

CONSTITUTION SUB-COMMITTEE – 6 JANUARY 2022

POLICY AND RESOURCES COMMITTEE – 24 JANUARY 2022

COUNCIL – 22 FEBRUARY 2022

PART I – NOT DELEGATED

7. COUNCIL CONSTITUTION AND URGENT DECISIONS (CED)

1 Summary

- 1.1 For the sub-committee to consider suggestions for amendments to Rules 11, 14, 15, 18 and 37 of the Council Constitution and decide if any suggestions are to go forward to the P&R Committee on 24 January or if the Rule(s) remain unchanged.
- 1.2 To consider suggested amendments to the Member Officer protocol.
- 1.3 To consider the provisions for urgent decisions which are available to the Chief Executive under Paragraph 8 of Part 3 of the Council Constitution.
- 1.4 These are all suggestions only for discussion by the sub-committee and are not proposals.

2 Details

- 2.1 The Constitution reflects the Committee form of governance which has been in place since June 2014.
- 2.2 The Constitution was reviewed and amended in December 2017 and December 2020 – Rule 17 – Budget Setting, in October 2020 and December 2020 – Motions – Rule 11 – Questions to the Leader/Lead Members/Chairs – Rule 14 – Rule 16 – Rules of Debate and July 2020 in setting up the Commercial Shareholder Panel,
- 2.3 As part of the review undertaken in September/October 2020 the Constitution sub-committee also considered making amendments to Rule 18 – petitions and Rule 15 – questions from the public but Members firmly decided that they did not wish to make any amendments to these rules.
- 2.4 In addition to the amendments to the Rules of Procedure, Council in October 2020 also considered and approved a revised Member/Officer Protocol.
- 2.5 Other changes made to the Council Constitution in October 2020 were to change the pronouns throughout the Constitution to the inclusive they/their/them. In addition Council agreed to the use of Working Parties/Task and Finish Groups in appropriate circumstances ensuring where possible that meetings are held in public.
- 2.6 The following Member suggestions have been put forward for the sub-committee to consider:
- 2.7 **Rule 11 - Motions**
 - 2.7.1 The current Rule 11 is attached at **Appendix 1**. A suggested Member amendment is to consider limiting the number of motions a single Councillor can propose or second – with the suggestion being one per meeting.

The sub-committee are asked to consider the suggested amendment to the Rule and to consider any recommendation to P&R Committee.

2.8 Rule 14 - Questions

2.8.1 Members firmly wished to retain reports and questions to the Leader, Lead Members and Chairs of Committees in October 2020. A copy of the current Rule 14 is provided at **Appendix 2**.

2.8.2 Some suggestions put forward by Members are provided below for the sub-committee to consider:

Questions which could be submitted for Council

- Questions that could be submitted for the Council agenda are Policy, poor performance on KPI's or failure of a service so that the Leader/Lead Members and Chairs of Committees remain accountable with the option to raise a supplementary question.
- A question about how the Council is managing its long-term financial stability, which would not be 'purely factual' as it may necessarily involve policy choices and would have a written answer provided and the option to raise a supplementary question

Questions which may not be submitted for Council

- Questions that re-iterate information previously provided on published Committee agendas, on progress of a specific case, or on reasons for specific budget variances, to be answered in writing and do not form part of the Council agenda, not raised at the meeting and no supplementary question.
- Any purely factual questions (to be determined by the Chief Executive) should get a separate written answer and do not form part of the Council agenda, not raised at the meeting and no supplementary question.

Determination of questions

- All questions submitted by Members for a Full Council meeting should be agreed for inclusion in the summons by the Chief Executive. If a Member is not happy with their decision then the Monitoring Officer/Director could review the ruling.

Process for submitting questions

- That written questions continue to be sent in 10 days in advance of the summons being published. This additional period has enabled the written answers to be collated in most cases in time to publish with the summons.

The sub-committee are asked for comments on the above suggestions and to consider any recommendations to P&R Committee.

2.9 Rule 15 Questions from the Public (Appendix 3)

2.9.1 The Council and Members are keen to ensure that there is public participation at Council meetings. To date few questions have been asked at meetings under this Rule. Public participation may well increase once livestreaming is active.

2.9.2 Suggestions have been put forward by Members under Point 2.8.2 above to Rule 14 and the sub-committee may wish to consider these suggestions under Rule 15.

The sub-committee are asked for comments on the suggestions and to make any recommendations to P&R Committee.

2.10 Rule 18 Petitions (Appendix 4)

2.10.1 The following Member suggestions have been put forward as possible amendments to the Rule:

- To only allow e-petitions only via the Council's e-petition portal.
- To consider increasing the number of signatures required for a petition to be accepted – this is currently 25.
- Not to submit a petition to Council/relevant Committee/sub-committee if a consultation is taking place or been completed and for that petition to be received only when the consultation results are reported to the relevant body.
- To consider whether to amend the online e-petition guidance (**Appendix 5**) (last reviewed in 2014) with regard to how e-petitions are received, debated and actioned and advise any suggested amendments to the guidance.

The sub-committee are asked for comments on the suggestions and to make any recommendations to P&R Committee.

2.11 Rule 37 – Application to Committees and Sub-Committees (Appendix 6)

2.11.1 Currently Rules 2, 4, 5, 8, 9, 10, 12, 16, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 30, 31, 33, 34, 35 and 36 apply to meetings of Committees and Sub-Committees of the Council.

The sub-committee are asked to consider adding Rule 11 (motions) to the list of Rules and to make any recommendation to P&R Committee

2.12 Member/Officer Protocol

2.12.1 At **Appendix 7** is the Member/Officer protocol.

2.12.2 Members have put forward the following suggested amendments:

- To remove point 21.1(d).
- To omit any Member contact details on all press releases

The sub-committee are asked for comments on the suggestions and to make any recommendations to P&R Committee.

2.13 Urgent Decisions

2.13.1 Under Part 3, Section 8 of the Council Constitution the Chief Executive is able to take Urgent Action in consultation with Group Leaders or Deputy Group Leaders. The wording in the constitution is provided below:

To take such urgent action which is in the best interests of the Council where there is not time to convene the appropriate committee. Such action will be taken in consultation with the Group Leaders or Deputy Group Leaders.

Minor Changes to the Council Constitution - to be delegated to the Chief Executive

- 2.13.2 Some Group Leaders have raised the question of when a decision is urgent and when a report could come forward to Committee to be determined without the need for an urgent decision to be agreed. Members will recall that all Urgent decisions when made are published in the Members' Information Bulletin and have been since April 2020. Members are reminded that changes to the Constitution are frequently required to be made on an urgent basis when new government regulations under the Coronavirus Act are made, as these can either add or remove powers in relation to enforcement or other council functions.

The sub-committee are asked to put forward suggestions and to make any necessary recommendations to P&R Committee.

3 Options and Reasons for Recommendations

- 3.1 It is for the sub-committee to consider if and to what extent, any of the suggestions put forward are to be taken to the P&R Committee for recommendation to Council in February.

4 Policy/Budget Reference and Implications

- 4.1 The recommendations in this report are within budgets. The sub-committee are asked to consider the suggestions/add any additional suggestions.

5 Financial, Legal, Community Safety, Public Health, Customer Services Centre Implications

- 5.1 As referred to in the report.

6 Equal Opportunities Implications

- 6.1 Relevance Test

Has a relevance test been completed for Equality Impact?	No
(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).	

7 Staffing Implications

- 7.1 Additional meetings impact on staff workload.

8 Communications and Website Implications

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

9 Environmental Implications

- 9.1 The decision at Full Council on 14 December to livestream public meetings and have the ability to hold hybrid meetings will contribute towards the Council achieving its Climate Change strategy. In addition, the holding of all Forum meetings virtually and

the non-decision making sub-committee meetings will reduce the required travel by Councillors, Community Partners, Officers and members of the public to the meetings which will over future years contribute towards reducing our carbon emissions.

10 Risk and Health & Safety Implications

- 10.1 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.
- 10.2 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 plan.

11 Recommendation

- 11.1 That the sub-committee to consider the suggestions put forward and advise any additional suggestions.
- 11.2 For the sub-committee to consider if any suggestions/additional suggestions be recommended to the P&R Committee.

Report prepared by: James Baldwin, Solicitor to the Council

Sarah Haythorpe, Principal Committee Manager

Data Quality

Data sources: Constitution sub-committee September 2020, Council October 2020

Data checked by: James Baldwin, Solicitor to the Council

Data rating:

1	Poor	
2	Sufficient	√
3	High	

Background Papers

None

APPENDICES / ATTACHMENTS

- Appendix 1 – Current Rule 11
- Appendix 2 – Current Rule 14
- Appendix 3 – Current Rule 15
- Appendix 4 – Current Rule 18
- Appendix 5 – E-petition guidance
- Appendix 6 – Current Rule 37
- Appendix 7 – Current Member/Officer Protocol