

Constitution Committee

Date of Meeting: 19 September 2019

Report Title: Review of Council and Meeting Arrangements

Senior Officer: Brian Reed, Head of Democratic Services and Governance

1. Report Summary

- 1.1. This report raises a number of matters for the Committee's consideration regarding the arrangements for Council and other meetings.

2. Recommendations

That the Committee consider the following proposals and make any necessary recommendations to Council:

- 2.1. That Council meetings be moved to Wednesdays.
- 2.2. That Council meetings other than the Annual Council meeting continue to be held in Sandbach but where a larger venue is needed for a particular occasion, a suitable venue in an alternative location be used.
- 2.3. That in future, all ordinary Council meetings start at 11.00 am.
- 2.4. That consideration be given to allowing a suitable period per speaker during public and member speaking/questions at Council and Cabinet meetings, subject to the Chairman having discretion to vary this requirement where he/she considers it appropriate.
- 2.5. That consideration be given to holding some meetings of the Public Rights of Way Committee and an overview and scrutiny committee in the evening, with any such arrangements being reviewed after 12 months.
- 2.6. That consideration be given to the seating arrangements at Cabinet meetings and whether the Committee wishes to make any observations to the Leader of the Council.
- 2.7. That consideration be given to the arrangements for dealing with Notices of Motion at Council meetings.

3. Reasons for Recommendations

- 3.1. To consider a number of issues raised by members in relation to Council and committee meetings.

4. Other Options Considered

- 4.1. The Committee may, having considered each of the matters set out in this report, decide to take no further action.

5. Background

Moving the day of Council meetings

- 5.1. At the moment, with the exception of the Annual Council meeting in May, all meetings of the Council are held at the Town Hall in Sandbach on Thursdays.
- 5.2. Thursday in Sandbach is Market Day. This attracts a considerable number of people into the town centre whilst also reducing the amount of public car parking available. This presents a problem for the 82 members of Cheshire East Council, some of whom find it difficult to find a parking space within a reasonable walking distance of the Town Hall. It also presents problems for those members who have mobility issues. The suggestion has been made therefore that Council meetings in Sandbach be held on a day other than Thursday. Given that Cabinet meetings are usually held on Tuesdays, and that members prefer to avoid Mondays and Fridays for meetings where possible, this would suggest that the most likely alternative day for Council meetings would be Wednesday. This would, of course, depend on the availability of the Town Hall or a suitable alternative venue on Wednesdays. Initial discussions with Sandbach Town Council indicate that it might be possible to use the Town Hall on Wednesdays.

Alternative venues for Council meetings

- 5.3. A possible alternative solution would be to hold Council meetings in towns other than Sandbach. In the past, Council meetings have been held at venues in Macclesfield, Crewe and Congleton although this did not prove popular with some members having to travel greater distances. In addition, the meeting rooms available in some locations were less than ideal and the acoustics were quite poor. Sandbach has therefore established itself as the optimal location, given its central position in the Borough. Where a larger venue is needed for a particular occasion, a suitable alternative venue has been used such as Tatton Hall for Mayor-making and Crewe Alexandra Football Club for the Local Plan.

Consistent start time for Council meetings

- 5.4. Members have also expressed the view that the start time for Council meetings should be consistent throughout the year. At the moment, the meetings in July and October are held at 2.00 pm, with the remaining meetings starting at 11.00 am. This was thought to have originated when some members objected to having to travel home in the dark during the winter months. However, some members have now expressed the view that there should be a consistent start time for Council meetings. It is suggested that this should be 11.00 am as currently applies to the majority of Council meetings.

Public and Member speaking time for Council and Cabinet

- 5.5. It has been suggested that a minimum period of 3 minutes should be allowed for each speaker during public and member speaking times at Council and Cabinet meetings.
- 5.6. It has also been suggested that there should be no time constraints placed on members in asking and answering questions at Council meetings.
- 5.7. The current arrangements for public and member speaking at Council and Cabinet meetings are set out below.

Member speaking/questions at Council and Cabinet meetings

- 5.8. Currently, at Council meetings, a member may ask the Mayor, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Council, the Cabinet or the Committee is responsible. A maximum period of 30 minutes is allowed for members's questions. Questions are selected by the Mayor, taking into account the time available. Questions are asked and answered without discussion. Following the answer to each question, the Mayor may permit the questioner to ask a concise and focussed supplementary question which relates to the subject matter of the initial question and answer. There is no specific time allocated to individual members.
- 5.9. At Cabinet meetings, a period of 20 minutes is set aside for questions to be put to Cabinet Members by Members of the Council. Notice of these questions is not required in advance of the meeting. The Leader will determine how Cabinet question time should be allocated where there are a number of Members wishing to ask questions. Usually, the 20 minute period is divided evenly among those wishing to speak. Questions must be brief, clear and focussed. Following each answer, the Leader may permit the questioner to ask a concise and focussed supplementary question which relates to the subject matter of the initial question and answer.

Public Speaking/Questions at Council and Cabinet meetings

- 5.10. At Council meetings, a total period of 15 minutes is allocated for members of the public to speak.
- 5.11. At Cabinet meetings, a period of 10 minutes is allocated for public speaking. Members of the public are not required to give notice of their wish to speak. However, where a member of the public wishes to ask a question, they must give at least 3 clear working days' notice in writing so that an informed answer may be given. Members of the public are normally allowed to speak for up to 5 minutes each, but the Chairman will decide how the public speaking time will be allocated where there are a number of speakers. The time taken by a Cabinet member or a committee chairman in responding to a question is not counted as part of the time available.
- 5.12. Concern was expressed recently when 15 public speakers at a Council meeting were allocated one minute each in which to speak. This led to calls by some members, and members of the public, for a minimum speaking time of 3 minutes per speaker.
- 5.13. In considering this matter, members will no doubt have regard to the need to balance adequate public speaking arrangements with allowing sufficient time for consideration of the substantive reports on the agenda and the decisions that arise from those reports.

Evening meetings

- 5.14. Members have requested that consideration be given to holding some meetings in the evenings so that members, and members of the public, who work during the day can more easily attend.
- 5.15. Holding some meetings in the evening would have resource implications in that Council buildings would have to remain open for longer and staff associated with the meetings would potentially be working longer hours. In addition, there may be other members, and members of the public and press, who would find evening meetings more difficult to attend, for instance if they are having to travel a considerable distance or rely on public transport which may not be available in the evenings. There will also be meetings which representatives of outside organisations regularly attend, for instance the Audit and Governance Committee and the Health and Wellbeing Board.
- 5.16. However, if members wished to pursue this further, it is suggested that in the first instance consideration be given to holding the Public Rights of Way Committee and an overview and scrutiny committee in the evening. This could then be monitored and reviewed in due course.

Seating arrangements at Cabinet

- 5.17. Following a request from the Leader, the seating arrangements for visiting members at Cabinet meetings have recently been changed. Under the previous arrangements, a row of tables with microphones was provided for visiting members, facing the Chairman and the top table. One seat at one end of the row of tables was reserved for use by members of the public wishing to speak. However, visiting members were occupying the seat reserved for public speaking, thus displacing members of the public who were then unable to face the Chairman when addressing Cabinet. In order to protect the seating arrangements for public speaking, and to provide greater clarity to the public as to which of the members present were Cabinet members and decision-makers, the row of tables was replaced with a single table, chair and microphone for use by members of the public and visiting members wishing to speak. Individual speakers would then be invited by the Chairman to come forward and sit at the table at the appropriate time, and after speaking they would return to the public seats. As a consequence, all visiting members are now required to sit in the public seats when not addressing Cabinet.
- 5.18. Concern has been expressed by some members about the revised seating arrangements at Cabinet and they have asked that the matter be referred to this Committee for consideration.
- 5.19. The Constitution Committee's terms of reference include the administrative arrangements for the Council and other meetings. However, it is for the Leader and Cabinet to determine the arrangements for the conduct and administration of Cabinet meetings subject to the requirements of the Executive and Cabinet Procedure Rules. This would include the seating arrangements. However, the Committee may wish to consider whether it wishes to make any observations to the Leader.

Procedure for Dealing with Notices of Motion at Council meetings

- 5.20. Paragraph 1.34 and Appendix 2 of the Council Procedure Rules, relating to Notices of Motion at Council meetings, provide that:
- “When a Motion has been moved and seconded the mover and seconder shall not be entitled to make a speech if the Mayor decides that it shall stand referred without discussion to such of those bodies as the Mayor may determine, for determination. However, if the Mayor considers it conducive to the despatch of business, the motion may be dealt with at the meeting at which it is initially considered.”
- 5.21. There is a view among some members that this Rule should be amended to allow the proposer and seconder of the motion at the Council meeting to

make a brief statement on the purpose of the motion before Council decides whether to refer it to a decision-making body.

5.22. Under the current rules, the proposer and seconder of a motion under Paragraph 1.34 may speak first on the motion when it is considered by the decision-making body to which it has been referred by Council. The matter is then opened up to wider discussion.

5.23. If the procedure rule is changed as suggested in paragraph 5.21 above, this could result in an impromptu debate on the motion beginning at the Council meeting which would pre-empt the consideration of the matter by the appropriate decision-making body at a later date with the benefit of a detailed report.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. There are no particular legal implications arising from this report, which concerns the administrative arrangements for the Council and other meetings within the existing legal framework for such meetings.

6.1.2. There may be consequential amendments to the constitution arising from any changes to the current arrangements for meetings.

6.2. Finance Implications

6.2.1. There may be financial implications arising from the holding of evening meetings but these are not quantifiable at this point.

6.3. Policy Implications

6.3.1. There are no particular policy implications.

6.4. Equality Implications

6.4.1. There are no particular equality implications.

6.5. Human Resources Implications

6.5.1. There may be changes to the working conditions of some staff arising from the holding of evening meetings but these are indeterminate at this point.

6.6. Risk Management Implications

6.6.1. There are no particular risk management implications.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

6.10. Climate Change Implications

6.10.1. There are no direct implications for climate change.

7. Ward Members Affected

7.1. There are no specific ward implications.

8. Consultation & Engagement

8.1. No consultation arrangements are envisaged.

9. Access to Information

9.1. The constitution can be found on the Council's website.

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

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