

CONSTITUTION SUB-COMMITTEE – 29 SEPTEMBER 2020

POLICY AND RESOURCES COMMITTEE 30 SEPTEMBER 2020

EXTRAORDINARY COUNCIL – 6 OCTOBER 2020

PART I – NOT DELEGATED

5. REVIEW OF RULE 14 – REPORTS FROM AND QUESTIONS TO THE LEADER OF THE COUNCIL AND LEAD MEMBERS

REPORTS FROM AND QUESTIONS TO THE CHAIRS OF THE AUDIT, PLANNING, LICENSING AND REGULATORY SERVICES COMMITTEES (CED)

1 Summary

- 1.1 To consider the revised wording of Rule 14 based on the suggestions made by the sub-committee at its meeting on the 9 September 2020.

2 Details

2.1 *Revised Rule 14*

- 2.2 The sub-committee considered a report on suggested changes to Rule 14 at its meeting on 9 September 2020. The sub-committee felt that the suggestions in the report went too far and did not adequately preserve the balance of democratic challenge of the administration. The sub-committee proposed the following changes:

1. Written questions have to be sent in advance and be sent in by 12 noon 8 working days before the summons is published. This additional period will give Officers more time to assist the Leader/Lead Member/Chair of Committee to produce a written answer to be included in the published summons.
2. The written answer will be published with the summons.
3. Urgent written questions to be permitted after the deadline if something happens which is not in the public domain at the deadline. Any urgent questions to be submitted in writing to the Committee Team by noon on the day of the meeting.
4. Written questions and written answers will be taken as tabled and not read out to save time.
5. The Member who asked the written question will be permitted one supplementary oral question on the written answer given in the summons. There will be a time limit of 1 minute to ask the supplementary question and 2 minutes to provide the answer. If in the meeting a written answer is to be provided this should be done within 5 working days. *Officers are seeking clarification on the time limits.*
6. Reports from Leader/Lead Members/Chairs of Committees will now be written reports. They will be published with the summons.
7. The Leader/Lead Members/Chairs of Committees can give an oral update at the meeting if anything happens within their portfolio after the summons and their written report is published which he/she believes the Council should be made aware of. Oral questions on the written report and the oral update are permitted and at the Chair of Council's discretion one supplementary question can be asked on any oral answer. If in the meeting a written answer is to be provided this should be done within 5 working days.
8. Written questions not dealt with at the meeting will not be carried over to the next meeting. A full written answer will be given within 5 working days.

9. All written and oral questions and written and oral answers will be set out in the minutes.

2.3 Appendix 1 of the report is Officers suggested amendments to Rule 14 shown as tracked changes and are based on the above. Appendix 2 is the suggested amended Rule 14 with the tracked changes accepted.

3 Options and Reasons for Recommendations

3.1 The Council operates under a Committee form of governance. As such there are no decision making powers delegated to an individual Member. All decisions are taken by proportional Committees or at Full Council. The Council needs to find a way to ensure that it can get through business at meetings whilst balancing the democratic right of Councillors to question the administration.

3.2 The overriding view was that the democratic process and accountability of and the ability to challenge of the administration should be preserved.

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are within budgets. Council is asked to adopt the necessary changes to the Constitution and governance arrangements.

5 Financial, Legal, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

5.1 None specific.

6 Equal Opportunities Implications

6.1 Relevance Test

Has a relevance test been completed for Equality Impact? (A relevance test assesses whether a service or policy has any effect on the Council's legal equalities duties for different minority groups. If no, please state reason why e.g. there is no proposed change to current policy / service).	No
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7 Staffing Implications

7.1 Additional Council meetings impacts on staff workload.

8 Communications and Website Implications

8.1 The Council Constitution is published on the Council website as a public document.

8.2 If the recommendations are agreed the website will be updated accordingly.

9 Risk and Health & Safety Implications

9.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

9.2 The subject of this report is covered by the Committee service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Failure to get through Council business at meetings	Additional meetings necessary	Improve aspects of the constitution and business conducted at meetings		

9.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
Impact				
Low -----> Unacceptable				

Impact Score

4 (Catastrophic)

3 (Critical)

2 (Significant)

1 (Marginal)

Likelihood Score

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Remote (≤5%))

9.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

10 Recommendation

To Policy and Resources Committee and To Council:

10.1 To amend Rule 14 based on the suggestions set out in Paragraph 2.2 and as provided in Appendix 2.

Report prepared by: Anne Morgan, Solicitor to the Council

Sarah Haythorpe, Principal Committee Manager

Data Quality

Data sources:

Various Council's Constitutions.

Data checked by:

James Baldwin, Deputy Monitoring Officer

Data rating:

1	Poor	
2	Sufficient	√
3	High	

Background Papers

None

APPENDICES / ATTACHMENTS

Appendix 1 – Tracked Changes to Rule 14

Appendix 2 – Changes accepted to Rule 14