

Cheltenham Borough Council

Council – 12 December 2022

Review of the Constitution

Accountable member:

Cllr Rowena Hay, Leader of the Council

Accountable officer:

Claire Hughes, Corporate Director and Monitoring Officer

Ward(s) affected:

n/a

Key/Significant Decision:

No

Executive summary:

This report sets out the recent work and recommendations of the Constitution Working Group for consideration by Council.

Recommendations:

1. To increase the time limit for submitting Motions from 5 working days to 7 working days;
 2. To increase the time limit for submitting member and public questions to Council, Cabinet and the Overview and Scrutiny Committee from 5 working days to 7 working days;
 3. That the time permitted for speeches in general debate is reduced from 5 minutes to 3 minutes;
 4. For the purposes of inclusivity, Clause 13.2 of the Council Procedure Rules (the need to stand to address the meeting) is updated to enable Members to either stand or remain seated when addressing the meeting; and
 5. To delegate authority to the Monitoring Officer to make the consequential amendments to the Constitution
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1. Implications

1.1. Financial implications

There are no direct financial implications arising from the recommendations.

Signed off by: Gemma Bell, Director of Finance and Assets, gemma.bell@cheltenham.gov.uk

1.2. Legal implications

There is no statutory requirement regarding any timescales for the submission of motions or questions to Cabinet or Council. To ensure fairness and transparency the Constitution and information provided by the Authority should clearly state the timescales.

Signed off by: One Legal – legalservices@onelegal.org.uk (01684) 272012

1.3. HR implications

There are no direct HR implications arising from this report.

Signed off by: Julie McCarthy, HR Manager, julie.mccarthy@publicagroup.uk

1.4. Environmental and climate change implications

There are no direct environmental or climate change implications arising from this report.

Signed off by: Laura Tapping, Climate Change Programme Officer,
laura.tapping@cheltenham.gov.uk

1.5. Property/asset implications

There are no direct property or assets implications arising from the recommendations.

Signed off by: Gemma Bell, Director of Finance and Assets, gemma.bell@cheltenham.gov.uk

1.6. Corporate policy framework implications

The recommendations, if approved, will support the good governance of the council which in turn will enable the council to be better able to deliver its corporate plan

Signed off by: Richard Gibson, Head of Communities, Wellbeing and Partnerships
richard.gibson@cheltenham.gov.uk

2. Promoting equality and reducing discrimination

There are no direct equality impacts arising from this report

3. Performance management – monitoring and review

4. Background

- 4.1. The Constitution Working Group (CWG), the Member Group with responsibility for reviewing and overseeing changes to the Constitution, met on 14 October 2022 to consider a number of proposed amendments to the Constitution.

5. Council Procedure Rules (Part 4A)

- 5.1. Clause 5.1 Notices of Motion provides that the time limit for submitting Motions is 5 working days before the meeting. To provide adequate time in terms of notice, preparation and administration and to properly prepare and ensure a full consideration and an effective debate the CWG agreed that the notice period should be changed to 7 working days before the meeting
- 5.2. Clause 12.3 Questions. As with Clause 5.1 above the CWG agreed that the time for submission of both public and member questions should be changed to 7 working days.
- 5.3. Clause 13.2 The need to stand to address the meeting. The CWG agreed that this clause is not appropriate when considering issues of equality in respect of disabilities. Equally, they agreed that asking someone to justify why they are not prepared to stand is not appropriate when considering disability issues. Therefore, recognising that some Members will still prefer to stand, it was agreed that this clause should be amended to state that for the purposes of inclusivity, Members can either stand or remain seated when addressing the meeting.
- 5.4. Clause 13.11 Length of Speeches. General speeches are presently allowed up to a maximum of five minutes in debate, in order to bring focus to the debate the CWG agreed that this time period should be reduced to three minutes.

6. Cabinet (Part 4B), Committees (Part 4C) and Overview and Scrutiny Committee (Part 4D)

- 6.1. Each of these Committees presently accept questions on 5 days' notice. To bring consistency of approach the CWG agreed that this should also be changed to 7 working

7. Minor Amendments

- 7.1. The Constitution provides that the Monitoring Officer is permitted to make minor amendments without the need for ratification by Council. Council are asked to note the following amendments which will be made in accordance with that provision:
 - 7.1.1. In Part 3C (Functions) references to the Director or Environment will be updated to reflect the new titles of posts following the re-structure
 - 7.1.2. In Part 3D (Officer Non-Executive Function) references to the Director of Planning will be amended to reflect the new titles of posts following the re-structure

8. Reasons for recommendations

- 8.1. To ensure that the Council's Constitution remains up to date and in accordance with current

legislation

9. Alternative options considered

9.1. None

10. Consultation and feedback

10.1. Constitution Working Group

11. Key risks

11.1. None

Report author:

Claire Hughes, Corporate Director and Monitoring Officer, claire.hughes@cheltenham.gov.uk

Background information:

[Cheltenham Borough Council Constitution](#)