

Report to Cabinet
25 June 2014
Report of Executive head of strategy, people and democracy
Subject Constitution review

Item

5

Purpose

To consider amendments to the council's constitution which have been endorsed by the constitution working party as part of its fundamental review.

Recommendation

To recommend council to adopt changes to appendix 1 of the council's constitution :-

- (1) to include the protocol on allowing filming at council meetings in exceptional circumstances, as set out in the appendix to this report;
- (2) to include a rule to require that amendments to the policy and budget framework at annual budget council meetings be received by 10am, three clear working days in advance of the meeting.

Corporate and service priorities

The report helps to meet the corporate priority "Value for money services" and the service plan priority.

Financial implications

There are no direct financial implications from this report.

Ward/s: All wards

Cabinet member: Councillor Waters- Deputy Leader and resources

Contact officers

Russell O'Keefe, executive head of strategy, people and democracy 01603 212908

Andy Emms, democratic services manager 01603 212459

Background documents

None

Report

Introduction

1. At its meeting on 22 March 2011, the council considered changes to the council's constitution and agreed to ask the constitution working party to conduct a fundamental review of the constitution.
2. At its meeting on 10 March 2014, the working party considered and endorsed proposed recommendations to the council's constitution in relation to the adoption of a protocol on filming council or committee meetings and to formalise the arrangements for the submission of amendments to the policy and budgetary framework at the budget council.

Filming protocol

3. The working party first considered on 9 September 2013, when it confirmed that the current arrangements for filming at council meetings should continue, whereby the presumption is not to allow filming of council meetings other than in exceptional circumstances at the discretion of the chair. It asked for a protocol to be prepared on how, in exceptional circumstances, filming might be undertaken. Also, it asked for the current options and costs for the council undertaking webcasting of its own meetings
4. The issues were considered by the working party on 18 November, 2013 when members deferred consideration for clarification on the period of notice being required in the draft protocol and the role of the chair.
5. At its next meeting on 18 March, 2014 the working party accepted that a notice period of three days is required to ensure that there is sufficient time to make the decision to assess the "exceptional circumstances" to allow filming.
6. It is helpful both to the applicant and the council to ensure that there is sufficient time to make the correct decision and to give an appropriate response. Three days is a reasonable period to allow the chair to be contacted to evaluate the exceptional circumstances; for us to liaise with other departments if required and to consider other matters relating the meeting/relevant item in question that might affect the decision. It is a period accepted by council as reasonable in its decision in November 2013 to set the notice period for public questions at council meetings as three days.
7. The protocol also suggests that requests should not be made more than two weeks in advance. It is not sensible to evaluate applications too far in advance as there could be issues that come to light nearer the meeting that might affect the chair's decision and the matter may not even be on the final agenda.
8. The role of the chair in deciding whether to permit filming was consistent with local government practice. The chair is responsible for ruling on matters of procedure and his/her decision is final. Decisions, of course, must be made taking into account the legal and constitutional framework.
9. The working party agreed to recommend council to adopt the draft protocol for allowing filming at council meetings in exceptional circumstances as part of

appendix 1 of the council's constitution which is attached as appendix a of this report.

10. It decided that the costs associated with webcasting council meetings could not be justified and did not recommend any action. However, it did ask the democratic services manager to report back to a future meeting on the provision of audio recordings of council meetings.

Amendments to policy and budget framework

11. Councillors have a statutory duty to set a budget which is done annually at the budget meeting in February. As part of this process budget council must decide the level of council tax to be set for band D properties in the city. Also, it needs to make a statutory determination of how the precept of the collection fund for the forthcoming year is to be calculated in accordance with sections 32-36 of the Local Government Finance Act 1992 as amended by the Localism Act 2011.
12. If amendments to the draft budget are received, officers need to investigate the implications of these to ensure that there would not be any "knock on" implications for other parts of the budget; that they would still result in a balanced viable budget and to enable the above statutory determinations to be re-calculated.
13. Although constitutionally, amendments can be moved at any time, group leaders have informally recognised that it is helpful to all councillors and officers if amendments are submitted as early as possible the week before full council meetings. This informal arrangement has worked well and helped the smooth and efficient running of the meetings.
14. Recognising the particular importance of this in respect of the budget, group leaders informally agreed to follow these arrangements at budget council on 18 February 2014.
15. In view of the importance of ensuring that the budget is set according to the statutory requirements, the working party considered a suggestion that these arrangements be formalised rather than relying on informal agreements.
16. During discussion it was pointed out that members needed the support of officers when proposing budget amendments and that it would be necessary to ensure that the chief finance officer and her team were available so that amendments could be submitted in time. The amount of work required by the finance team to check through the implications to changes to the proposed policy and budget framework was recognised. Members were advised that the budget process was carried out throughout the year and this rolling process enabled greater opportunity to fund items of expenditure or services which required a longer term preparation. Budget proposals were discussed with cabinet and group leaders in October or November and were presented to scrutiny committee before consideration at cabinet.
17. The working party recommended that appendix 1 of the council's constitution be changed to require amendments to the policy and budget framework at the annual budget council meetings to be received by 10am three clear working days in advance of the meeting (ie by 10am the Wednesday before the meeting).

Integrated impact assessment



NORWICH
City Council

The IIA should assess **the impact of the recommendation** being made by the report

Detailed guidance to help with completing the assessment can be found [here](#). Delete this row after completion

Report author to complete

Committee:	Cabinet
Committee date:	25 June 2014
Head of service:	Executive head of strategy, people and democracy
Report subject:	Constitution review
Date assessed:	10 April 2014
Description:	Proposed changes to the council's committee and procedure rules (appendix 1)

	Impact			
Economic (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Finance (value for money)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other departments and services e.g. office facilities, customer contact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ICT services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Economic development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Financial inclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Social (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Safeguarding children and adults	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<u>S17 crime and disorder act 1998</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Human Rights Act 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Health and well being	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Equality and diversity (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Relations between groups (cohesion)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Impact			
Eliminating discrimination & harassment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Environmental (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Natural and built environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Waste minimisation & resource use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pollution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sustainable procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Energy and climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(Please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Risk management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Recommendations from impact assessment

Positive

Negative

Neutral

Issues