

6 November 2019

Agenda Item: 10

REPORT OF THE MONITORING OFFICER

REVIEW OF COUNCIL CONSTITUTION

Purpose of the Report

1. To consider proposed revisions to the procedure rules for meetings of Full Council and County Council committees.

Information

2. At its meeting on 16 May, County 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 document and ensure it is clear and user-friendly for all and facilitate 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; it was agreed that particular emphasis be 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 has been established to undertake this work and present proposals for 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. Work on the other aspects of the review is ongoing and will result in further reports to Committee for consideration as work packages are 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 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.

Council Procedure Rules

6. The officer working group has now completed a review of the meeting procedure rules for Full Council and County Council committees. Feedback from County Councillors and Officers that has been gathered over time has been taken into consideration in undertaking this work. Discussion has also taken place with some group leaders and group business managers for the main political groups as well as non-aligned and independent Councillors.
7. 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.
8. A 'tracked changes' version of each set of procedure rules has been prepared; attached to this report as **Appendices 1 and 2** for discussion and consideration by the Committee. For ease of reference, 'clean' amended versions of these, incorporating the proposed changes, are also attached as **Appendices 3 and 4**.
9. A summary of the main changes proposed is as follows: -
 - a. a more structured meeting agenda, setting time limits for each section of the agenda to enable the business to be concluded at that meeting wherever possible;
 - b. criteria for motions and questions, to enable a clear understanding of what a valid motion and question is.
 - c. supplementary questions to Committee Chairmen and to the Chairman of the Fire Authority to be reduced to one supplementary question from the original questioner only, to provide adequate time for questions to be answered during the time allotted;
 - d. the removal of an adjournment debate in response to questions, as this has been under-used and has no clear outcomes for the debate when used. This provision does not feature in the constitutions of many councils;
 - e. the time limit for speeches during a debate to be reduced from 10 minutes to 5 minutes (from 20 minutes to 10 minutes for the budget debate) to enable more speakers during a debate.
 - f. To enable better management of the time limits for each section the following changes are proposed:
 - Constituency speeches section reduced to 15 minutes, which allows up to five speeches per meeting. There have not been more than five speeches per meeting in the last two years;
 - Petitions section to have a time limit of 15 minutes, allowing a maximum of 15 petitions to be presented, however if more petitions are received, any not presented within the time limit to be accepted by the Chairman en bloc to enable the petitions to be passed to the relevant Committee for consideration without delay;
 - Business reports to have a time limit of 60 minutes in total to enable good management of the meeting;
 - Question time to have an overall time limit of 60 minutes, with up to 15 minutes for questions to the Fire Authority Chairman and up to 45 minutes for questions to Committee Chairmen; and

- Motions will have until no later than the final time limit for the meeting (5.30pm), with the final item under discussion being moved to the vote at 5.15pm if not before, to ensure the item is concluded before the end of the meeting.

10. Members' views are sought on the proposed changes and any suggestions for changes before the revised documents are submitted to Full Council for approval.

11. Officers are now working on the next elements of the Constitution Review, including the scheme of delegation to Officers and the terms of reference for Committees to ensure clarity and to manage business effectively throughout the system. Work is also underway in relation to Committee processes and procedures to ensure greater consistency of approach and in the quality and standard of reports. A further report will be brought to a future meeting of Committee for discussion. Members of the Committee may wish to keep this work under review and identify additional items for consideration as part of the work programme going forward.

12. A separate report will be brought to Committee in relation to the Council motion on the recording and broadcasting of meetings. Work is currently underway to review the approach and learning from other Councils and explore and cost a range of potential options.

Other Options Considered

13. Alternative proposals which could be considered include:

- a. No change could be considered but Full Council has commissioned the work and there appears to be broad agreement that some changes are required to clarify and tighten up the rules.
- 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. This would result in delay in implementing some of the changes which Committee felt were most important.
- c. Limiting the duration of Council meetings to just 3 hours which is an approach adopted by a number of authorities. It is suggested that this may result in insufficient time for consideration and debate of all relevant items on a County Council agenda.
- d. Limiting the time available for any Motion to a maximum time (e.g. 30 minutes). This may unnecessarily limit the time available for debate on an item.
- e. Limiting the number of motions per political group, independent or unaligned Councillors.
- f. Limiting the time allowed for Committee Chairs 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.
- g. Leaving the time limit and arrangements for the Annual Budget Meeting as they are currently.
- h. Ensuring that adequate support is provided to the Chairman in managing Full Council meetings.

Reason/s for Recommendation/s

14. To modernise the County Council's Constitution, ensuring it is clear and user-friendly for all; to facilitate the smooth, efficient and more business-like running of meetings.

Statutory and Policy Implications

15. 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.

RECOMMENDATION

- 1) That Committee considers the draft revised Full Council Procedure Rules and Committee Procedure rules as set out in Appendices 1 and 2 and identifies any potential amendments for further consideration prior to referral to Full Council for adoption.

Marjorie Toward

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For any enquiries about this report please contact:

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Constitutional Comments (HD – 04/10/2019)

16. Governance and Ethics Committee has the authority to consider the recommendations within the report. Any changes to the Constitution are subject to approval by Full Council.

Financial Comments (SES 16/10/19)

17. There are no specific financial implications arising directly from this 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 18 October 2019 (published) *insert Ink*

Electoral Division(s) and Member(s) Affected

- All