

# WEST NORTHAMPTONSHIRE COUNCIL

## Democracy and Standards Committee 25 January 2023

<b>Report Title</b>	<b>Updates to the Constitution</b>
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### Contributors/Checkers/Approvers

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### List of Appendices

Appendix A – Draft revised Constitution (available on request from [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk))

#### **1. Purpose of Report**

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- 1.1 The purpose of this report is to enable the committee to consider proposed recommendations in relation to updates to the Constitution.

#### **2. Executive Summary**

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- 2.1 The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Council must operate in accordance with its Constitution and the rules set out in it. The Constitution is divided into different parts which set out the basic rules governing the Council's business as well as some of the detailed rules.
- 2.2 The Chairman has requested the Democracy and Standards Committee consider council procedure rule 29.4 (only one councillor to stand at a time) and make a recommendation to Council about its continued use.

### 3. Recommendations

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- 3.1 It is recommended that the Committee notes and approves the recommendations to Council relating to updates to the Constitution as set out in Section 5.

### 4. Reason for Recommendations

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Keeping the Constitution under regular review will help ensure that it is legally compliant, complete, reflects the character and culture of the authority and supports effective and efficient decision making.

### 5. Report Background

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#### Procedure Rule 29.4 (Only one councillor to stand at a time)

- 5.1 The Council's Procedure Rules state:

*When speaking at a Council meeting a councillor shall, if possible, stand and address the Chair. While a councillor is speaking the other councillors will remain seated, unless rising, if possible, on a point of order or in personal explanation.*

- 5.2 During the Covid 19 pandemic, it became customary for councillors to remain seated when speaking in order to avoid the potential spread of the virus. This custom has continued post-pandemic, partly because of continued concerns about the spread of the virus and partly because the microphones used for sound reinforcement and webcasting are more effective when councillors are closer to the microphone, as they are when sitting.

- 5.3 The Chairman has drawn the attention of council to this procedure rule at recent meetings. On both occasions the Council has elected to suspend this particular procedure rule so that councillors may remain seated when speaking. The matter is now referred to the Democracy and Standards Committee in order that it can make a recommendation to the Council as to whether the constitution should be changed to remove or amend this rule.

- 5.4 Removing the rule could be achieved by adopting the following form of words:

~~*When speaking at a Council meeting a councillor shall, if possible, stand and address the Chair. While a councillor is speaking the other councillors will remain seated, unless rising, if possible, on a point of order or in personal explanation.*~~

- 5.5 It is suggested that procedure rule 29.20 (Respect for the Chair) may also be amended as follows:

*At the Council meeting whenever the Chair rises (or where necessary, instead raises their hand) during a debate a councillor then speaking ~~standing~~ shall cease ~~sit down~~ and the Council shall be silent.*

## **Procedure Rules 29.2 and 29.10 (motions and amendments)**

5.6 The Committee has also been asked to look at the wording of procedure rules 29.2 (motions and amendments) and 29.10 (notice of amendments) to ensure they are consistent with one another.

5.7 Procedure Rule 29.2 states:

*No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Chair, motions or amendments shall be put in writing and handed to the Chair before they are further discussed or put to the meeting. At meetings other than those of the full Council, the Chair of that meeting may, at their discretion, allow a motion or amendment to be put which is not in writing, provided that the Chair has concluded that the wording of the motion or amendment is understood by all members of the body concerned. This requirement does not apply to motions which do not require notice.*

5.8 Procedure Rule 29.10 states:

*Amendments to the Budget and Policy Framework at Budget council meetings must be received by the Executive Director Finance at least five clear working days before the meeting. A councillor who wishes to propose an amendment to any other report included with the summons or a motion submitted on the summons shall be required to submit the amendment in writing to the Monitoring Officer at least two clear days before the start of the meeting.*

5.9 In order to achieve consistency, it is suggested that Procedure Rule 29.2 be amended to read:

*No motion or amendment shall be discussed unless it has been proposed and seconded, **having first been submitted in accordance with Procedure Rule 29.10 below.** ~~Where required by the Chair, motions or amendments shall be put in writing and handed to the Chair before they are further discussed or put to the meeting.~~ At meetings other than those of the full Council, the Chair of that meeting may, at their discretion, allow a motion or amendment to be put which is not in writing, provided that the Chair has concluded that the wording of the motion or amendment is understood by all members of the body concerned. This requirement does not apply to motions which do not require notice.*

## **6. Issues and Choices**

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6.1 The issues and choices insofar as they relate to the operation of the Constitution are set out in section 5 above.

## **7. Implications (including financial implications)**

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### **7.1 Resources and Financial**

7.1.1 There are no financial implications arising directly because of the Constitution review process.

### **7.2 Legal**

7.2.1 Every local authority is under a legal duty to prepare and keep up to date its Constitution (see Appendix B). In particular, section 9P of the Local Government Act 2000 requires the Constitution to contain:

- a) a copy of the authority's standing orders;
- b) a copy of the authority's code of conduct;
- c) such information as the Secretary of State may direct; and
- d) such other information (if any) as the authority considers appropriate.

7.2.2 Regular review of the Constitution helps to ensure these legal requirements are met. The amendment set out above will assist in ensuring the Council is able to operate in a lawful manner.

### 7.3 **Risk**

7.3.1 There are no significant risks arising from this report. Reviewing the Constitution helps to reduce any risks that could arise as a result of the Constitution not properly supporting decision making and delivery of Council services.

### 7.4 **Consultation**

7.4.1 Consultation has been undertaken with the Democracy and Standards Committee and officers in relevant services prior to recommendations being submitted to Council.

### 7.5 **Consideration by Overview and Scrutiny**

7.5.1 Not applicable to this report.

### 7.6 **Climate Impact**

7.6.1 There is no climate impact to consider in relation to the recommendation.

### 7.7 **Community Impact**

7.7.1 None specific.

## 8. **Background Papers**

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8.1 None