

## **REPORT OF THE CHAIRMAN OF GOVERNANCE AND ETHICS COMMITTEE**

### **REVIEW OF COUNCIL CONSTITUTION – COUNCIL AND COMMITTEE PROCEDURE RULES**

#### **Purpose of the Report**

1. To approve the proposed revisions to the procedure rules for meetings of Full Council and County Council committees and sub-committees as set out in Appendices A and B.

#### **Information**

2. At its meeting on 16 May, Full Council commissioned the Monitoring Officer to undertake a review of the Council's Constitution, subject to Governance and Ethics Committee approving the scope of the review and having oversight of the project throughout.
3. The objective of the review is to modernise the Constitution and ensure it is clear and user-friendly for all and facilitates the smooth and efficient running of meetings to ensure that business is completed wherever possible. Governance and Ethics Committee considered the scope of the review at its meeting on 12 June; and a phased approach was agreed with emphasis given to Full Council and Committee procedure rules in the first instance. As a result, the initial stage of the work has focussed on these elements.
4. An officer working group was established to undertake this work and present proposals for further discussion at Governance and Ethics Committee. Initially this involved identifying a set of principles to underpin the review. These include:
  - Ensuring legal compliance and sound decision making
  - Following the principles of democracy
  - Good meeting planning and management to ensure Council business is transacted
  - Efficient and more business-like meetings
  - Value for money
  - Modernisation of the Council's Constitution to reflect best practice
  - Ensuring the Constitution is clear, unambiguous and easy to use and understand for all.
5. In developing the proposed changes to the meeting procedure rules for Full Council and County Council committees, feedback from County Councillors and Officers gathered over time has been taken into consideration. Arrangements were made to discuss the proposals as they developed with each of the group leaders. Informal discussions took place with the group leaders and group business managers for the two main political groups and the Mansfield Independents as well as non-aligned and independent Councillors prior to consideration of the proposals by Governance and Ethics Committee.

6. A benchmarking exercise and comparison with other local authorities has been undertaken to identify best practice and learn from other local authorities. This is reflected in the proposals. The best practice recommendations from the most recent report of the Committee for Standards in Public Life have also been considered. Where necessary legal advice has been sought to provide clarification on specific aspects of the Constitution.

### **Outcomes following Governance and Ethics Committee**

7. On 6<sup>th</sup> November Governance and Ethics Committee considered a report on the draft Council Procedure Rules and Committee Procedure Rules. A 'tracked changes' version of each set of procedure rules was provided to the Committee for detailed discussion and consideration in addition to "clean" copies of the documents. The Group Leaders for the two main groups attended and spoke at the meeting. Two of the Council's three Independent Person's also attended the meeting.
8. The Governance and Ethics Committee discussed the proposals, raised several queries and potential issues and agreed that a separate meeting be set up to discuss in more detail any proposed changes to the procedure rules. It was agreed that the following would be invited to the meeting – the Committee Chairman, the Group Business Managers for all groups, and the non-aligned Councillors. This was with a view to finalising proposals for revised Council and Committee Procedure Rules for consideration by Full Council.
9. The meeting was held on 13 November, with the Committee Chairman, Conservative Business Manager, Labour Business Manager and Councillor Stephen Garner. Councillors Carr and Dobson submitted their apologies to the meeting and confirmed that they had made their comments either at Governance and Ethics Committee and/or to the Monitoring Officer respectively. The Group Business Manager for the Ashfield Independents also sent her apologies. Councillor Madden was invited in her place as she was in County Hall for another meeting. Councillor Madden confirmed that she had made her comments at Governance and Ethics Committee and had nothing to add at that point.
10. The meeting considered all the matters raised at Governance and Ethics Committee and any additional items members wished to raise. Different options were discussed including suggested ways forward in respect of the points raised. The changes discussed have now been reflected in the revised procedure rules attached as Appendices A and B. Revised drafts of the proposed documents were circulated to the same group for final review in advance of the documents being published for Full Council.

### **Proposed amendments to the Council and Committee Procedure Rules**

11. The draft Council and Committee Procedure Rules considered by Governance and Ethics Committee on 6 November, amended to reflect the discussions at the meetings on 6 and 13 November, are attached as **Appendix A** and **Appendix B**. The proposed substantive changes are shown as underlined.
12. A summary of the main changes now proposed following all the above discussions and meetings is as follows: -

- a. **A more structured meeting agenda** – it is proposed to set time limits for each section of the agenda to enable the business to be concluded at that meeting wherever possible. This includes a new introductory section setting the context for Full Council Meetings and reinforcing the requirements of the Code of Conduct for Councillors and Co-Opted Members, Nolan Principles and requirements of the procedure rules in relation to behaviour of Councillors. This is also referenced elsewhere in the procedure rules as several Councillors raised this as a matter requiring further clarification.
- b. **Arrangements for meetings section** – it was originally proposed to remove paragraphs 7 and 8 as elements of these were out of date. Following a request at Governance and Ethics Committee and discussions at the Group Business Manager meeting these have been added back into the Full Council Procedure Rules but have been updated to more accurately reflect the actual number of Council meetings in line with the Council diary. Paragraph 3 of the Committee Procedure Rules has also been added back in for the same reason.
- c. The majority view during the discussions was that the Full Council meetings should finish by 5.30pm at the latest. Additional wording has been added to ensure that matters under discussion at the end of the meeting are moved to the vote so that the meeting finishes on time. It was suggested by one member at Governance and Ethics Committee that a provision could be added to allow for the extension of the meeting beyond 5.30pm by up to a further 15 minutes but this was not broadly supported. The provision to extend the Budget Meeting until 8.00pm if necessary is retained (see below).
- d. **Absences and Apologies** – the arrangements have been clarified including the requirement for a Councillor to be present for any questions or constituency issues they have submitted or motions they have moved or seconded to be considered. Any absence of more than 10 minutes for a Full Council meeting may now be recorded. For the Committee Procedure rules the arrangements for substitutions has been included as requested by Group Business Managers.
- e. **Declarations of interest** (Council and Committee Procedural rules) – as requested the reference to if a Councillor has left the room after declaring an interest and remains in easy reach they will be recalled by an officer before further business is started has been reinstated.
- f. **Constituency speeches** – a reduction to the time limit to 15 minutes is proposed to reflect the fact that on looking back over the last couple of years these have always concluded within 15 minutes. The length of time for which an individual Councillor may speak remains the same as currently.
- g. **Petitions** – a time limit of 15 minutes is also proposed for this item but the length of time for which a Councillor may speak and the order these will be considered is unchanged. However, if more petitions are received any not presented within the time limit will be accepted en bloc by the Chairman and referred to the relevant Committee for consideration without delay.
- h. **Motions and questions** – criteria are proposed to clarify and provide a clearer understanding of what a valid motion and question is. The criteria proposed reflect legal

requirements and the constitutions of several other councils reviewed as part of the benchmarking exercise; including many local district councils.

- i. **Questions** – there was a great deal of discussion on this area at Governance and Ethics Committee and in the meeting with Business Managers as follows:
- The general view was to leave the order of questions at the Chairman’s Discretion although one Councillor did suggest an alternative.
  - The view during the discussions was generally to express the time for questions as one hour in total including the Fire Authority Questions. Therefore, if there are more Committee Chairmen questions and no Fire Authority questions Committee Chairmen questions could take the full hour.
  - Supplementary questions – this will remain as proposed with one supplementary question permitted from the original questioner only to provide adequate time for questions to be answered properly during the allocated time. This is in line with many of the Constitutions considered from elsewhere – including many of the local District Councils.
  - Adjournment debate – to be removed from the Constitution as proposed as it has not been frequently used, has no clear outcomes for the debate and does not feature in the constitution of many other councils.
  - Length of answers to questions – the potential for a time limit on answers was discussed. It proved difficult to balance this with the fact that some questions are more complex and need more time to respond to ensure a full and appropriate response is received. It would also be difficult to manage at the meeting if the time limit were to include the supplementary question and response as suggested during the discussions. On balance this section has been left as it is currently with no time limit. However, Democratic Services have agreed to work with groups on the drafting of questions and possible responses to make them as focussed and to the point as possible.
  - Clarification has now been provided that a written response will be provided to questions which fall or are not dealt with at the meeting.
  - This section has been retitled Questions rather than Question Time as originally suggested.
  - Questions will be submitted one day earlier than currently to determine that they meet the proposed criteria.
- j. **Business Reports** – there was no disagreement about a time limit being proposed for this section to enable good management of the meeting and different timescales were considered. On balance, the time limit will remain at 60 minutes as originally proposed.
- k. **Motions** – these will be required to be submitted at a slightly earlier date (eight clear working days in advance) to allow time to consider their validity in line with the proposed criteria and seek legal advice if necessary. To date no concerns regarding the change in deadline have been raised.

Following discussions, paragraph 58 has been strengthened to confirm that motions carried forward to the next meeting will be the first motions to be considered at the relevant part of the agenda.

Clarification has been provided on alterations and amendments to motions and procedural motions to ensure that the meetings run smoothly.

- i. **Rules of debate** – The mover and seconder of a motion may speak for 10 minutes when moving a motion. The time limit for other Councillors to speak during a debate at full Council has been reduced from 10 minutes to 5 minutes to enable more speakers during a debate. The time limit for speeches at the Annual Budget Meeting remains the same as currently.
- m. **Voting** – as suggested, the proposed Council Procedure Rules has been amended to make it easier for officers to count the vote and reflect the comments in the new introduction to the Council Procedural rules that Councillors must remain seated *in their designated seat*. Reference to the Division Bell has also been reinserted as requested in paragraph 91a.
- n. **Annual budget meeting** – following discussion, the wording will remain as in the current Constitution with the option to continue until 8pm if necessary. The rules for debate at the Budget Meeting remain as set out in the current procedure rules.
- o. **Extraordinary meetings** – clarification of the arrangements. The arrangements have been moved to a separate section at the end of the Council Procedure Rules along with the arrangements for the Annual Meeting and the Annual Budget Meeting for ease of access.
- p. **Procedural rules for Committees** – the changes to the procedural rules of Full Council have been reflected as appropriate for Committees and Sub-Committees to ensure consistency of approach and use of language. At the meeting on 13 November the timescales for Committee Chairmen to speak was clarified. The proposed position in relation to substitute members for a meeting and permanent appointments to Committees as set out in the draft document was also clarified.

### **Future phases of the Constitution Review**

13. Work on the other aspects of the review is ongoing and will result in further reports to Governance and Ethics Committee and Full Council for consideration as work is progressed and completed. Subsequent phases of work will involve review of the scheme of delegation to officers and aspects of the financial regulations. Members of the Governance and Ethics Committee have also requested that Committee terms of reference and the operation of Committees be considered as reflected in the Peer Review feedback. It is also intended to undertake a more in-depth review of the Pensions Board and Pensions Committee and their operation in relation to the Local Government Pension Scheme across the whole of Nottinghamshire.

### **Other Options Considered**

14. A wide range of alternative options and proposals were discussed and considered by the Officer Working Group, in informal discussions with Members, at Governance and Ethics Committee and the subsequent meeting of Group Business Managers. These included:
- a. No change was considered but given that Full Council has commissioned the work and there appeared to be broad agreement that some changes are required to clarify and tighten up the rules this was not considered a viable option.

- b. It might be possible to review all aspects of the Constitution at once rather than the phased approach focussing on priority areas first which was previously agreed by Governance and Ethics Committee. This would have resulted in delay in implementing some of the changes which the Governance and Ethics Committee and Full Council felt were most important.
- c. Limiting the duration of Council meetings to just three hours which is an approach adopted by a number of authorities. It was felt that this may result in insufficient time for consideration and debate of all relevant items on a County Council agenda.
- d. Further limiting the timescales for the early part of the agenda was also suggested by some Councillors.
- e. Limiting the time available for any Motion to a maximum time (e.g. 30 minutes) was suggested but it was felt that this may unnecessarily limit the time available for debate on an item.
- f. Limiting the number of motions per political group, independent or unaligned Councillors was also suggested but not pursued.
- g. Limiting the time allowed for Committee Chairmen to respond to an individual question to ensure that more questions are dealt with in the meeting. This would need to be balanced with ensuring enough time is allowed for a full and sufficiently detailed answer to be provided. The meeting of Group Business Managers discussed this option at length but was unable to identify a way in which this could be implemented fairly and proportionately whilst being sufficiently flexible to reflect the different length, nature and complexity of questions.
- h. Not restricting the number of supplementary questions or restricting it to two supplementary questions, for example, was considered. There was a general view that this was not intended to be an opportunity for wide ranging debate and most other Constitutions reviewed had a limit of one supplementary question. Therefore, this is the option proposed.
- i. Changing the time limit for the Annual Budget Meeting to also finish at 5.30pm was proposed to Governance and Ethics Committee but on balance, following discussion, the current provision in the procedure rules to extend the Budget meeting to 8.00pm if necessary was retained to ensure adequate time for debate.
- j. Various options were discussed to ensure that adequate support is provided to the Chairman in managing Full Council meetings.

## **Reasons for Recommendations**

15. To modernise the County Council's Procedure Rules for Full Council, Committees and Sub-Committees ensuring that the Constitution is clear and user-friendly for all; to facilitate the smooth, efficient and more business-like running of meetings.

## **Statutory and Policy Implications**

16. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## RECOMMENDATIONS

- 1) That Full Council approves the draft revised Procedure Rules for meetings of Full Council and draft revised Procedure Rules for Committee and Sub-Committee meetings as set out in **Appendices A and B** for implementation from 1 January 2020 and that the Constitution be amended accordingly.
- 2) That the authority be delegated to the Council's Monitoring Officer to make any necessary consequential amendments to the Constitution.

**Councillor Bruce Laughton**  
**Chairman of the Governance and Ethics Committee**

**For any enquiries about this report please contact:**

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### **Constitutional Comments (HD 10/12/2019)**

17. Full Council has the authority to determine the recommendations set out in the report.

### **Financial Comments (RWK 05/12/2019)**

18. There are no specific financial implications arising directly from the report.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Report to County Council 16 May 2019 ([published](#))
- Report to Governance and Ethics Committee 12 June 2019 ([published](#))
- Nottinghamshire County Council Constitution ([published](#))
- Report to Policy Committee 16 October 2019 ([published](#))
- Report to Governance and Ethics Committee 6 November 2019 ([published](#))

### **Electoral Division(s) and Member(s) Affected**

- All