



Governance and Audit Committee

16 July 2023

Report by Councillor Philip Knowles,
Cabinet Member for Corporate Governance and Licensing

Proposed amendments to the Council's Constitution

Report Author

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Purpose of Report

This report provides the Governance and Audit Committee with an opportunity to consider proposed amendments to the Council's Constitution and make any recommendations to Full Council for approval.

Recommendations

- 1. That the Governance and Audit Committee recommends the following constitutional amendments to Full Council:**
 - a) Provision of a public open forum at meetings of Cabinet.**
 - b) Provision of Member questions at meetings of Cabinet.**
 - c) Provision of Member questions at the annual meeting of Full Council.**
- 2. The Governance and Audit Committee is also invited to consider the establishment of a Policy Committee.**

Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	High performing Council
Which wards are impacted?	All or insert specific ward(s)

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 The introduction of a new Policy Committee will incur an additional Special Responsibility Allowance for the Chairman and Vice-Chairman of the Committee. Based upon the same allowances for Overview and Scrutiny Committees, this would equate to additional costs of £8,469 per annum for 2024/25 which is not currently included in the budget.

Completed by: Richard Wyles, Deputy Chief Executive and Section 151 Officer

Legal and Governance

- 1.2 There are no significant legal or government implications arising from the proposals outlined in recommendation 1.
- 1.3 In relation to recommendation 2 and the proposal to introduce a Policy Committee as part of the Council's decision-making structure, there is already provision for the consideration of policy issues within the terms of reference for Overview and Scrutiny Committees. This is set out in the Overview and Scrutiny Procedure Rules in Part 4 (Rules of Procedure) of the Council's Constitution which states that the role of Overview and Scrutiny Committees is to:
 - (j) Assist the Council and Cabinet in the development of its Budget and Policy Framework through in-depth analysis of policy issues
 - (k) Conduct research, community and other consultation in the analysis of policy issues and possible options

- (l) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options
- (m) Question Cabinet Members about their views on policy proposals and receive advice and information from Officers

1.4 Each Overview and Scrutiny Committee is already responsible for specific service areas delivered by the Council, and is therefore responsible for the policy development associated with these respective service areas. The introduction of a separate Policy Committee may therefore potentially impact the remit and work programmes of each Overview and Scrutiny Committee.

Completed by: Graham Watts, Monitoring Officer

2. Background to the Report

- 2.1 The Governance and Audit Committee is required to consider any proposed amendments to the Council's Constitution before Full Council is able to approve them, unless there is alternative provision elsewhere in the Constitution.
- 2.2 A number of proposed amendments to the Constitution are included within this report for the Committee's consideration.

3. Key Considerations

Public open forum and questions from Members at Cabinet

- 3.1 The Leader of the Council has requested that the Council's Cabinet Procedure Rules be amended to allow for the provision of public speaking.
- 3.2 It is therefore recommended that a new paragraph (8) be added to the Cabinet Procedure Rules, to replicate the public speaking rules followed at Overview and Scrutiny Committees, as follows:

8. Public speaking

- 8.1 *Members of the public may make a statement or ask any question, subject to paragraph 8.7, during a period of up to 30 minutes set aside at the start of the meeting.*
- 8.2 *In respect of extraordinary meetings, members of the public may make a statement or ask any question, subject to paragraph 8.7, at the commencement of the item being considered for a period of up to 30 minutes.*

8.3 *Notice of any statement to be made or question to be asked must be given by delivering it in writing or by electronic mail to Democratic Services at least one working day before the day of the meeting. Each notice must give the name and contact details of the speaker or questioner.*

8.4 *Questions will be asked and speeches made in the order in which notice of them was received, except that the Leader, or person presiding the meeting, may group together similar questions or items to be spoken on. Each question or speech will be subject to a total time limit of five minutes.*

8.5 *A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to their original question. A supplementary question must arise directly out of the original question or the reply. The Leader, or person presiding the meeting, may reject a supplementary question on any of the grounds in paragraph 8.7 or if the time limit for public questions has expired.*

8.6 *At any one meeting no person or organisation may submit more than two questions or statements on more than two items on the agenda of the relevant meeting and no more than six such questions or speeches will be tabled or delivered at any one meeting. If more than six notices of intention to speak are received, the first six received will be invited to attend to speak. Any questions tabled for that same meeting will be dealt with by way of written response or held over until the next meeting at the request of the questioner or speaker.*

8.7 *The Chief Executive may reject a question or prevent the right to speak if it*

- (a) Is not about a matter for which Cabinet has a responsibility*
- (b) Is defamatory, frivolous, objectionable, improper or offensive Part 4 – Rules of Procedure Page 43 (c)*
- (c) It is substantially the same as a question which has been put by a member of the public at a meeting of Cabinet the past six months (d) Requires disclosure of confidential or exempt information*

8.8 *A record of statements and questions made and any responses to them will be recorded in the minutes of the meeting.*

3.3 The Leader of the Council has also requested that the Council's Cabinet Procedure Rules be amended to allow for the provision of questions from members at any meeting of Cabinet, in the same manner as facilitated at meetings of Full Council.

3.4 It is therefore proposed that a new paragraph (9) be added to the Cabinet Procedure Rules, as follows:

9. *Open Questions by Councillors*

9.1 *Time allowed for questions will be at the Leader's discretion, or that of the person presiding the meeting.*

9.2 *Questions will only be addressed to the Leader of the Council, Deputy Leader of the Council or individual Cabinet Members.*

9.3 *Questions will be on a first come, first served basis.*

9.4 *Supplementary questions and the number of questions permitted by an individual Councillor will be at the discretion of the Leader, or the person presiding the meeting.*

9.5 *Questions will not be recorded verbatim in the minutes of Cabinet meetings. Details in the minutes will consist of the Councillor who asked the question, a brief summary of the question and the response provided.*

9.6 *A question will be rejected by the Leader, or person presiding the meeting, if:*

- It is not about a matter for which the District Council has a responsibility, or which directly affects the district*
- It is of a defamatory, frivolous, objectionable, improper or an offensive nature*
- It is substantially the same as a question which has been put at a meeting of Cabinet in the past six months*
- The answer requires disclosure of confidential or exempt information*

Public open forum at the annual meeting of Full Council

3.4 Public speaking is not currently included on the list of prescribed items for the annual meeting of the Council, as set out in paragraph 2 of Council Procedure Rules.

3.5 It is proposed that the below provision be included as a new paragraph 2.2 (g) to mirror the process followed at ordinary meetings of Full Council to facilitate public speaking:

(g) *Receive questions and statements from the public in accordance with Council Procedure Rule 11*

Establishment of Policy Committee

- 3.6 The Cabinet Member for Corporate Governance and Licensing has requested that due consideration be given to the introduction of a Policy Committee which will be responsible for all policy development activity in relation to the Council.
- 3.7 This proposal reflects the significant workload of the Council's Overview and Scrutiny Committees, the focus of which is predominantly on financial and performance monitoring as well as undertaking pre-decision scrutiny and holding decision-takers to account. The Cabinet Member suggests that the policy development and review aspect of the Overview and Scrutiny Committee's remit is not as prominent as it could be and therefore believes a separate Policy Committee will provide sufficient focus to this important aspect of the Council.
- 3.8 It is therefore proposed that the Governance and Audit Committee gives due consideration to introducing a Policy Committee as part of the Council's committee structure. Should the Governance and Audit Committee agree to formally recommend this proposal to Full Council, it is suggested that the Council's Monitoring Officer, in consultation with the Cabinet Member for Corporate Governance and Licensing, be delegated authority to develop the draft terms of reference for the new Policy Committee.

4 Other Options Considered

- 4.1 Not to make any amendments to parts of the Constitution identified in this report.
- 4.2 To recommend any other amendments to the Council's Constitution.

5. Reasons for the Recommendations

- 5.1 The recommendations contained within this report reflect requests received to amend specific parts of the Council's Constitution.