

Agenda Item 7
Council – 5th December 2023
Recommendation from Cabinet
Member for Policing &
Equalities
4th December 2023

Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities held at 1.00
pm on Monday, 4 December 2023

Present:

Members: Councillor AS Khan (Chair)
Councillor P Male (Shadow Cabinet Member)
Councillor P Akhtar (Deputy Cabinet Member)

Employees (by Service Area):

Law and Governance: J Newman (Chief Legal Officer), U Patel

Procurement: R Amor

Public Business

RECOMMENDATION

37. Proposed Amendments for the Constitution

The Cabinet Member considered a report of the Chief Legal Officer which outlined proposed changes to the Constitution.

The Council's Constitution sets out how the Council carries out its business and makes decisions. It is a living document which would need updating from time to time to ensure that it reflected changes in practices within the Council.

The Constitutional Advisory Panel at its meeting on 31 October 2023 considered the following proposed changes to the Constitution:

- a) Amendments to the Contract Procedure Rules as set out in Part 3G of the Constitution
- b) Amendments to the Council Procedure Rules as set out in Part 3A of the Constitution
- c) The establishment of Sub Committees of the Licensing and Regulatory Committee to consider Hackney Carriage and Private Hire Licensing applications.

(a) Contract Procedure Rules (Part 3G of the Constitution)

The background and the proposed amendments to the Contracts Procedure Rules were set out in Appendix A of the report. The amendments proposed support SME's in tendering for below threshold tenders and quotation exercises following feedback received in response to Procurement Services' Equality, Diversity and Inclusion (EDI) survey. The proposed amendments could be summarised as follows:

- Administrative changes (titles, up-to-date PCR thresholds)
- Furtherance of the Council's Social Value agenda through increasing minimum number of tenders/quotes sought and establishing minimum timescales below threshold.
- Clear identification of legislative requirements with regards to publication of notices to ensure compliance with the regulations.
- Explicit reference to contracting with Local Authority Trading Companies (teckal) in accordance with the Public Contracts Regulations 2015.
- Reflect the recently issued revised public procurement thresholds for goods, services and works that would come into force from 1 January 2024.

The Cabinet Member noted that the proposed amendments were the first of three potential set of amendments to the Contracts Procedures Rules due to forthcoming legislative changes.

The Constitutional Advisory Panel agreed that all of the proposed amendments, as detailed in Appendix A, be recommended to the Cabinet Member for approval.

(b) Council Procedure Rules (Part 3A of the Constitution)

The background and the proposed amendments to the Council Procedure Rules were set out in Appendix B to the report and follow a review of the Council Procedure Rules by David McGrath, an external trainer with expertise and knowledge of Council Procedure Rules, their application and best practice. The review provided a number of recommendations and items for consideration relating to the following:

- The modernisation use of language throughout the Procedure Rules
- A change in relation to the effect on quorum of a Member declaring an interest and leaving the meeting
- A change in relation to Members being required to stand to address the meeting
- The introduction of a limit on the number of supplementary questions and a time limit on the length of question Time, together with guidance to questioners to assist with precision and fairness in questioning
- A change in relation to not allowing Motions to be submitted to the February Council Tax and Budget setting meeting
- The clarification in relation to requiring Motions to have a discernible link to the City Council.

The Constitutional Advisory Panel considered these and noted that other matters raised by the review had not been included as they helpfully reflected wider practice but were not as relevant to the City Council's approach.

The Advisory Panel agreed with the recommended amendments, except for the introduction of a limit on the number of supplementary questions and a time limit on the length of Question Time. The Advisory Panel noted that in relation to supplementary questions, the Lord Mayor has the power to disallow supplementary questions which, in their opinion is irrelevant or frivolous or a repetition of on substantially similar to a question or questions already asked. The Advisory Panel considered that, if this power was applied effectively by the Lord Mayor, there was no need for any further restriction on Question Time. It was agreed that providing clarity in relation to guidance to questions to assist with precision and fairness in questioning would be helpful.

The Constitutional Advisory Panel therefore agreed that all of the proposed amendments, as detailed in Appendix B, should be recommended to the Cabinet member for Policing and Equalities for approval.

(c) Establishment of Licensing and Regulatory Sub-Committees to deal with Hackney Carriage and Private Hire Licensing

The Constitutional Advisory Panel considered a proposal to establish Licensing and Regulatory Sub Committees to deal with Hackney Carriage and Private Hire Licensing Applications to provide more efficient decision making. The proposal, which was recommended should be introduced from the start of the new Municipal Year 2024/25:

- Would establish two equal, politically balanced, Sub-Committee by dividing the membership of the Licensing and Regulatory Committee. The Chair and Deputy Chair of the Committee would sit on both Sub-Committees.
- Each Sub-Committee would meet bi-monthly and Members would know at the start of the year which Sub-Committee they were appointed to and the dates of those meetings. This would ensure that all Members of the Committee would deal with such applications during the year.
- The quorum of each Sub-Committee would be four. And if they were unable to attend a meeting, Members would be entitled to nominate a substitute member from the membership of the other Sub-Committee.
- The Licensing and Regulatory Committee would still meet in full to consider any other matters delegated to them as necessary.

Councillor F Abbott, Chair of the Licensing and Regulatory Committee, attended the meeting of the Constitutional Advisory Panel and indicated her support for the above proposals.

The Advisory Panel indicated that it would important that the membership of each Sub-Committee ensures that there is a mix of both experienced and less experienced Members in licensing matter and it was noted that this would be addressed with Group Leaders during the appointment process prior to the Annual Meeting of the Council.

The Constitutional Advisory Panel agreed that the proposal as outlined above be recommended to the Cabinet Member for Policing and Equalities for approval.

RESOLVED that the Cabinet Member for Policing and Equalities recommends that Council approves Recommendations (1) to (3) below and authorises the Chief Legal Officer to make any necessary amendments to the Constitution:

- (1) The proposed amendments to the Contracts Procedure Rules (Part 3G of the Constitution) as detailed in Appendix A to the report with immediate effect.**
- (2) The amendments to the Council Procedure Rules (Part 3A of the Constitution) as detailed in Appendix B to the report with immediate effect.**
- (3) The establishment of Sub-Committees of the Licensing and Regulatory Committee to consider Hackney Carriage and Private Hire applications from the start of the Municipal Year 2024/25.**