

PROPOSALS OF THE CONSTITUTION REVIEW GROUP 2023

<p>1. Original Motions</p>
<p>Background</p> <p>The CRG discussed the introduction of a mechanism for selecting which motions are debated at Council. Currently, a 90 minute time limit is in place; in the past, there has been a limit of three motions per meeting. Motions are debated in the order in which they are received, which could result in some motions not being debated if time runs out. The Chair currently has discretion to re-order motions in consultation with Group Leaders.</p> <p>A Member recommended that a new standing order be adopted, which is set out below, to better manage the time a debate takes. It should be noted that the Chair already has the discretion to wind up debate, and any Member may ask for the question to now be put. A new standing order could remove the Chair's ability to manage the meeting in a flexible way. Members need to consider carefully whether they feel a new Standing Order is necessary or whether current meeting practice should continue. It should also be noted that this is not usual practice at other authorities.</p>
<p>Proposal</p> <p>If Members are minded to make such an amendment, the suggested wording for a new Standing Order 13.3 would be as follows:</p> <p><u>If the Chair considers that an appropriate amount of balanced debate has been heard, she/he may move the procedural motion "That the question be now put". The Council will follow the procedure set out in SO 23.1(a), 23.2, 24.1 and 24.2.</u></p>
<p>2. Member Questions</p>
<p>Background</p> <p>The CRG were content that the current Standing Orders governing Member Questions at Council meetings were working well and should be retained. Discussion took place regarding whether it was necessary to introduce word limits on questions, but ultimately this was felt to be too restricting.</p> <p>Members queried whether Deputy Cabinet Members could answer questions raised on their briefings to Council, as the Constitution was silent on this. It was suggested that the existing Standing Orders be updated to reflect this.</p>
<p>Proposal</p> <p>Amend Standing Orders 9.3, 10.2, 10.3 and 10.12 as follows:</p> <p>9.3 Cabinet Members <u>and Deputy Cabinet Members</u> are encouraged, prior to the commencement of any ordinary meeting of Council, to submit to the Council a short written briefing of current events and issues relating to their portfolio.</p>

Members will be given the opportunity to ask questions and/or make comments on the Cabinet Member/Deputy Cabinet Member briefing.

10.2 In addition, Members may ask any Cabinet Member or Deputy Cabinet Member questions about a ~~Cabinet Member~~ briefing paper submitted in accordance with Standing Order 9.3 above.

10.3 Notice of questions on matters which are not included in a report to the Council or Cabinet Member/Deputy Cabinet Member briefing must be given in writing to the Governance Lead Manager by 12 noon four working days before the Council meeting, i.e. normally a Wednesday.

10.12 Questions submitted under SO10 will be managed as follows:

- All first questions submitted by Members will be taken first. Second questions will follow, then third questions and so on.
- Question time will be limited to 45 minutes.
- In addition, questions on Cabinet Member/Deputy Cabinet Member briefings will be limited to 15 minutes.
- Following the initial reply by the Leader, Deputy Leader, Member of the Cabinet or committee chairman, the Chairman will allow, at his/her discretion, a period of up to 5 minutes per question in which Members of the Council may ask supplementary questions.

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3. Public Questions at Committee Meetings – Supplementary Questions

Background

The CRG noted the concerns of one regulatory committee chairman and Democratic Services officers regarding members of the public raising supplementary questions at committee meetings that bore no relevance to their original question; the current standing order was worded in such a way that a chairman did not have the authority to refuse such a question. This was inconsistent with the position in regard to Member questions at committee meetings as set out in Standing Order 68.9 which states that supplementary questions must be relevant to the subject of the original. Bringing Standing Order 85.5 into line with Standing Order 68.9 would resolve this anomaly and make it clearer and easier for chairmen to advise the public.

Proposal

Amend **Standing Order 85.5** as follows:

Following the initial reply by the Leader, Deputy Leader or Cabinet Member or committee chairman, one supplementary question relevant to the subject of the original may be asked by the questioner. ~~The Leader, Deputy Leader or Cabinet Member or committee chairman may decline to answer a supplementary question.~~

4. Length of Speeches at Council Meetings

Background

The CRG considered speech lengths at Council meetings. The specific areas of concern raised were:

- Responses by opposition group leaders to the Leader's Statement – currently 3 minutes per opposition group leader whilst the Leader's Statement has no time limit. There had been suggestions that this was not equitable, and more time for responses should be allowed.
- Speeches by mover of an original motion – currently 6 minutes. There had been suggestions made that this should be increased.

Information on speech time limits at SCC and its comparator councils was shared with the CRG and is attached to this briefing note as **Annex 1 and Annex 2**. It was noted that none of the comparator councils allowed speeches of longer than 5 minutes for any purpose.

The CRG were unable to reach a consensus on this theme and referred the proposals below for discussion within the political groups.

Proposal

- Allow the leaders of opposition groups with more than 10% of the total Council Membership to speak for 6 minutes in response to the Leader's Statement; all other opposition group leaders to be allowed 3 minutes to respond.
- Restrict the Leader's summing up to 6 minutes (except at Budget Council).
- Increase the time limit on speeches moving an original motion..

5. Signing of an Attendance Register

Background

The CRG noted that changes in meeting practice as a result of remote working during the Covid-19 pandemic, together with the move from County Hall to Woodhatch Place, have resulted in the ending of the practice of signing a physical register of attendance. Instead, Members' attendance at Council meetings has been recorded by Democratic Services staff, which is in keeping with the advice given to principal councils in paragraph 11.4 of the 7th edition of *Knowles on Local Authority Meetings*. However, Standing Order 30 still requires Members to sign a register of attendance.

Proposal

Amend **Standing Order 30** as follows:

~~Members will sign a register of attendance.~~ **Democratic Services staff will record Members' attendance at Council meetings.**

6. Standing – Speaking at Council; for Procedural Motions; to call for a Recorded Vote

Background

The practice of standing when speaking was reinstated when Council meetings returned to the Council Chamber following the Covid-19 pandemic and the requirement for remote meetings/socially distanced meetings.

In practice, Members who are unable to stand due to disability/medical reasons are not required to do so, but the current standing order does not make this explicit. From an accessibility perspective, this would be preferable and would send a positive message to prospective councillors with disabilities/medical conditions.

Proposal

Amend **Standing Order 15.1** as follows:

When speaking, Members will stand **if they are able** and address the Chairman. Members will be called to speak by the Chairman. A Member who is speaking will **immediately stop speaking and** sit down if the Chairman rises, or if another Member raises a point of order.

Amend **Standing Order 23.2** as follows:

If the procedural motion is seconded and the Chairman thinks the motion is appropriate and, for procedural motions (a), (b) and (c), there has been sufficient debate, he/she will ask if the motion has the support of ten Members (including the mover and seconder), who will show their support by standing **or otherwise indicating clearly**. If fewer than ten Members **indicate their support** stand, the procedural motion will be considered as withdrawn.”

Amend **Standing Order 28.1** as follows:

Voting will be by show of hands and/or electronically unless, by standing **if they are able**, ten Members demand a recorded vote. Where a recorded vote is called, the names of those voting for or against the motion or amendment (or abstaining) will be recorded and entered in the minutes.

7. Recorded Votes – correcting mistakes in casting of vote

Background

The CRG discussed introducing a further amendment to SO 28.1 to codify the procedure for correcting mistakes during the roll call for Recorded Votes. Members were advised that they had the right to change their vote up until all votes had been cast. If a Member did not raise an issue until all the votes had been cast, there is a danger that a vote could be manipulated.

Proposal

Further amend **Standing Order 28.1** as follows:

Voting will be by show of hands and/or electronically unless, by standing **if they are able**, ten Members demand a recorded vote. Where a recorded vote is called, the names of those voting for or against the motion or amendment (or abstaining) will be recorded and entered in the minutes. **If a Member casts their vote incorrectly during a recorded vote, they must make this known to the Chair as soon as possible and before all votes have been cast.**

8. Budget Amendments – sign off by Finance**Background**

Amendments to the Budget proposals must be prepared in consultation with Finance colleagues to ensure that they are viable and result in a balanced Budget.

Members are advised in early January to contact the Strategic Finance Business Partner by an informal deadline (usually 1 week before the Council agenda despatch), in order to allow time for the necessary discussions and calculations to take place. The informal deadline for receipt of amendments by Democratic Services is 3pm two working days prior to the meeting (as with amendments to Original Motions at ordinary Council meetings).

The informal nature of the deadline means that Members may still submit alternative budget proposals at the Budget Council meeting which have not been discussed with Finance and may therefore not be viable.

Whilst the CRG did not wish to introduce a formal deadline for amendments to Ordinary Motions, they asked Members to consider whether a formalised deadline for Budget amendments was necessary.

Proposal

Amend **Standing Order 20.4** as follows:

Motions or amendments relating to the annual consideration of the Budget should be submitted in a standard format to be set down by the Director of Finance. **Draft budget motions or amendments must be submitted to the Strategic Finance Business Partner at least 14 days before the Budget Council meeting. Notice of agreed budget motions or amendments must be given in writing to the Governance Lead Manager by 3pm. two working days before the Budget Council meeting.**

9. Member Conduct Panel – Charing Arrangements

Background

The Monitoring Officer recommended that the current requirement for the Chair of Council to chair the Member Conduct Panel be removed.

The rationale for this is to mitigate the risk of the Chair of Council being drawn into politically contentious complaints against Members which may jeopardise their political neutrality for the remaining duration of their term as Chair.

There is no proposal to change the requirement that the Panel pool of ten Members includes the Chair and Vice-Chair of Council.

It is suggested that the Member Conduct Panel instead appoints a chair for each meeting.

Proposal

Amend **Part 6(02) – Arrangements for dealing with allegations of breaches of the Member Code of Conduct, Paragraph 10** as follows:

The Member Conduct Panel is a cross-party Panel of Members of the Council chaired by the ~~Chairman of the County Council~~. **The pool consists of ten Members, including the Chair and Vice-Chair of Council.** Any hearing will be conducted by three **Panel Members** of their number, ~~one of whom shall be the Chairman or Vice-Chairman of the Council, who will chair the meeting. In the event that neither the Chairman nor Vice-Chairman are able to chair the meeting the hearing will be conducted by three members of the Panel and the election of one of their number to chair the hearing will be the first item of business at the meeting.~~

Amend **Part 6(04) Annex A Member Role Profiles – Chair of Council – Key Duties and Responsibilities** by deleting **Paragraph 10:**

~~10. To chair the Member Conduct Panel, handling complaints against Members in line with the Constitution.~~

10. Route of Approval for the Risk Management Strategy

Background

The Risk Management Strategy is currently included in the Constitution in Part 5 – Rules of Procedure, which means that any amendments must be approved by Council.

The Head of Strategic Risk has advised that any future amendments to the Risk Management Strategy are likely to be minor, and that it not a good use of Council's time/resources for it to approve such amendments. He further notes that Surrey County Council is unusual in including its Risk Management Strategy in the Constitution for final approval by Council.

The Audit & Governance Committee has the function of monitoring the effective development and operation of the risk management and corporate governance arrangements of the council, and reviews the strategy on an annual basis, making recommendations to Council on any amendments.

It is therefore recommended that Council delegates the approval of the Risk Management Strategy to the Audit & Governance Committee, with the document being included in Part 5 of the Constitution as agreed by the Audit & Governance Committee.

Proposal

A recommendation be made to Council to agree the delegation of approval of the Risk Management Strategy to the Audit & Governance Committee.

Include the Risk Management Strategy in the Constitution in **Part 5 – Rules of Procedure** in the form agreed by the Audit & Governance Committee.

Amend **Part 3 Section 2 Paragraph 6.10(a)** as follows:

To monitor the effective development and operation of the risk management and corporate governance arrangements in the council **and to approve the council's Risk Management Strategy and any amendments to it.**

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