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# CONSTITUTION SUB-COMMITTEE

## DRAFT MINUTES

Of a virtual/remote meeting held on Wednesday 6 July 2022 from 7pm to 8.28pm

Members of the Constitution Sub-Committee:

Councillors

Sarah Nelmes	Debbie Morris
Stephen Giles-Medhurst	Lisa Hudson (intermittently)
Chris Lloyd	Ciarán Reed
Andrew Scarth (for Cllr Dominic Sokalski)	Roger Seabourne

Also in attendance: Councillors Rue Grewal, Philip Hearn, Chris Mitchell, Reena Ranger

Officers:

Sarah Haythorpe, Principal Committee Manager  
Mike Simpson, Committee and web Officer

### **CSC01/22 APPOINTMNT OF CHAIR AND VICE-CHAIR OF CONSTITION SUB-COMMITTEE FOR 2022-23**

Councillor Sarah Nelmes proposed, seconded by Councillor Chris Lloyd, that Councillor Stephen Giles-Medhurst be Chair of the Constitution Sub-Committee for 2022-23.

Councillor Stephen Giles Medhurst proposed, seconded by Councillor Chris Lloyd, that Councillor Sarah Nelmes be Vice-Chair of the Constitution Sub-Committee for 2022-23

RESOLVED:

That Councillors Stephen Giles Medhurst be appointed Chair of the Constitution sub-committee for 2022/23 and Councillor Sarah Nelmes be appointed Vice-Chair of the Constitution Sub-Committee for 2022-23.

### **CSC02/22 APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors Dominic Sokalski, with Councillor Andrew Scarth substituting, and Cllr Stephen Cox. The sub-committee were advised that Cllr Lisa Hudson hoped to attend but an emergency had arisen.

### **CSC04/22 NOTICE OF OTHER BUSINESS**

The Chair had ruled that item 5 on the agenda was of sufficient urgency to

be taken at the meeting so that it could be reported to the Policy and Resources Committee on 12 July.

**CSC05/22      DECLARATIONS OF INTERESTS**

None received.

**CSC06/22      RULE 14 - WRITTEN REPORTS FROM AND QUESTIONS TO LEADER OF THE COUNCIL AND LEAD MEMBERS AND WRITTEN REPORTS FROM AND QUESTIONS TO CHAIRS OF AUDIT, PLANNING, LICENSING AND REGULATORY SERVICES COMMITTEES**

A report had been prepared for the sub-committee to consider on suggested/possible amendments for Members to consider to Rule 14 – Questions and Rule 6 – Order of Council business.

Some proposals on the suggested amendments to these Rules were put forward by the Chair of the sub-committee and were displayed for Members to view. In addition the proposals were circulated by email to the sub-committee Members.

The suggestions were as follows:

1. Lead Members to provide a written report to be circulated with the agenda as per current Rule 14 (5).
2. Such reports to be noted and taken as read without discussion at Council as per current Rule 14(5).
3. Only oral updates are allowed by Leader on any matters that may have changed or matters of urgency since the published report (time limited to 3 minutes) and other reports only if published information is inaccurate. To be notified to the Chair in advance.
4. A New Councilors Question Time. This to allow for one oral question and supplementary per Councillor per Council meeting to the Leader/Lead Member - 1 minute per question/ supplementary 3 minutes for answers. Question to relate to the portfolio of the lead member/ Leader not just the report submitted. Questions only to Lead members/Leader.
5. As present written questions and answers published with the agenda and subject to current time scales and to for part of the published minutes. Supplementary questions on the published answers to be accepted provided they are received by 9am on the day of the meeting and to be published after sign off from the Lead member/leader 10 working days after the meeting with the minutes.
6. If the subject matter of the written question and answer is already in the public domain, i.e. on the Council website then such questions be excluded from the agenda/ minutes and Member so informed.
7. If the written question has been asked in the last calendar year to an officer/or at council it cannot be asked again.

Highlights/comments made by Members on the proposals were:

- Didn't feel it would be democratic to allow just one question per Councillor per meeting (all 39 Cllrs) which would limit a Councillor's right to ask the Leader/Lead Member a question. Currently the Rule allowed for any number of questions to be asked and were against any restrictions on the right of a Councillor to ask questions.

- The Chair advised that the current position on questions was unsustainable and the proposals had come forward due to the high number of questions being submitted and Members not being sensible on the number submitted.
- Other Councils do not have an open procedure on question like Three Rivers. Consultation had been made at the recent LGA conference where it was found that our procedure on questions had a lot more opportunity and scope to ask questions than other Councils and the proposals here were about providing a balance.
- The item on questions was now taking up a lot of the Council meeting time and a lot of officer time to provide information to the Leader/Lead Members on responding to the questions within their remit.
- It was stated that the Leader/Lead Member should be answering the questions themselves not officers. If a question did not fall within a particular Members brief then it should be moved over to the another Member to respond.
- The provision for asking questions gives the opposition the opportunity to ask questions of the Administration and the proposals provided would reduce this opportunity.
- The proposals put forward provided for a Councillor to ask an oral question and to then be able to ask a supplementary question with these noted in the minutes.
- Concern was raised that the proposals had only come forward due to an individual Councillor asking a significant number of questions.
- Members were advised that at the P&R meeting in January there had been consensus that:

“Members had taken the points on board and would be looking to reduce the number of written questions submitted and the number of supplementary questions asked. It was not down to the Constitution what questions Members can or cannot ask it should be for Members to decide what they would like to ask. There is a balancing act to make and understanding the consequences.”

But this consensus had not always been considered when submitting questions.

- There should be time for all questions and Members have the ability to ask written questions and supplementary questions.
- It was advised that any technical questions can be received by officers with an answer provided without needing to come to Council.
- Lead Members would be required to provide written reports to be circulated with the agenda as per the current Rule 14 (5) with such reports to be noted and taken as read without discussion at Council as per current Rule 14(5).
- Only oral updates to be allowed by the Leader on any matters that may have changed or matters of urgency since the published report (time limited to 3 minutes) and other reports only if published information is inaccurate. To be notified to the Chair in advance. Councillor Debbie

Morris moved an amendment, duly seconded, that the Committee Team receive any updates by 9am on the day of the meeting, notified to the Chair and circulated to all Councillors by 10am on the day of the meeting.

- Concern was raised that the party with only one seat on the Council would only be able to ask one question and one supplementary question which did not seem very democratic.
- The Chair advised that the time to ask questions was at the Committees where a report was being considered instead of waiting until the Council meeting.
- A Member said that the website was difficult to navigate and it was difficult to find details to provide responses to questions particularly around parking matters. It was noted that the Leader/Lead Members were not able to make decisions as they have no powers to do so.
- Requested a higher limit to the number of questions which can be asked to the proposals provided. It was not democratic to limit the number of questions.
- Noted that the right to ask a question and supplementary question would remain.
- The proposals could be introduced as an experiment to see how things worked first and then could be reviewed later on.
- On the proposal that if the written question had been asked in the last calendar year to an officer/or at Council it cannot be asked again. Officers would check the practicality of this.

On being put to the sub-committee the Chair declared the proposals CARRIED the voting being 5 For, 2 Against and 0 Abstentions.

## **RULE 6 – ORDER OF BUSINESS AT FULL COUNCIL**

The report presented to the sub-committee provided suggestions on amendments to the order of business at a Full Council meeting.

Some proposals were provided by the Chair and were shown to the sub-committee Members and circulated by email with regard to Council's Rule 6 relating to Order of Business at Full Council as follows:

- (a) To choose a Member to preside if the Chair and Vice-Chair be absent.
- (b) Apologies for absence.
- (c) To confirm as a correct record the Minutes of the previous meeting of the Council which shall then be signed by the Member presiding at the meeting.
- (d) Chair's announcements.
- (e) Receive any petitions under procedure Rule 18.
- (f) Questions From the public under procedure rule 15
- (g) Business required by statute to be dealt with before any other business.
- (h) To deal with any other business specifically required by law.
- (i) Recommendations of the Policy & Resources Committee (including budget-setting recommendations).
- (j) To deal with any other recommendations.
- (k) To deal with any other business specified in the Summons.
- (i) Receive reports from Leader, Lead members and Chairs of the Audit, Planning, Licensing and Regulatory Services Committees (Rule 14).

(n) Question Time for Councillors . Questions to Leader and Lead members only . 1 per Councillor (Revised Rule 14)  
(m) To consider notices of motions (Rule 11).  
(2) The order of business under Items (g) – (m) can be changed by the Chair or by a resolution passed on a motion (which need not be in writing) duly moved and seconded and put to vote without discussion. The Chair shall have the ability to move without discussion any items required to be considered under Section 100A of the Local Government Act 1972 with the press and public excluded to any stage of the meeting after item (f) to ensure that such business is concluded before the close of the meeting.  
(3 ) If in accordance with Rule 1 the above business (a)- (k) and any items under Section 100A of the Local Government Act 1972 are not concluded by set time that business shall be adjourned to a time fixed by the Chair at the time the meeting is adjourned, or, if they do not fix a time, to the next ordinary meeting of the Council. Items (1) will be taken as read and added to the minutes in that case but items (n and m) shall fall and not be considered (Revised to Rule 1) .

Members made the following points:

- The proposals included not having Chairs' reports as part of the business for the meetings.
- The proposals would also allow the Chair to rule on the order of business for items (g) – (m) and also provided for business to be adjourned with the Chair able to fix a time for the meeting or to the next ordinary meeting.
- A Member was mindful that motions not heard might fall away and wondered whether Rule 11 should be reviewed. The Chair agreed that review of Rule 11 on Motions could be discussed at a future meeting.

On being put to the vote, the Chair declared the proposal carried, the voting being 5 For, 0 Against and 2 Abstentions.

RECOMMEND:

That the proposed changes relating Rule 14 on Reports and Questions at Full Council meetings and to Rule 6 - Order of Business at Full Council be recommended to the Policy and Resources Committee at its meeting on 12 July 2022 and then to Full Council on 12 July 2022.

**CSC07/22 ANY OTHER BUSINESS**

There was no other business.

**CHAIR**