
**Cabinet Member for Policing and Equalities
Council**

**4 December, 2023
5 December, 2023**

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor AS Khan

Director approving submission of the report:

Chief Legal Officer

Ward(s) affected:

None

Title:

Proposed Amendments for the Constitution

Is this a key decision?

No

Executive summary:

The Constitutional Advisory Panel, at its meeting on 31 October, 2023, considered a number of proposed changes to the Constitution. These were:-

- 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

The Advisory Panel agreed with all of the proposed amendments in relation to (a) and (c) above and the majority of the proposed amendments in relation to (b) above, with the exception of any restrictions in relation to Question Time at Council Meetings.

Recommendations:

The Cabinet Member for Policing and Equalities is requested to recommend that Council approves Recommendations (1) to (3) below:-

- (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 Licensing applications from the start of the Municipal Year 2024/25

Council is recommended to approve Recommendations (1) to (3) above and authorise the Chief Legal Officer to make any necessary amendments to the Constitution.

List of Appendices included:

The following appendices are attached to the report:

Appendix A – Details of the proposed amendments to the Contract Procedure Rules (Part 3G)

Appendix B – Details of the proposed amendments to the Council Procedure Rules (Part 3A)

Background papers:

N/A

Other useful documents

N/A

Has it or will it be considered by Scrutiny?

No

Has it or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes - Constitutional Advisory Panel – 31 October, 2023

Will this report go to Council?

Yes – 5 December, 2023

Report title: Proposed Amendments for the Constitution

1. Context (or background)

- 1.1 The Council's Constitution sets out how the Council carries out its business and makes decisions. It is a living document and is reviewed and updated from time to time to ensure that it meets changing legislative requirements and reflects changes in practise within the Council.
- 1.2 The Constitutional Advisory Panel at its meeting on 31 October, 2023 considered a number of proposed change to the Constitution. These were:-
 - 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
- 1.3 The main changes proposed are set out in Section 2 of the report and more details, including the background to the proposals, are contained in the Appendices to this report.

2. Options considered and recommended proposals

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

The background and the proposed amendments to the Contracts Procedure Rules are set out in **Appendix A**. 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 further the Council's Social Value policy and promotion of inclusive procurement activity, ensure compliance with procurement legislation and can 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 will come into force from 1 January, 2024

The Constitutional Advisory Panel noted that the proposed amendments were the first of three potential set of amendments to the Contracts Procedure Rules due to forthcoming legislative changes.

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

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

The background and the proposed amendments to the Council Procedure Rules are set out in **Appendix B** and follow a review of the Council Procedure Rules by David McGrath, Link Support Services UK Ltd, an external trainer with expertise and knowledge of Council Procedure Rules, their application and best practise. Mr McGrath provided training for Members on Council meetings and the Rules of Procedure during June 2023, which was well received by those Members who attended. The review provided a number of recommendations and items for consideration relating to the following which were considered by the Constitutional Advisory Panel:-

- 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 noted that other considerations 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 one 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. The Advisory Panel agreed that providing clarity in relation to guidance to questioners 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.

2.3 Establishment of Licensing and Regulatory Sub-Committees to deal with Hackney Carriage and Private Hire Licencing

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-Committees 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. 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 be important that the membership of each Sub-Committee ensures that there is a mix of both experienced and less experienced Members in licencing matters 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 should be recommended to the Cabinet Member for Policing and Equalities for approval.

3. Results of consultation undertaken

- 3.1 The proposed amendments have been considered by the Constitutional Advisory Panel to which all Group Leaders and Councillor F Abbott, Chair of the Licensing and Regulatory Committee, were invited to attend.

4. Timetable for implementing this decision

- 4.1 It is proposed that following Council approval, the amendments to the Contracts Procedure Rules (Part 3G) and the Council Procedure Rules (Part 3A) be implemented immediately whilst the changes to the Constitution in relation to the introduction of Sub-Committees to deal with Hackney Carriage and Private Hire Licensing be introduced from the start of the Municipal Year 2024/25.

5. Comments from Chief Operating Officer (Section 151 Officer) and Chief Legal Officer

5.1. Financial Implications

There are no specific financial implications arising from the recommendations within this report.

5.2. Legal Implications

There are no specific legal implications arising from the report other than the recommendations ensure that the Council is complying with all of its legal obligations.

6. Other implications

6.1. How will this contribute to the One Coventry Plan?

<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan>

The proposals ensure good governance and provide openness and transparency in decision making.

The proposed amendments to the Contract Procedure Rules further the City Council's Social Value policy.

6.2. How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report.

6.3. What is the impact on the organisation?

There is no direct impact. In relation to the proposed changes to the Contract Procedure Rules, the mandated use of the Council's e-tendering system for contract opportunities over £25,000 total contract value may require additional training and guidance. Procurement Services will publish the appropriate resources for use by Council officers and provide system training where required.

6.4. Equalities / EIA?

In relation to the proposed changes to the Contract Procedure Rules, an EIA was undertaken prior to the commencement of the Equality, Diversity and Inclusion survey issued by Procurement Services. The proposed changes offer additional opportunities for SMEs bidding for lower value Council contracts through the increased minimum number of quotations/tenders sought and introduction of minimum

6.5. Implications for (or impact on) climate change and the environment?

None

6.6. Implications for partner organisations?

In relation to the proposed changes to the Contract Procedure Rules, the Council is supporting SMEs through increased opportunity to bid for Council contracts.

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