



REPORT OF THE CONSTITUTION REVIEW GROUP

KEY ISSUE/DECISION:

To consider the findings of the Constitution Review Group and agree changes to Standing Orders in relation to Council meetings.

BACKGROUND:

1. The Council last reviewed its council and committee processes in 2009, in response to the Local Government Public Involvement in Health Act. This introduced a number of changes, as required by legislation, to the way Council, Cabinet and committee meetings worked.
2. With the start of a new Council term, it was felt that it would be timely to instigate a further review of Standing Orders, focusing on Council meetings. The Chairman of the Council, therefore, asked the Vice-Chairman to lead a cross-party task group looking at the Council's current practice and making recommendations to the Council on how we might improve our Council meetings.

TASK GROUP APPROACH:

3. The Constitution Review Group was chaired by the Vice-Chairman of the Council and included representatives from the three largest political groups. The full membership of the task group included Sally Marks, Nick Harrison, Mary Lewis, Nick Skellett, and Hazel Watson.
4. The task group initially met in January 2014 and agreed the following objectives for the review:
 - To consider our current processes and identify any areas for improvement (e.g. to reduce bureaucracy or help increase public understanding.)
 - To ensure that Council meetings strike the right balance between enabling Members to have their say and effective meeting practice.
 - To consider the processes for handling Motions, Questions and statements at Council and make recommendations as appropriate.

5. In order to inform the review, the task group agreed to issue a survey to all Members, followed by detailed witness sessions with key Members and officers. A total of 59 Members responded to the survey, covering all four political groups, and the following also attended witness sessions with the task group:
 - Chairman of the Council
 - Group Leaders
 - Leader of the Council
 - Cabinet Members/Associates
 - Chief Executive
 - Strategic Directors
 - Monitoring Officer
6. The task group would like to take this opportunity to thank those Members and officers who contributed to the review. The views and ideas expressed during the review have directly contributed to the final recommendations of the task group, as outlined below.

FINDINGS:

Timing of Council meetings

7. Currently the County Council meets 6-7 times a year, with meetings starting at 10:30am. If it is not possible to complete the business of the meeting in time for lunch, the standard has been to break at 12:45 and resume the meeting at 2:15pm.
8. Views were sought on the current frequency and timing of council meetings. Of those who responded to the survey, 80% agreed that meeting six times a year was about right. In relation to the start time, three Members would prefer evening meetings whilst the remainder would prefer to continue the current practice of morning meetings, although 60% would favour an earlier start time.
9. Members were also asked for their views on the lunch breaks and the majority felt that these were too long. In addition, whilst Members valued the practice of having a speaker at lunch, the overwhelming view was that this should be occasionally rather than at every meeting.
10. Based on the above findings, the task group **recommends** that:
 - a. Council meetings start at 10am (with prayers at 9:50am for those wishing to attend)
 - b. where it is necessary to continue the meeting after lunch, the expectation should be that the lunch break will last no longer than one hour
 - c. the AGM meeting should include a formal lunch with a speaker but for the other meetings, there is no need for special arrangements. Those lunches should be held in the Mess or in the Ashcombe, depending on which venue best suits the Catering service, and should be scheduled to last no longer than one hour.

Council motions

11. Original Motions is one of the standing items on any Council agenda and, depending on the number of motions submitted, can take up a large proportion of the meeting. The task group, therefore, focused a significant proportion of its time reviewing the current process for handling motions and looking at alternative approaches and suggestions put forward.
12. The survey asked Members if they felt there should be a limit on the number of motions at each Council meeting and the overwhelming response was yes (71.43%). Members were also asked for views on what that limit should be as well as how it would be managed. The response to the limit ranged from two to ten, with some suggesting that the number shouldn't be limited, but instead, a time limit be put on the debate (similar to the approach to Member Question Time).
13. Having considered the views submitted in the survey, the majority of the task group felt that on balance, a limit of three motions should be introduced. However, they were equally mindful that if such a limit was introduced, a fair and equitable process must be adopted in order to agree which motions to debate.
14. Members should retain the right to submit up to one motion per meeting and in the event of more than three motions being submitted for any meeting of the Council, a meeting between the Chairman and the Group Leaders would be convened to consider them prior to the agenda being agreed. This group would review the motions received and agree which ones would be considered at the meeting and the order in which they are to be taken. In the event of no agreement being reached with the Group Leaders, the Chairman would have the discretion to take the decision on which motions would be added to the Council agenda and in what order, being mindful of the political balance of the Council and the need to ensure fair representation for all political groups.
15. All motions submitted would be recorded in the register, including details as to whether it was accepted onto the agenda or not. For motions over and above the limit of three and not accepted, the Member who had submitted it would be notified. That Member could then decide the best alternative course of action for them depending on the subject matter and original purpose of raising the motion. Possible options available to them include:
 - a. raising through a Member Statement or Question
 - b. asking a select committee to look into the matter
 - c. re-submitting for a future Council meeting
 - d. pursuing more informally (e.g. direct with the relevant officer and/or Cabinet Member.)

16. The majority of the task group therefore **recommends** that Standing Orders be amended to introduce a limit of three motions for any Council meeting, using the above process.
17. The majority of the task group felt that the presumption that no motions are included on the agendas of the County Council's budget meeting or annual meeting was helpful, and the majority of the task group therefore **recommends** that this should be formalised in Standing Orders.

Members' Question Time

18. Members felt that it was important to retain Members' Question Time as it gave Members a valuable opportunity to raise local issues and influence the Council's policies. That said, the group felt that Members should be encouraged to submit questions to Council only if there is no other more appropriate arena available for them to do so, such as a Local Committee or a Select Committee. It was also felt that the current time limit of 45 minutes and the practice of taking Members' first questions first, followed by second questions, third questions etc. ensured the right balance between Members having their say and effective meeting practice.
19. In the witness sessions, some Cabinet Members indicated that they would welcome more involvement in their portfolios by other Members and felt that the current question time did not provide that wider opportunity as it tended to be focused on specific issues. This meant that there was limited opportunity to interact with Members outside the relevant select committee in relation to more general policy development.
20. To address this, the suggestion was put forward that Cabinet Members be invited to submit one-page briefings on their portfolios at each Council meeting. These would be circulated to all Members in advance of the meeting and could also be included as appendices to the minutes for completeness. Following the current 45 minutes for supplementary questions, there would be an additional 15 minutes set aside to allow Members to question Cabinet Members on their current briefing paper. These would be taken as questions from the floor, rather than written questions, in a similar format to the practice around the current Leader's Statement.
21. The task group supported this suggestion and **recommends** that Standing Orders be amended to introduce the inclusion of Cabinet briefings within the Members' Question Time item.

Election of the Leader of the Council

22. As the Constitution is currently silent on this matter, the task group felt it would be helpful to set out a procedure for speaking on the nominations for Leader of the Council to ensure that a representative from each

political group has the opportunity to express a view. It **recommends** that Standing Orders be amended to ensure each group has an opportunity to speak on the nominations and to introduce specific time limits for the speeches by the proposer, seconder and group representative.

Leader's Statement

23. Overall, Members felt that the Leader's Statement was a valuable item on the Council agenda, with nearly 65% rating it as very useful and only one Member feeling it added no value. In the open ended responses to the survey, and again at the witness sessions, questions were raised about where the Leader's Statement featured in Standing Orders and therefore Members' right to question and/or comment on the statement.
24. Whilst it was recognised that the process worked well at present, it was noted that this was due to the approach of the current Leader and Chairman and that if these roles were to change, then Members may not have an automatic right to comment on the Leader's statement, leading to potential inconsistencies in the approach from one Leader to the next.
25. In order to introduce clarity to the process, the task group **recommends** that the Leader's statement be included explicitly in Standing Orders and Members provided with the right to ask questions and/or comment on the statement.

Supporting effective Council meetings

26. During the course of the review, a number of other issues were raised that the task group felt it important to capture in order to support Members in the effective running of the Council meetings.
27. There were a number of comments made about ensuring that a wide range of Members were able to participate in debates and that the length of some speeches could be reduced to accommodate this, particularly around motions.
28. The majority of the task group was sympathetic to this view as a means of improving the quality of, and engagement in, debates and therefore the majority of the task group **recommends** that the time limits for speakers be reviewed and reduced in most cases. The suggested changes are detailed in the amended Standing Orders attached at appendix 1 (SO18).
29. Both officers and Members commented that the current sound and voting systems in the Council Chamber were not fit for purpose. It was often difficult to hear individuals when they stood to speak, with constant adjustments needing to be made by sound engineers. In addition, there have been several examples of the webcasting system failing during

meetings, making it more difficult for members of the public to consistently watch proceedings.

30. Whilst the introduction of electronic voting was welcomed by members, the system was seen to be limited and not user-friendly. More comprehensive systems exist that have the capability to record named votes, and the general feeling was that such a system would add value to proceedings.
31. Based on feedback received via both the survey and witness sessions, the task group **recommends** that:
 - a. changes to the Council Chamber and Ashcombe be considered to ensure that:
 - i. the audio and webcast systems are more reliable and of higher quality;
 - ii. the electronic voting system in the Chamber enables a record to be kept of each individual's vote;
 - iii. the Chamber is fit for purpose, with space to store papers, ports to recharge equipment and comfortable seating.
 - b. the 'Guide to County Council Meetings' should:
 - i. be revised and reissued on an annual basis;
 - ii. be provided to new Members as part of their training, including those joining mid-term; and
 - iii. remind Members on the requirement to act with courtesy during meetings.

Petitions

32. Finally, the task group considered the Council's petition scheme. At present, a petition requires 20,000 signatures in order to trigger a debate at Council. Only one petition has reached this threshold since the scheme was introduced in 2010.
33. The task group felt that the threshold seemed high and having reviewed the schemes of comparative authorities as well as the petitions received by the council in the last year, the evidence supports this view. Only two petitions submitted had more than 3,000 signatures (3,921 and 3,082 respectively), with the next highest number of signatures standing at 1,830.
34. The majority of the task group therefore **recommends** that the Council's Petition Scheme is amended to set the threshold for a petition to trigger a debate at council at 10,000 signatures.

RECOMMENDATIONS:

The Constitution Review task group made the following recommendations:

- 1) Council meetings start at 10am (with prayers at 9:50am for those wishing to attend)
- 2) Where it is necessary to continue the meeting after lunch, the expectation should be that the lunch break will last no longer than one hour
- 3) The AGM meeting should include a formal lunch with a speaker but for the other meetings, there is no need for special arrangements.
- 4) Standing Orders be amended in relation to:
 - i. the procedure to be followed for the election of the Leader of the Council;
 - ii. the Leader's statement;
 - iii. the inclusion within the Members' Question Time item of Cabinet Member briefings, for which a time limit of 15 minutes will be applied. in line with the processes outlined in the report (detailed changes attached at appendix 1.)
- 5) Changes to the Council Chamber and Ashcombe be considered to ensure that:
 - i. the audio and webcast systems are more reliable and of higher quality;
 - ii. the electronic voting system in the Chamber enables a record to be kept of each individual's vote;
 - iii. the Chamber is fit for purpose, with space to store papers, ports to recharge equipment and comfortable seating.
- 6) The 'Guide to County Council Meetings' should:
 - i. be revised and reissued on an annual basis; and
 - ii. remind Members on the requirement to act with courtesy during meetings.

The majority of the Constitution Review task group made the following recommendations:

- 1) Standing Orders be amended in relation to:
 - i. the presumption that no motions are included on the agendas of the County Council's budget meeting or annual meeting;
 - ii. the introduction of a limit of three motions for any other Council meeting;
 - iii. the revised time limits to apply to speeches. in line with the processes outlined in the report (detailed changes attached at appendix 1).
- 2) The Council's Petition Scheme be amended to set the threshold for a petition to trigger a debate at council at 10,000 signatures.

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Sources/background papers:

Constitution – Standing Orders
