

Governance and Ethics Committee

7 July 2022

Report title	Changes to the Constitution	
Cabinet Member with lead responsibility	Councillor Paula Brookfield Cabinet Member for Governance and Equalities	
Wards affected	All Wards	
Accountable director	David Pattison, Chief Operating Officer	
Originating service	Democratic Services	
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Report to be considered by	Council	20 July 2022

Recommendations for decision:

The Governance and Ethics Committee recommends that Council:

1. Approves the amendments to the Constitution as detailed in this report.
2. Authorises the Monitoring Officer to implement the changes.

1.0 Purpose

- 1.1 This report outlines the changes made to the constitution for approval by the Council. It is recommended that the Council agrees to the amendments to the Council's Constitution to ensure continuing lawfulness and effectiveness.

2.0 Background

- 2.1 The Governance and Ethics Committee regularly receives reports seeking to update the Constitution where it is necessary, the last such report was on 25 March 2022.
- 2.2 The changes being brought forward are following a full review of the Constitution.
- 2.3 The Constitution has been reviewed in totality and remodelled based on the model produced for local authorities by a national firm of solicitors, Bond Dickinson model. This is to ensure the constitution is clear and concise and that the decision-making processes can be followed by all.
- 2.4 Only those parts of the constitution listed below are amended, the other parts will remain unchanged.
- 2.5 This is part of a series of reports – there will be additional reports brought forwards to review the other parts of the constitution. This is an ongoing process and important that this takes place as and when the changes are needed. A further report will be brought forward shortly covering Part 3 delegations to officers, this is currently being updated.

3.0 Changes to the Constitution

- 3.1 The table below details the Articles/Sections to be changed:

Section	Proposed	Rationale
Part 4 – Full Council Procedure Rules	Motions on Notice, specify that motions on notice will be taken at ordinary meetings of the Council, except the AGM, Council Tax and Budget setting.	To reflect the practice of the Council and ensure it is captured within the constitution.
	Content and length of speeches, specify a mover of a amended motion may speak for 10 minutes.	To provide clarity on length of speech for an amended motion – currently the rules are slightly ambiguous and this will clarify the position.
	Introduce Questions by Members of the Public, following agreement at a previous Council meeting introduce a protocol for questions by members of the public as detailed in section 11 of the	To allow citizens to have the right to participate in the Council's question time and to provide clarity on the procedure to be followed for questions by

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	<p>appendix. This details how questions by members of the public will be dealt with at Full Council meetings.</p> <p>To include text in the constitution that clarifies the timings will be as set up below:</p> <table border="1" data-bbox="635 741 1046 1301"> <tbody> <tr> <td data-bbox="635 741 906 853">Minutes, Mayor's Communications</td> <td data-bbox="906 741 1046 853">10 Minutes</td> </tr> <tr> <td data-bbox="635 853 906 965">Report of Leader of Council</td> <td data-bbox="906 853 1046 965">15 Minutes</td> </tr> <tr> <td data-bbox="635 965 906 1043">Reports</td> <td data-bbox="906 965 1046 1043">No time limit.</td> </tr> <tr> <td data-bbox="635 1043 906 1155">Questions from members of the public</td> <td data-bbox="906 1043 1046 1155">15 Mins</td> </tr> <tr> <td data-bbox="635 1155 906 1223">Questions from a Councillor</td> <td data-bbox="906 1155 1046 1223">30 Mins</td> </tr> <tr> <td data-bbox="635 1223 906 1267">Motions</td> <td data-bbox="906 1223 1046 1267">50 Mins</td> </tr> <tr> <td data-bbox="635 1267 906 1301">Petitions</td> <td data-bbox="906 1267 1046 1301">40 Mins</td> </tr> </tbody> </table>	Minutes, Mayor's Communications	10 Minutes	Report of Leader of Council	15 Minutes	Reports	No time limit.	Questions from members of the public	15 Mins	Questions from a Councillor	30 Mins	Motions	50 Mins	Petitions	40 Mins	<p>members of the public. The appendix details the protocol to be put in place, further information to be provided on the process and this is subject to further approval.</p> <p>Recent Council meetings have been lengthy. Practice regionally and nationally has been refereed to, to see how practice can be improved.</p> <p>Some Councils have daytime meetings which start in the early afternoon whilst others have timings for items. It is recognised that by having daytime meetings those who work or have responsibilities for dependents may struggle to attend these.</p> <p>It is therefore proposed that to ensure Council business is transacted in a timely manner, timings are added to items. This has been implemented by many Councils and works well.</p> <p>To ensure there is sufficient time for all items, the length of speeches for questions will be amended accordingly.</p> <p>Any written questions not dealt with at the meeting would be responded to with a written response.</p>
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	<p>Voting remove 'Only those Councillors who have been present for the entirety of the debate on the item in question are entitled to vote.'</p> <p>Amendment to rule 19.1 to include ensuring Councillors are respectful to each other</p>	<p>The timings can be altered with the agreement of the meeting.</p> <p>To ensure all members present at the time the vote is put can vote and to ensure that there are no issues regarding Councillors being prohibited from voting due to medical or other conditions.</p> <p>To ensure that there is respectful behaviour at meetings</p>

4.0 Financial implications

4.1 There are no direct financial implications arising from this report. [SR/28062022/A]

5.0 Legal implications

5.1 The Council is required by Section 37 of the Local Government Act 2000 to prepare and publish a Constitution which contains its standing orders relating to decision-making, finance and contracts. The Council is also required to keep its Constitution updated. The Director of Governance is authorised under the constitution to make amendments which more accurately reflect legislative and organisational changes. This report ensures that the Council meets its duties. [SZ/20062022/P]

6.0 Equalities implications

6.1 The Council must, in the exercise of its functions, have due regard to the need to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.2 The Constitution seeks to ensure that, in its decision-making and its operations, the Council fully complies with the public-sector equality duty.

7.0 Any other implications

7.1 There are no other implications arising from recommendations in this report.

8.0 Schedule of background papers

8.1 Changes to the Constitution, Governance Committee, 25 March 2022

9.0 Appendices

9.1 Appendix 1 - Part 4 – Full Council Procedure Rules