relating to Full Council meetings as outlined in this report;
2. Establishes a Member Working Group, comprising representatives of all political groups on the Council to plan and prepare (a) (i) the implementation of changes relating to the issues outlined at paragraphs 5.2 and 5.3 below with effect from the meeting of Council in September 2017 and (ii) the review and evaluation of those changes and (b) proposals relating to a wider review of democratic engagement to be conducted over the coming Municipal Year;
3. Requests that the Member Working Group submits an interim report to the meeting of Council on 5 July 2017; and

4. Delegates authority to the Director of Legal and Governance, in consultation with the Member Working Group, to make any necessary changes to the Council's Constitution and Procedural Rules.

Background Papers:

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by: Pauline Wood
Legal Implications
YES Cleared by: Deborah Eaton
Equality of Opportunity Implications
NO Cleared by: Michael Bowles
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
Relevant Scrutiny Committee if decision called in
Not applicable
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
NO

1. PROPOSAL

- 1.1 Full Council is responsible for setting the Council's policy framework, agreeing the Council's budget and spending plans, electing the Leader of the Council and making constitutional decisions. It is also a forum for debate on major issues affecting the City.
- 1.2 The Council has made changes to the way its Council meetings operate over time and procedures have been reviewed. However, the way full Council works has not substantially changed for some time.
- 1.3 We now want to look at how meetings of full Council can work better and bring about improvements through a phased programme of reflection, consultation and change.
- 1.4 As part of this review, we will need to clearly define the role of full Council and give greater focus to the outcomes of the meetings. We want to make meetings more accessible and open to people in order to address issues including increasing engagement and transparency and increasing participation by both members of the public and Members of the Council, and providing better opportunities for local democracy.
- 1.5 This report sets out to introduce the process by:
- Examining the role and functions of full Council
 - Defining the purpose of full Council
 - Identifying issues
 - Exploring ideas to improve the way Council meetings work to achieve the following outcomes:
 - To improve **openness** and **accessibility**
 - Increase **efficiency** and **effectiveness**
- 1.6 It is proposed that Council establishes a Member Working Group, comprising representatives of all political groups on the Council to plan and prepare (a) (i) the implementation of changes relating to the issues outlined at paragraphs 5.2 and 5.3 below with effect from the meeting of Council in September 2017 and (ii) the review and evaluation of those changes and (b) proposals relating to a wider review of democratic engagement to be conducted over the coming Municipal Year.

2. Purpose of the Council Meeting

- 2.1 In summary, meetings of full Council aim to fulfil the following roles:
- **Accountability** – e.g. through public questions and Members' questions. Council meetings present an opportunity to call executive members to account through motions and questions.
 - **Political debate** – through debating motions proposed by elected members
 - **City leadership** - e.g. through debates, motions, celebrations and via 'strong leader' arrangements.

- **Statutory duties** – debating and agreeing the Council’s policy framework, budget, and appointments to key roles, committees and outside bodies.
- **Public engagement** – e.g. through public questions , responding to petitions, and holding debates triggered by petitions receiving more than the threshold number of signatures
- **Debate and democracy** e.g. debating issues of importance to the local area

3. **Functions and Responsibilities**

3.1 Part 3 of the [Constitution](#) sets out which bodies and individuals within the Council are responsible for carrying out particular functions. These functions fall into three categories, namely non-executive functions, executive functions and local choice functions. **Non-executive functions** may be exercised by the Full Council, or be delegated to a Council Committee or Sub-Committee, a Council officer or to Joint Arrangements. **Local choice functions** are those which the Council can choose to make either non-executive functions and discharge them accordingly or executive functions which the Executive will then discharge.

4. **Overview of Full Council**

4.1 All City Councillors meet together as the Council and meetings are normally open to the public. In summary, the Council decides the Council’s policy framework in the form of certain plans and strategies and sets the annual budget, which includes the allocation of financial resources to different services and projects and setting the Council Tax.

4.2 The Council appoints the Leader and at its Annual Meeting will appoint Councillors to serve on its Committees and representatives to serve on joint bodies and external organisations. The statutory responsibilities reserved to the Council are set out in Part 3 of the Constitution and these are subject to any amendment to comply with legal requirements. Full Council agrees the Constitution. The functions of the Full Council are listed in the Constitution.

4.3 There are three types of Council meeting. These are: the Annual Meeting, Ordinary Meetings; and Extraordinary or Special Meetings. The meetings are conducted in accordance with the Council Procedure Rules in Part 4 of the Constitution.

4.4 Beyond the statutory and constitutional explanations of what full Council should do, we should also consider how full Council contributes to:

- Supporting good governance by acting in the public interest, behaving with integrity and in accordance with ethical values, being open and engaging with people and being accountable and transparent;
- The Council’s aims and objectives, including the aim of being an in-touch organisation, which means listening, being connected and being responsive¹;

¹ Sheffield City Council Corporate Plan 2015-18

- Helping councillors to fulfil their various roles as community leaders; and
 - Assisting effective decision making by enabling people affected by a decision to have the opportunity to express their views and influence the decision making process.
- 4.5 The Council's governance arrangements are based on the principles outlined above and there are rules and procedures in place which set out how the Council is governed and how decisions are made. These include Council Procedure Rules and other documents in the Council's Constitution, including the Members' Code of Conduct. Some of the proposals outlined below will necessitate amendments to the Council's Procedure Rules and this is allowed for within the Rules themselves. Other proposals may require additional rules.
- 4.6 Governance processes need to be clear and accessible to people and we should explain how the processes work, including how decisions are made, how people can participate in the process of decision making; and how they can access documents which are used in decision making.
- 4.7 One of the purposes of full Council meetings is to help ensure that the Council is accountable to people, and there is opportunity to hold decision makers to account. However, we need to better explain that this opportunity exists and make sure it is accessible for people.
- 4.8 Meetings of Full Council could be made more accessible and open to the public in order to increase public engagement. The focus should be on **outcomes**, with the aim of making full Council more accessible and transparent, enabling more people to participate, and providing better opportunities for local democracy.
- 4.9 A question about engagement was asked in national polling conducted by the LGA.² People were asked about their satisfaction, or dissatisfaction, with the level of engagement offered by their local council. Among the top four options chosen to reflect what their Council could do better to engage with local residents were:
- Explain more clearly how it is using your money
 - Make it clearer how residents can get involved in decision-making
 - Demonstrate more clearly how it is acting on residents' feedback
 - Explain more clearly its decisions when they affect you
- 4.10 There are a number of issues which might need to be addressed in any review of the way Council meetings work. This includes but is not limited to the following areas:
- **Attendance** of the public and elected members, which could be addressed by considering the time and length of the meetings to better take account of people who worked, those with caring responsibilities or other events including religious holidays.

² Polling on resident satisfaction with councils, LGA February 2017

- Making sure the meetings are **relevant** to people in the City.
- **Accessibility of meetings**, with issues ranging from language to the duration of meetings.

5. Issues for Consideration

5.1 It is proposed that any changes to Full Council are dealt with in two stages. The first phase would comprise changes under the themes of '**A modern, accessible and open meeting**' and '**An efficient, effective meeting that is fit for purpose**'.

5.1.1 Subject to the agreement of Council, the issues outlined under these two themes will be referred to a Working Group, comprising representatives of all political groups on the Council, for further consideration and with a view to the implementation of changes from September 2017. This work will include consideration of best practice in other local authorities. In summary, the issues are as outlined below:

5.2. A modern, accessible and open meeting

5.2.1 At present, ordinary meetings of Council are scheduled to start at 2.00pm and these continue until a guillotine at 6.30pm when any remaining business is formally transacted. Consideration might be given to the **timing of meetings** of Full Council, including the start and finish times and the overall duration of the meetings. Meetings might be held on a consistent weekday, and consideration given to scheduling meetings so as not to overlap with major religious holidays, so that more people are able to attend.

5.2.2 Making written and spoken **language** used at full Council more accessible and therefore easier to understand and engage with to assist people's ability to follow the progress of the meeting. This might include the creation of easy to read guides to explain how Council Meetings work.

5.2.3 Facilitating the production of **audio recordings of meetings**.

5.2.4 Looking at the **layout and seating** arrangements in the Council Chamber.

5.2.5 Clarifying the guidance relating to **petitions** and informing Members of the progress of petitions received. The Council's Petitions Scheme sets out guidelines for submitting a petition and what the Council will do with petitions which it receives. The [log of petitions](#) is maintained by Democratic Services and is published on the Council Website.

5.3 An efficient, effective meeting that is fit for purpose

5.3.1 Managing the **number** of motions and decisions included on each Council meeting agenda so as to ensure that all substantial items can be properly discussed.

5.3.2 Reviewing **time limits** for specific items of business as well as for individuals,

including debates and public questions, while ensuring a fair balance of speakers.

5.3.4 Reviewing the **order of proceedings** at each full Council and considering what business needs to be included so as to give a **structure** to meetings and to consider items of public interest.

5.3.5 Reviewing the **voting** process so that it is easier for people to follow and understand precisely what has been decided.

5.4 **Wider Democratic Review of Council decision making and public engagement**

5.4.1 The second phase of the change process would include a wider review of Council decision making and public engagement with the decision making process, which might include full Council but also consider wider elements. The options for conducting such a review would depend upon the scope of the review and its terms of reference. The outcome of the review would be submitted to Council for consideration. The specific issues that the review would cover might include, but not necessarily be limited to the following:

5.4.2 Reviewing the process for **petitions** to ensure that they are routed to the most appropriate body or decision maker and the public are aware of the process and potential outcomes.

5.4.3 Creating a democracy **route map** or online tool that simply describes the process of how the public can ask questions and raise issues with the Council.

5.4.4 Considering whether **deputation** statements could be included as an item of business, whereby a small number of people can speak about a particular subject at a meeting for up to a specified duration.

5.4.5 Considering enhanced **webcasting and audio recording** options.

5.4.6 Considering **communication** methods and options for engagement.

5.4.7 Exploring and providing additional, specific learning and development opportunities to the Members.

5.4.8 Additional **plenary meetings** for specific issues that may otherwise not fit on a Council agenda.

5.4.9 Exploring different ways that the public might ask **questions** of decision making bodies.

6. **CONSULTATION**

6.1 Consultation will be at the instigation of the Member Working Group or as part of the wider piece of work to review Council decision making and public engagement with the decision making process.

7. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

7.1 Equality of Opportunity Implications

The proposals are about increasing accessibility of the formal decision-making process and enabling more people in the City to participate. The Working Group will consider equality implications as part of designing and implementing its recommendations.

7.2 Financial and Commercial Implications

7.2.1 Any costs arising from options recommended by the Working Group detailed at paragraph 1.6 above will be detailed when the issues are submitted to Council for consideration in the Autumn.

7.2.2 Where the Council chooses to implement a recommendation that requires a further decision to be made this would be taken in the usual manner and in line with the Council's Constitution and Leader's Scheme of Delegation. This would include any financial and commercial implications.

7.3 Legal Implications

7.3.1 The Local Government Act 2000, the Local Government Act 1972, the Localism Act 2011, other local government Acts and Regulations made under those Acts prescribe the governance arrangements for local authorities in detail. In particular they cover (amongst other things) the requirements for holding council meetings and the rules of procedure.

7.3.2 Under section 9P of the Local Government Act 2000, the Council must prepare a constitution and keep it up to date. It must be available to the public and, under the Local Government Transparency Code 2015, be published on the Council's website.

7.3.3 The constitution must also contain the Council's standing orders (procedural, and relating to contracts and to the appointment, discipline and dismissal of officers), and the code of conduct for members and co-opted members. Other contents are prescribed by the Local Government Act 2000 (Constitutions) (England) Direction 2000. This still has legal effect. In outline, the prescribed contents are details of:

- a summary and explanation
- elections, members, their terms of office, their roles and functions, the scheme of allowances
- citizens' rights
- the allocation of functions to full Council and the executive
- rules for the proceedings at Council meetings
- role and functions of the chairman/non-elected mayor
- executive functions allocated to individual members, to meetings (and their membership) and to officers
- overview and scrutiny committees, their terms of reference and rules for proceedings at meetings
- the role of the executive, and its committees, and the roles, functions,

- rights, responsibilities and duties of executive members
- the rules for the election of the executive leader, the appointment of executive members, the appointment of, and the quorum, proceedings and location for, executive committee meetings
- the roles of ordinary committees or sub-committees, their membership, terms of reference and functions and rules for their proceedings
- powers delegated to officers
- the roles of area committees or sub-committees, their membership, terms of reference and functions and rules for their proceedings
- joint arrangements with other authorities, their terms, the membership, terms of reference and functions and rules for the proceedings of joint committees
- arrangements for the discharge of functions by another local authority
- the roles of officers, the management structure, the roles and functions of the Head of Paid Service, Monitoring Officer and Chief Financial Officer, rules for recruitment, appointment, dismissal and disciplinary action
- member/officer protocols
- arrangements for public access to information about decisions
- a register of executive and committee members
- rules and procedures for management of its financial, contractual and legal affairs including audit, financial regulations, contracts and procurement, bringing or defending legal proceedings
- the register of interests of members and co-opted members
- rules and procedures for review and revision of the constitution.

As well as the prescribed content the constitution can include “such other information (if any) as the authority considers appropriate”.

7.3.4 Following the introduction of the executive form of governance under the 2000 Act, ODPM (the predecessor to DCLG) produced guidance, some of which was classed as “statutory guidance”, including model “modular constitutions”. Most, if not all, local authorities followed and adapted this template. In practical terms this guidance is now 17 years old but nevertheless the Council is legally obliged to have regard to it. Most local authority constitutions, including the Council’s constitution, follow the format set out in the relevant modular constitution, but it is not obligatory and several local authorities are adopting more modern and plain English models.

7.3.5 The Guidance can be found at:

<http://webarchive.nationalarchives.gov.uk/20120919132719/www.communities.gov.uk/documents/localgovernment/pdf/155181.pdf>

7.3.6 As with any statutory guidance the Council must take it into account and should only depart from it if it believes that there are good reasons to do so. The guidance is increasingly out of date as it has not been updated following significant changes which have been made to the way local authorities operate. This in itself is not sufficient reason for departing from it and the Council will have to be satisfied, if it does choose to depart from it that there are good reasons for doing so. This can be considered in greater detail when the Working Group has

prepared its recommendations.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 A Member Working Group will consider detail of alternative options for implementation and a wider review will also look at engagement more generally and consider alternatives.

9. REASONS FOR RECOMMENDATIONS

- 9.1 The review of full Council meetings is seeking the following outcomes:

- To improve **openness** and **accessibility**
- Increase **efficiency** and **effectiveness**

- 9.2 The Council wishes to make meetings accessible and open to people in order to address issues including engagement and transparency and increasing participation by both members of the public and Members of the Council, and providing better opportunities for local democracy.

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