

**POLICY AND RESOURCES COMMITTEE – 24 JANUARY 2022**

**COUNCIL – 22 FEBRUARY 2022**

**PART I – NOT DELEGATED**

**10. COUNCIL CONSTITUTION AND URGENT DECISIONS (CED)**

**1 Summary**

- 1.1 For the P&R Committee to consider the recommendations from the Constitution sub-committee at its meeting held on 6 January 2022 with regard to Rules 11, 14, 15, 18 and 37 of the Council Constitution.
- 1.2 To consider a proposed amendment to the Member Officer protocol.
- 1.3 To consider an amendment to the urgent decisions form made by the Chief Executive in consultation with the Group Leaders which are available to the Chief Executive under Paragraph 8 of Part 3 of the Council Constitution.
- 1.4 To consider requiring the Chief Executive to consult with the Group Leaders 24 hours before making any minor amendment to the Council Constitution and for Paragraph 8 of Part 3 of the Council Constitution to be updated accordingly.

**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 are recommendations from the Constitution sub-committee for the Committee to consider.
  - 2.6.1 **Review of Rule 11 – Notices of Motions**
    - 1. *That there be no changes to Rule 11 on motions.*

2. *That officers revisit the wording of Rule 11(5) on the referral of a motion to a Committee and provide any suggested amendments to the P&R Committee.*

#### **2.6.2 Rule 14 – Questions from Members to the Leader/Lead Members and Chairs of Committees**

1. *That there be no changes to Rule 14.*

#### **2.6.3 Rule 15 – Questions from the Public**

1. *Members of the public questions to be submitted 8 working days prior to meeting;*
2. *Written response to the public questions to be published in summons;*
3. *A maximum of 5 questions to be allowed for each Full Council meeting (excluding Annual Council) and to be limited to one question per member of the public.*

#### **2.6.4 Rule 15 - Petitions**

1. *Shorten the URL for e-petitions on the Council's e-petition portal;*
2. *Encourage e-petitions to be created via the Council's e-petition portal;*
3. *Any e-petition not submitted via the portal must contain sufficient information to allow officers to verify the identity and address of the person who has signed the form;*
4. *To continue to allow paper petitions to be submitted but to provide a pro-forma to use with details of the information that the Council requires for the paper petition;*
5. *That the signatures needed to bring forward a petition to remain at 25*
6. *To review the e-petition guidance and come back to the sub-committee with a revised guidance at a future meeting.*

#### **2.6.5 Rule 37 – Application to Committees and Sub-Committees**

1. *To add Rule 11 to the list of Rules under Rule 37.*

#### **2.6.6 Member/Officer Protocol**

1. *That Member contact details be removed from all published press releases but retain the communications team contact details.*

#### **2.6.7 Urgent Decisions and Minor Amendments to the Council Constitution**

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1. *Group leaders to be informed 24 hours prior to any minor changes being made to the Council Constitution by the Chief Executive;*
2. *That the urgent decision form with the Group Leaders be amended to include a section asking “Why is the urgent decision not able to go through the Committee process.”*
3. *That Part 3, Section 8 be amended accordingly to read:*

*“Minor Changes to the Council Constitution - to be delegated to the Chief Executive to be advised to the Group Leaders 24 hours before the minor change is made.”*

### **3 Options and Reasons for Recommendations**

3.1 It is for the Committee to consider the recommendations from the sub-committee and make their recommendations to Council in February.

### **4 Policy/Budget Reference and Implications**

4.1 The recommendations in this report are within budgets. The Committee is asked to consider the recommendations.

### **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? (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 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 Committee consider the recommendations from the sub-committee as detailed at Paragraphs 2.6.1 to 2.6.7.

Report prepared by: James Baldwin, Solicitor to the Council

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**Data Quality**

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

Data checked by: James Baldwin, Solicitor to the Council

Data rating:

<b>1</b>	<b>Poor</b>	
<b>2</b>	<b>Sufficient</b>	√
<b>3</b>	<b>High</b>	

**Background Papers**

Constitution sub-committee – 6 January 2022

<https://www.threerivers.gov.uk/meeting/constitution-sub-committee-6-january-2022>

**APPENDICES / ATTACHMENTS**

Appendix 1 – Rule 11 – no changes proposed

Appendix 2 – Rule 14 – no changes proposed

Appendix 3 – Tracked changes - Rule 15

Appendix 4 – Tracked changes - Rule 18

Appendix 5 – Tracked changes - Rule 37

Appendix 6 – Tracked change to Member/Officer Protocol

Appendix 7 – Revised template for urgent decisions