

CONSTITUTION SUB-COMMITTEE – 9 SEPTEMBER 2020
POLICY AND RESOURCES COMMITTEE – date to be confirmed
EXTRAORDINARY COUNCIL – 6 OCTOBER 2020

PART I – NOT DELEGATED

6. REVIEW OF RULE 14 – REPORTS FROM AND QUESTIONS TO THE LEADER OF THE COUNCIL AND LEAD MEMBERS

REPORTS FROM AND QUESTIONS TO THE CHAIRS OF THE AUDIT, PLANNING, LICENSING AND REGULATORY SERVICES COMMITTEES

REVIEW OF RULE 15 QUESTIONS FROM THE PUBLIC

MEMBER/OFFICER PROTOCOL

SUUGGESTIONS FOR REVIEW OF RULE 11 ON MOTIONS RULE 16 (RULES OF DEBATE) AND RULE 18 ON PETITIONS

(CED)

1 Summary

- 1.1 To review and recommend changes to Rule 14 of the Council Constitution (Appendices 1, 2 and 3 refers).
- 1.2 To review Rule 15 of the Council Constitution on Questions from the Public (Appendix 4).
- 1.3 To adopt the updated Member/Officer protocol (Appendix 5).
- 1.4 To make suggestions on possible amendments to Rule 11, 16 and 18 to be discussed at a meeting of the sub-committee on 21 September 2020 (Appendix 6).

2 Details

- 2.1 The Council Constitution reflects the Committee form of governance arrangements which have been in place since June 2014. These were reviewed and amended most recently in December 2017 – Rule 17 – Budget Setting.
- 2.2 The following items are matters which have been suggested for review at this time by either Members or Officers. The proposed changes are largely due to difficulties which have arisen in getting through Council business at meetings.
- 2.3 A purdah period in December 2019, the volume of business at the meeting in February 2020 and the delay of Annual Council in May 2020 due to Covid 19 restrictions has helped exacerbate the position. Since December 2019 the Council has held Annual Council, 2 Full Council meetings and 1 extraordinary Council meeting with a further extraordinary Council meeting scheduled for 1 September with regular unfinished business being carried forward from meeting to meeting.
- 2.4 Officers are not suggesting that the start time of meetings be brought forward from a 7.30pm start but that would be a possibility if Members wanted to consider it. This would require a change to Rule 1(7). This would extend the time within which business can be conducted.

2.5 The concept of calling the executive to account by a question and answer session is no longer as relevant to this Council following the introduction of a committee form of governance. Whilst the idea of reports and questions to the Leader, Lead Members and Chairs of Committees is welcomed this does now need to be looked at and improved. This is to allow the essential business of the Council to be undertaken and to reduce the need for as many additional meetings.

2.6 **Revised Rule 14**

At Appendix 2 and 3 is an Officers suggestion for a revision of the current Rule 14 shown with track changes (Appendix 2) and also printed in full (Appendix 3). This is based on the following **ideas** for improvement for Members to discuss and make any further suggestions:

1. Officers are suggesting written questions are permitted on non-operational matters only – so any technical and operational questions are automatically rejected and referred to Heads of Service who can answer promptly. This will be in the Chair of Council's discretion as drafted. This could be a decision taken by the Chief Executive if that is preferred.
2. Officers are suggesting that written questions have to be sent in advance as now – but the change being that they must be sent in by the day the summons is published. Currently written questions must be sent in the day before meeting. This additional period will enable written answers to be collated and give Officers more time to assist the Leader, relevant Lead Member/Chairs of Committee to produce a full written answer. There is no provision for urgent questions in the amended Rule. Currently urgent questions are permitted.
3. Officers are suggesting written question will be taken as tabled and not read out to save time.
4. Officers are suggesting the default position is that **written** answers will be given to the member asking the question within 5 working days after the meeting. There will be no supplementary questions permitted where there is a written answer. The Leader/Lead Members/Chairs of Committees can choose to give an oral reply if that's what the Leader/Lead Member/Chairs of Committee wants to do on the night and if one is given then a supplementary is allowed but only then (1 minute to ask the supplementary and 2 minutes to answer).
5. Officers are suggesting a maximum period of 15 minutes is permitted for all written questions to be dealt with on the night. Those that are not dealt with will get an automatic written reply. This question and answer will be included in the minutes. These questions will not carry forward to the next meeting and will be treated as having been asked and answered.
6. Officers are suggesting a rotation of written questions by political group from meeting to meeting starting say with the Conservatives, then Labour, then Independent Councillors Group then others so each group takes it in turn to go first with **all** their written questions.
7. Officers have suggested a possible maximum number of written questions per Group (possibly 3 for the largest political opposition i.e. the Conservatives, 2 for Labour, 1 for Independent Councillors Group, 1 for others) per meeting.
8. As set out in 5 above it is suggested that there is a **15 minute guillotine** for this part of the meeting.
9. Officers are suggesting Reports from Leader/Lead Members/Chairs of Committees will now be **written** reports .They will have been sent out in advance with the summons. No additional reporting will be permitted.
10. Officers are suggesting Oral questions on the night are permitted only **on** the written reports – Officers have called it "Councillors question time"

11. Officers are suggesting either written answers must be given to oral questions within 5 working days or an oral answer can be given on the night. As drafted there is **NO** right to a supplementary even if oral answer given (1 minute to ask the oral question, 2 minutes again for answer NO Supplementary).
12. Officers are suggesting **15 minute guillotine period for question time**.
13. Officers are suggesting members rotate the order oral questions can be asked - 1 question per Group until the 15 minutes is up.
14. Officers are suggesting that for oral questions and answers –the names of those who asked and answered oral questions is included in the minutes.

This will mean that all written and oral questions will be dealt with in a 30 minute period.

Members are asked for comments and improvements on the proposals.

2.7 *Rule 15 Questions from the Public (Appendix 4)*

The Council is keen to ensure that there is public participation in all its meetings. To date few questions have been asked at meetings under this Rule.

It is suggested that Rule 15 remains unchanged.

2.8 *Member/Officer Protocol*

At Appendix 5 is a revised Member/Officer protocol which has been sent to the 4 Group Leaders previously and which has their comments and views included. This is a long overdue update on the current protocol. Members are asked to endorse the revised version and recommend it to Council for approval.

2.9 *Code of Conduct*

It is worth mentioning that a new Code of Conduct for elected Councillors is expected to be published by the Local Government Association (LGA) in October following a consultation period. This will be brought to a future meeting of Policy and Resources Committee for Full Council to adopt in due course. Members who saw the code at the consultation stage will see it is a vast improvement on the current code adopted by the Council.

2.10 *Members are asked to give Officers a steer on how motions and petitions can be improved. Officers will then come up with some proposals for the next meeting (Appendix 6).*

3 *Options and Reasons for Recommendations*

- 3.1 The Council operates under a Committee form of governance. As such there are no decision making powers delegated to an individual Member. All decisions are taken by proportional Committees or at Full Council. That being so the need to call the Leader/a Lead Member or Chairs of Committees to account or to scrutinise a decision taken by them is much reduced or non-existent. The Council needs to find a way to ensure that it can get through business at meetings whilst balancing the democratic right of councillors to question the administration.
- 3.2 It is important to ensure the democratic right of members of the public to ask questions at Council meetings is maintained.
- 3.3 The Member/Officer protocol shapes and defines the working relationship between Members and Officers.

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are within budgets. Council is asked to adopt the necessary changes to the Constitution and governance arrangements.

5 Financial, Legal, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

5.1 None specific.

6 Equal Opportunities Implications

6.1 Relevance Test

Has a relevance test been completed for Equality Impact? (A relevance test assesses whether a service or policy has any effect on the Council's legal equalities duties for different minority groups. If no, please state reason why e.g. there is no proposed change to current policy / service).	No
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7 Staffing Implications

7.1 Additional Council meetings impacts on staff workload.

8 Communications and Website Implications

8.1 The Council Constitution is published on the Council website as a public document.

8.2 If the recommendations are agreed the website will be updated accordingly.

9 Risk and Health & Safety Implications

9.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

9.2 The subject of this report is covered by the Committee service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Failure to get through Council business at meetings	Additional meetings necessary	Improve aspects of the constitution and business	Treat	2:1

		conducted at meetings		
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9.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ▼ Remote	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
	Low	Low	Medium	High
2	4	6	8	
Low	Low	Low	Low	
1	2	3	4	
Impact ----- Low -----> Unacceptable				

Impact Score	Likelihood Score
4 (Catastrophic)	4 (Very Likely (≥80%))
3 (Critical)	3 (Likely (21-79%))
2 (Significant)	2 (Unlikely (6-20%))
1 (Marginal)	1 (Remote (≤5%))

9.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

10 Recommendation

To recommend to the Policy and Resources Committee:

- 10.1 To amend Rule14 as suggested in Appendix 3.
- 10.2 That Rule 15 remain unchanged.
- 10.3 To adopt the Revised Member/Officer Protocol at Appendix 5.

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Data Quality

Data sources:

Please list the sources of any data provided in the report

Data checked by:

James Baldwin, Deputy Monitoring Officer

Data rating:

1	Poor	
2	Sufficient	√
3	High	

Background Papers

None

APPENDICES / ATTACHMENTS

Appendix 1 – Current Rule 14

Appendix 2 – Officer suggested tracked amendments to Rule 14

Appendix 3 – Rule 14 – tracked changed

Appendix 4 – Current Rule 15

Appendix 5 – Member/Officer Protocol

Appendix 6 – Current Rule 11, 16 and 18