

RECOMMENDATIONS TO CABINET 5 NOVEMBER 2024 FROM THE CORPORATE PERFORMANCE PANEL MEETING ON 30 OCTOBER 2024

CP64: REPORT FROM THE CONSTITUTION INFORMAL WORKING GROUP

[Click here to view the recording of this item on You Tube.](#)

The Monitoring Officer presented the report which set out the initial proposals from the Constitution Informal Working Group. It was noted that the Informal Working Group's work would continue to support the process for reviewing the Constitution.

Members were presented with the draft Council Procedure rules which pulled together all the procedural rules that apply to meetings of Full Council and picked up key issues raised by the Informal Working Group including introducing a Budget Meeting, Notices of Motion, Questions to Cabinet Members and Chairs.

Also presented for consideration was an additional schedule of substantive changes to the Constitution which proposed changes to the number of Members in Planning Committee, Licensing Committee and the Licensing and Appeals Board, changes to Standing Order 34 and introducing a defined procedure around the election and removal of a Leader.

A Schedule of Minor Amendments was also presented to the Panel for consideration.

The Panel was informed that the Constitution Informal Working Group would continue to meet and in the New Year would determine its forward Work Programme.

The Chair thanked the Monitoring Officer for the report and the Panel considered the Schedule of key issues individually as follows. The Chair firstly invited Members present under Standing Order 34 to address the Panel so that their comments could be considered during the Panel's debate.

Councillor Kemp addressed the Panel under Standing Order 34 and made reference to the proposed order of Notices of Motion and the proposed time limit which she felt would limit the opportunity for smaller Political Groups and non-aligned Members to have Notices of Motions considered, which were often time critical and could not be rolled over to a subsequent meeting. She commented that this proposal would be a retrograde step and would not give some Members the opportunity to bring Council's attention to issues raised by residents.

Councillor Kemp also made reference to the proposal to reduce the number of Members on Planning Committee, Licensing Committee and Licensing and Appeals Board and felt it would mean that Members would have less opportunity to represent their residents.

Councillor Kemp commented that this process felt rushed and Members had not had the opportunity to input into the process or be consulted.

The Chair Councillor Long commented, that this was now the time for Members to put forward their views and reminded Councillor Kemp that Members could have attended the Informal Working Group meetings under Standing Order 34 to raise issues.

The Portfolio Holder for Finance, Councillor Morley addressed the Panel and raised concerns relating to the timescales for proposing amendments to the Budget, which was proposed to be four working days before the Council meeting. He felt that this timescale would not provide officers with an opportunity to analyse the amendments to ensure that

they would provide a balanced budget. He asked the Panel to consider bringing the timescale forward.

The Chair, Councillor Long commented that this had been debated by the Informal Working Group and the timescale had been proposed as it was after the date that the Budget Papers would have been published for the Full Council Meeting, however he asked the Panel to consider the proposed timescale.

The Monitoring Officer explained that resources in the Finance section would also have to be considered.

The Leader of the Council, Councillor Beales reminded the Panel that the Constitution was required to be reviewed every four years and felt that it had been an open and transparent process.

The Panel considered Appendix 1 of the Report which was a list of key issues within the Constitutional Review document and made the following comments:

1. Section 6 of the Council Procedure Rules

This section proposed the introduction of a budget meeting, which would be treated differently to an ordinary meeting in that there would be no Notices of Motions and Cabinet Member Reports etc. The sole purpose of the meeting would be consideration of Budget items.

The process proposed was that amendments to the budget would come from Group Leaders and would need to be submitted in advance so that the Chief Finance Officer could analyse and validate them to ensure that they would provide a balanced and lawful budget. All Councillors would be notified in advance of the meeting of the proposed amendments.

In response to a question from Councillor Ryves, it was confirmed that debate on the amendments and the budget would still take place at the meeting.

It was also clarified that amendments would be proposed by Group Leaders and non-aligned Members would still have the opportunity to submit an amendment in advance of the meeting.

The Constitution Informal Working Group had also considered provision for submitting an alternative budget, but had decided to leave the alternatives open for the Panel's consideration, due to the timescales involved and the requirement to check that amendments would still provide for a balanced and lawful budget.

The Chair referred to comments made by Councillor Morley regarding the amendments being submitted four working days in advance of the meeting and asked the Panel to consider the timescales proposed.

Councillor Jones commented that as Budget papers were published one week before the meeting, four working days was not sufficient time to digest the papers and produce amendments and requested that the timescale be extended.

The Panel was reminded that in advance of the Budget Papers being presented for Full Council, they would be available at the Joint Panel meeting, which was scheduled a month before the Full Council Meeting. The Budget would also go to a Member Briefing Session and Cabinet on its way through to Full Council.

Councillor Jones proposed that it be formally agreed that a Member Briefing session was held each year so that Members were briefed on the budget before its way through the decision making process. This proposal was seconded by Councillor Long.

RESOLVED: The Panel recommend that an all Member Briefing on the Budget is scheduled in each year.

2. Section 6.7.1 of the Council Procedure Rules

This section dealt with the process for submission, approval and publication of proposed amendments before the budget meeting.

The Panel discussed whether amendments to the budget, or submission of an alternative budget should be permitted and considered amendments a more reasonable approach. They considered that a group of amendments could be submitted as one overall amendment by each Political Group or non-aligned Member.

It was confirmed that upon submission of the amendments the Chief Finance Officer would liaise with the relevant Group Leader if the amendments did not provide for a balanced and lawful budget.

The Panel agreed that the timescale for proposing amendments to the budget be brought forward and it was suggested that the timescale could link in with when proposed budget papers had been approved by Cabinet.

RESOLVED: The Panel recommend that the timescale for proposing amendments to the budget (currently proposed for four working days before the Council meeting) be extended to link in with when the proposed papers had been approved by Cabinet.

3. Section 7.9 to 7.11 of the Council Procedure Rules

This section presented a proposed new process for dealing with Notices of Motions and introduced a time limit of sixty minutes. It was highlighted that Councillor Kemp had raised concern regarding the proposed order of Motions.

It was noted that the proposals did not permit Motions to be rolled over, they would instead have to be resubmitted to the next meeting.

The Chair confirmed that the rules permitted the Mayors discretion to extend the time if required.

Councillor Blunt commented that he was pleased to see the need for Motions to be clear and concise and it was confirmed that Motions would be checked by the Monitoring Officer and Chief Executive to ensure that they were concise and relevant.

Councillor Collingham commented that there were often better ways to deal with Motions rather than taking up time at Council meetings, so time could be spent on more important issues. Members of the Panel agreed that it was important that time at Council meetings was used wisely and used to hold the Cabinet to account by considering Cabinet Recommendations and questioning Cabinet Members.

The Monitoring Officer confirmed that considering Notices of Motion at Full Council was not a Statutory requirement and the procedure rules did provide information on other routes that

could be considered, for example consideration at a Panel meeting or discussion with the relevant Portfolio Holder.

The Panel discussed the order of Motions which was proposed to be by largest Opposition Group first. The Panel felt that this could preclude smaller Political Groups and non-aligned Members from getting Motions considered and agreed that the order should be on a rotation system at each meeting.

RESOLVED: The Panel agreed the procedure for dealing with Notices of Motions, however recommend that the order is rotated to ensure fairness and the Mayor is given discretion on extending the time at the meeting for consideration of Motions if required.

Procedural Closure Motion 11.1.1

The Panel considered this proposal and if the Mayor should be afforded the right to move the Motion “that the question now be put” as well as it coming from the floor.

RESOLVED: The Panel proposed that the Mayor be given flexibility to propose a closure motion if required.

4. Section 20.6 and 20.7 of the Council Procedure Rules

This proposal related to providing hard copies of public questions to Members of the public at the meeting. It was noted that Public Questions were published in advance of the meeting on the website.

The proposals also considered the right of members of the public attending meetings remotely to ask questions. The Panel considered this option and acknowledged that sometimes external technology could make it difficult to hear the question being posed, which was fine for the initial question, as this would be available in advance, but could cause problems if a supplementary question was asked.

RESOLVED: 1. The Panel agreed that hard copies of public questions were not required as these were available electronically in advance of the meeting.

2. The Panel felt that remote questions should continue to be permitted, with the caveat that, if technology failed, the question would be responded to in writing after the meeting and the response appended to the minutes of the meeting.

5. Substantive Change – Schedule number 2

This proposal related to the position on Standing Order 34 speaking at Planning Committee. The Chair explained that the Working Group had discussed this rule as the Planning Code of Conduct set out the rules for speaking at Planning Committee. Options were set out for the Panel to consider.

The Monitoring Officer outlined the options which included only the Ward Member being allowed to speak on a specific item, with Chairs discretion for exceptional circumstances.

The Panel discussed issues relating to multi Member Wards, Applications that had an effect cross boundary, or the Ward Member being unavailable to speak and it was felt that this is where the Chairs discretion could come into play.

The Chair reminded the Panel of the strict rules around planning and the potential for a Judicial Review if applications were not heard fairly.

RESOLVED: The Panel recommended that Standing Order 34 be removed for Planning Committee and the Planning Code of Conduct and Scheme of Delegation determine who is able to speak at the Planning Committee, which should be the Ward Member, with Chairs discretion.

The Panel also considered the proposals to remove the notice period required for Members to register to speak under Standing Order 34 at all applicable meetings.

Councillor Nash requested that the word 'and' be removed from the text to differentiate between speaking and attending meetings and the Monitoring Officer agreed to do so.

RESOLVED: The Panel recommended that the two hour notice period for registering to speak under Standing Order 34 at applicable meetings be removed.

6. Substantive Change – Schedule number 1

This change proposed a reduction in the amount of Members sitting on the Planning Committee, Licensing Committee and Licensing and Appeals Board. The Panel was reminded that the number of seats on the Committees had not been reduced when the number of Councillors reduced from 62 to 55.

RESOLVED: That the Panel supported the proposals to reduce the number of Members sitting on the Planning Committee, Licensing Committee and Licensing and Appeals Board.

7. Substantive Change – Schedule number 4

The Monitoring Officer confirmed that this change, relating to the approval of the job description for the Chief Executive brought rules in line with Legislation and still provided the Council with oversight as they would be required to approve salary packages for any new appointments to Chief Officers of over £100,000.

RESOLVED: The Panel supported the proposals to amend Standing Order 23.

The Chair thanked the Panel for their input into the process and requested that the Panel consider the overall recommendations in the report, so that the documents could be submitted to Cabinet for consideration, along with the comments and recommendations made by the Panel.

The Leader of the Council thanked the Panel for their input and reiterated that the revisions were not about stifling debate. He commented that the new rules in place for the Budget Meetings were crucial in order for the Council to properly consider the budget and ensure that a balanced budget is set in the future.

RESOLVED: That the Corporate Performance Panel support the submission of the following to Cabinet for approval, with consideration of the resolutions made by the Panel, set out above:

1. Council Procedure Rules
2. Schedule of Substantive Changes to Constitution.
3. Schedule of Minor amendments to Standing Orders