

**UPDATE REPORT OF THE CONSTITUTION REVIEW GROUP****KEY ISSUE/DECISION:**

To consider the updated recommendations from the Constitution Review Group and agree that changes to Standing Orders in relation to Council meetings are to be made.

BACKGROUND:

1. The Council last reviewed its council and committee processes at its meeting in October 2014 and particularly focussed on Standing Orders relating to Council meetings. The review was undertaken by the Vice-Chairman who led a cross-party task group looking at the Council's current practice and made recommendations to the Council on how to improve Council meetings.
2. The original report can be found at Annex A and lists the recommendations that were put to a vote at the October meeting. The first six recommendations were approved by Members however two recommendations were not approved and it was agreed that the Constitution Review Task Group would reconsider these areas and report back to Council at a later date.
3. The Review Group has now completed this work and would like to propose further recommendations around motions and length of speeches at County Council meetings and further changes to the Council's Standing Orders.

FINDINGS:**Council motions**

4. The original report in October 2014 (Annex A) made recommendations to make amendments to the way that motions are dealt with at Council meetings. These were not approved and it was agreed that this area would be revisited by the Constitution Review Task Group ('Review Group').

5. Following further consideration of the issue on capping the number of motions at Council meetings by the Review Group, the majority of the members of the Review Group were in agreement regarding setting a time limit to the debate during Council motions at meetings. The Liberal Democrat Group did not support this view and expressed a concern that it could limit the cross-party debate at meetings.
6. The majority of the Constitution Review Task Group therefore **recommends** that Standing Orders be amended to state that there is no limit on the number of motions for any Council meeting, however there will be a time limit of one and half hours for the total debate on motions, subject to the chairman's discretion to waive the time limit if it is deemed the matter is of particular importance.
7. There is a presumption that original motions will normally be taken in the order in which they are received. However, the Group considered the scenario where an excessive number of motions had been received or a number of motions from one Group which might prohibit a balance of debate across the Council.
8. The majority of the Constitution Review Group therefore **recommends** that in the event that the number of motions received deems it is unlikely they could be debated within the time limit, the Chairman had the discretion to determine the order in which they were debated following consultation with Group Leaders and others as appropriate.
9. With regards to the Budget Council meeting and the Annual General Meeting the presumption in recent years has been that no motions are discussed at these meetings however the Review Group felt that motions could be accepted if the issues were deemed of sufficient importance. It therefore **recommends** that an indicative time limit of 45 minutes in total may be spent on motion discussions at these two meetings and that this is formalised in Standing Orders. This change is to take account of any emerging or urgent issues at these two meetings.
10. The Review Group reconsidered the revised time limits previously recommended to Council. The Group reached an unanimous view on only one revised time limit, this was in relation to Group Leaders speaking in the debate on the budget. However, a majority view was reached on the remainder of the revisions proposed.
11. The majority of the Constitution Review Group **recommends** revisions to time limits as set out in Annex B of this report.
12. The Petition Scheme threshold to trigger a debate at Council was considered by the Group and although a consensus could not be reached, the Constitution Review Group came to a majority view. The majority of the Group **recommends** that paragraph 21 of the Council's

Petition Scheme be amended to set the threshold for a debate at Council at 10,000 signatures as set out in Annex C.

13. A number of items were discussed by the Group on which a consensus was reached. During motion discussions it was felt that the Chairman has a vital role, the Review Group therefore **recommends** that the Chairman ensures that the debate is fully heard but that discussions are not prolonged to prevent later motions and other business from being given sufficient consideration.
14. The Review Group have also considered the 'right to speak' at Council meetings and whether this is applicable to the whole meeting. It has been confirmed by Legal Services that Standing order 16.1(c) covers this point but in order to make this more explicit a full review of Standing Orders would need to be undertaken which would take a number of months to complete. Therefore, the Review Group **recommends** that a full review of Standing Orders is undertaken in relation to accuracy and points of order.

Voting at the Budget Meeting

15. As part of this review the Constitution Review Task Group noted that there has been a change in the The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 to state that a recorded vote must be undertaken when the Council votes to set the annual budget. As a result the Review Group **recommends** that Standing Orders are updated to reflect this change in legislation.

The Constitution Review Task Group going forward

16. The group felt that given the further work required on Standing Orders relating to accuracy and points of order it **recommends** that the Constitution Review Task Group continue with its work for a further year under the chairmanship of the new County Council Vice-Chairman, once elected.
17. The Group also considered that all Members would benefit from further training and development in respect of the procedural aspects of the Constitution. In particular in respect of moving, amending and debating original motions. The Constitution Review Group **recommends** that the Member Development Steering Group consider further training for Members.

<u>RECOMMENDATIONS:</u>

The majority of the Constitution Review Group made the following recommendations to be effective from the next ordinary meeting of the Council:

- 1) There should be no cap on the number of motions set down for debate at Council meetings but a limit of one and a half hours for the total debate on motions, subject to the Chairman's discretion to waive the time limit if it is deemed the matter is of particular importance.
- 2) There is a presumption that original motions will normally be taken in the order in which they are received. However, in the event that the number of motions received deems it unlikely that they can be debated within the time limit, or for example, where an excessive number of motions had been received or a number of motions from one Group which might prohibit a balance of debate across the Council, the Chairman has the discretion to determine the order in which they are debated following consultation with Group Leaders and others as appropriate.
- 3) There is a presumption against having original motions at the statutory Annual General Meeting (May) and the Annual Budget Council Meeting (February). Motions may be accepted at the Chairman's discretion however, discussions must be contained within an indicative time limit of 45 minutes in total. This is to take account of any emerging or urgent issues deemed to be of sufficient importance to discuss at these two Council meetings.
- 4) That the Council's Standing Orders are updated to reflect revised time limits to apply to speeches (detailed changes attached at Annex B)
- 5) The Council's Petition Scheme be amended to set the threshold for a petition to trigger a debate at Council at 10,000 signatures (as set out in Annex C).

The full Constitution Review Group made the following recommendations to be effective from the next ordinary meeting of the Council:

- 6) The Chairman's role is to ensure that the debate on motions is fully heard but that the debate is not prolonged unnecessarily to prevent later motions and debates being given sufficient consideration.
- 7) That the new arrangements for motions should be reviewed after one year to judge their effectiveness.
- 8) That a full review of Standing Orders is undertaken in relation to accuracy and 'points of order' by the end of 2015.
- 9) That the Council's Standing Orders are updated to reflect the change in legislation to state that a recorded vote must be undertaken when the vote is taken for setting the annual budget.
- 10) That the Constitution Review Group continues its work for a further year under the chairmanship of the new County Council Vice-Chairman, once elected.

11) That the Member Development Steering Group considers further training for Members on the procedural aspects of the Constitution.

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Annexes:

Annex A – Report of the Constitution Review Group – October 2014

Annex B – Revised Time Limits for Speeches

Annex C – Council Petition Scheme

Sources/background papers:

Constitution – Standing Orders

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014

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