

**CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE**

A meeting of the Constitution and Members' Development Committee was held on 22 February 2017.

**PRESENT:** Councillors Bloundele, (Chair), Brady, Harvey, J Hobson, Mawston, C Rooney, Hubbard (As Substitute for Cox) and Young (As Substitute for N J Walker)

**OFFICERS:** S Lightwing, B Roberts, S Reynolds

**APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Cox, N J Walker.

**DECLARATIONS OF INTERESTS**

There were no Declarations of Interests at this point in the meeting.

16/4 **MINUTES - CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE - 11 NOVEMBER 2016**

The minutes of the Constitution and Members' Development Committee meeting held on 11 November 2016 were submitted and approved as a correct record.

16/5 **REVIEW OF THE COUNCIL PROCEDURE RULES**

The Head of Legal and Democratic Services presented a report, the purpose of which was to consider the Council Procedure Rules in light of recent requests to examine the scope of Councillor Questions, and to determine the appropriate way forward.

Subsequent to the most recent revision of the Council's Constitution adopted by Council on 30 November 2016, a number of issues had been raised in relation to the scope and submission times for questions. In view of the nature of those issues, Members were invited to consider the questions provisions generally.

A further issue had arisen in relation to the nature of substitutes nominated to attend meetings on behalf of Members who were indisposed. Convention, based on the legal principles of how substitutions operated, had held that substitutes must be from the same group as the absent Member; however the Constitution was silent on that point.

A query had also been raised in relation to the appropriate number of signatories for a petition to be considered by Council.

Members discussed paragraph 21 of the Constitution in relation to the Scope of Questions. The Head of Legal and Democratic Services clarified that paragraph 21 referred to questions received prior to the Council meeting and explained the process whereby questions were accepted or rejected by the Proper Officer in the first instance, with the Chair of the Council being the arbiter if any dispute arose.

In relation to paragraph 21 (g) a Member queried the wording regarding "seeking an expression of an opinion". Following discussion it was agreed that this wording should be removed since it was not clear as to the purpose of its inclusion in the scope of questions.

The Chair stated that over the previous six months there had been an unprecedented increase in the number of Members' Questions on Notice submitted, several of which had not been as per the scope of questions permitted. The Proper Officer and his deputy had expended a considerable amount of time providing advice and guidance to Members, in accordance with the provisions of the Constitution, to assist Members to submit permissible questions. The Chair of the Council had been required to arbitrate in some cases. It was also highlighted that one of the questions submitted had contained falsehoods. The Chair commented that he was keen to ensure that where a question was rejected, and the correct procedure had been followed, no further dialogue would be entered into with the Member who had submitted the question.

The Members and Statutory Services Officer confirmed that as part of the Members Training and Development Programme 2017-2018 training would be offered in relation to the Constitution, Decision Making Processes, Standards and Members Code of Conduct.

Following discussion, Members were in agreement that three amendments should be made to paragraph 21 for clarity and to confirm that the Chair of the Council's decision on whether to reject a question was final.

Members discussed paragraph 122 onwards in relation to Appointment of Substitute Members of Committees and Sub-Committees. It was clarified that substitution was technically effected through the 'resignation' of a Member from the relevant committee, and the appointment (under delegated powers) of a replacement for the meeting in question; followed by the 'resignation' of the substitute and the re-appointment of the original Member (again under delegated powers). Conventionally this had been effected within Groups, since substitution outside a Group might alter the political balance of the committee (and the delegated authority to appoint Members was limited to acting on Group instructions).

A Member commented that the point of substitutions was to ensure that meetings were quorate. It was also suggested that where Groups were unable to send a substitute to a meeting a cross-party substitute should be permitted. Following a vote it was agreed that substitutes must be from the same political Group and that an additional paragraph would be included in the Constitution to clarify the position.

Members discussed paragraph 90 onwards in relation to the Council's Petition scheme which stated that if a petition contained more than 100 signatures, the Lead Petitioner should be afforded the opportunity to hand the petition over at full Council to the appropriate Executive Member. The petition was then handed to the appropriate Service area for processing. If a petition contained more than 1500 signatures the scheme specified that it would be debated by the full Council (unless the petition asked for a senior council officer to give evidence at a public meeting or related to a Licensing or Planning application, in which case it would be submitted to the Committee that dealt with the application).

Members discussed the current scheme and agreed that no change would be made to the Constitution in relation to the Council's Petition Scheme.

The Committee were invited to propose any other amendments to the Council Procedure Rules and the following issues were raised:

In relation to Paragraph 53 on Motions, it was suggested that the Proposer should be required to read the Motion out loud when it was presented.

In relation to Paragraph 117 and the requirement for Councillors to speak when addressing the meeting, it was suggested this should be amended to provide for those persons who were unable to stand.

The Head of Legal and Democratic Services suggested that Paragraph 2 in relation to the Annual Meeting of the Council, Timing and Business, should also include the facility for the Annual Meeting to be held in June.

A Member highlighted that in some other Local Authorities there was a regular agenda item at the Annual Meeting for the Mayor to provide an address.

**AGREED** that the following amendments should be made to Council Procedure Rules:

1. Paragraph 2 Annual Meeting of the Council, Timing and Business, insert "or June" after "In any other year, the Annual Meeting will take place in March, April, May..."
2. Paragraph 2 Annual Meeting of the Council, Timing and Business, insert an additional point (k): "The Mayor's Address."
3. Paragraph 21 (b) add the words "or contains obvious falsehoods."

4. Paragraph 21 (g) remove the words "is seeking an expression of an opinion, or contains an expression of opinion, inferences or imputations."
5. Paragraph 21 add a sentence to clarify that the Chair of the Council's decision to reject a question is final.
6. Paragraph 53, Motions, add a sentence to clarify that the Proposer should be required to read the Motion out loud before debate commences.
7. Paragraph 117, Standing to Speak, insert the words "if able" in the sentence "When a councillor speaks at full Council they must stand..."
8. Paragraph 122 add a sentence to clarify that substitutes must be from the same political Group.