

WEST NORTHAMPTONSHIRE COUNCIL

Democracy and Standards Committee 12 January 2023

Report Title Updates to the Constitution – Council Procedure Rules

Report Author Catherine Whitehead
catherine.whitehead@westnorthants.gov.uk

Contributors/Checkers/Approvers

Monitoring Officer	Catherine Whitehead	
Chief Finance Officer (S.151)	Martin Henry	
Communications	Becky Hutson	

List of Appendices

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

1. Purpose of Report

1.1 The purpose of this report is to frame a discussion by the Democracy & Standards Committee for a number of potential changes to the Council Procedure Rules, as set out in the Constitution.

2. Executive Summary

2.1 The Constitution for West Northamptonshire Council was formally adopted by the West Northamptonshire Shadow Authority prior to vesting day (1 April 2021). A major review of the Constitution was then undertaken by the Democracy and Standards Committee in the autumn of 2021, reporting to Council in December 2021. Since that time, the Democracy and Standards Committee has considered several suggested changes to the Constitution and has made recommendations to Council accordingly.

2.2 This report has been drafted following a meeting of group leaders at which the overarching aims and objectives of meetings Full Council, and how the Council Procedure Rules might be updated to support these aims, was discussed. It proposes a number of areas where the committee might consider changes to the procedure rules which are set out within section 5 below. It is suggested the Committee also consider the overall aims and objectives of Council meetings prior to formulating recommendations to the Council.

3. Recommendations

- 3.1 It is recommended that the Committee:
- a) Discuss the overarching aims and objectives of meetings Full Council and how the Council Procedure Rules might be updated to support these aims;
 - b) Review the recommendation concerning the start time of meetings (5.5 to 5.7) and determine whether to recommend a change to the start time of meetings to Council;
 - c) Review the suggested updates to the Council Procedure Rules highlighted in Section 5 below and determine whether to make recommendations for changes to Council;
 - d) Should the Committee make any suggested changes to the suggested updates, delegate authority to the Monitoring Officer, in consultation with the Chair of the Committee, the authority to draft any proposed changes in such a way that they are capable of being presented to Council as recommendations.

4. Reason for Recommendations

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

- 5.1 Following comments made by members at a recent meeting of political group leaders, suggested updates to the Council Procedure Rules are set out below for consideration by the Committee. The Committee is invited to consider and discuss the proposals before determining whether to recommend changes to the Council for adoption.
- 5.2 A number of comments have been made at recent meetings of Full Council about the Council Procedure Rules and the degree to which they enable satisfactory debate at meetings. The topic was raised at a meeting of group leaders and it was suggested that it be referred to the Democracy and Standards Committee for discussion with a view to making recommendations for changes to the Council.
- 5.3 It is accepted that members will have differing views of the purpose of council meetings. While officers can advise, it is for members to determine the appropriate balance between these areas, provided some allowance is made for both to take place. Members may wish to consider the following as potential priorities:
- Taking decision required by the constitution or the law, such as the approval of the budget and policies set out in the policy framework;
 - Holding the Executive to account;
 - Debating issues of importance to the Council or communities in West Northants;
 - Hearing from members of the public, via petitions, statements etc.;
 - Participation of 'back bench' councillors, e.g. via updates from scrutiny;
- 5.4 The objective is for members to determine priorities for meetings and to put in place a structure that enables the effective deliver of those priorities. The proposals have been broken down into a number of topics for consideration.

Start time of meetings

- 5.5 Meetings of Full Council currently start at 6:00pm. Rule 10 requires the Chairman to decide whether, by 9:45pm, it is possible to conclude the remaining items of business by 10:00pm. Where this is not possible, the remaining items are put to the vote without discussion. It has been characteristic of recent meetings that Rule 10 has been observed and a number of items of business have been withdrawn as a result.
- 5.6 Members have reported concerns relating to the timing and duration of Full Council meetings. As members travel to and from meetings from across West Northamptonshire, late finish times mean members can return home at a very late hour, with associated concerns over safety.
- 5.7 It is suggested that the start time could be moved from 6:00pm to 5.00pm. While this is not likely to resolve the issue of travelling home late at night, it is anticipated this change will allow for full consideration of items on the agenda, including reports and motions

Taking decisions required by the Constitution or the Law

- 5.8 The Committee must be mindful of the purpose of meetings. It is particularly important that decisions that are required by law to be taken by the Council are afforded appropriate time for debate. These decisions will be the subject of detailed reports that set out the reasons for the decisions, options and choices etc. Members must have time at Council meetings to properly consider these decisions as the consequences, financial, legal or for communities in West Northamptonshire, can be significant. These items also present an opportunity for 'back bench' councillors to engage in Council meetings. They may affect particular services in which members have an interest or geographical areas that members represent.
- 5.9 Sufficient time must be allocated to decision making and it is therefore not recommended that the Committee considers a change to the order of business at meetings.

Holding the Executive to Account

- 5.10 The Constitution currently provides for 60 minutes at each meeting to receive reports from portfolio holders and questions on those reports from members. Portfolio holders currently have up to two minutes to present their reports but there is no time limit for asking questions. It has been characteristic of meetings that this time limit expires before all members have asked their questions.
- 5.11 In order to make more efficient use of this time, it is suggested that the Committee consider a number of potential changes.
- It had been suggested that Portfolio Holders could present their reports without comment. However, the opportunity for Portfolio Holders to update Council on progress with service delivery is an important mechanism and it is in the Council's interests to receive updates.

- Currently there are no limitations on members asking questions of Portfolio Holders. This can lead to lengthy statements being made or many questions being asked in one speech, which impact on the ability of other members to ask questions. In the interests of fairness, a limit of two minutes per question could improve the focus and flow of this item.

Debating issues of importance to the Council or Communities in West Northants

- 5.12 In addition to holding the Executive to Account, there is a role for Council in debating key issues which are topical. The Council motion is a mechanism for any member (with a seconder) to enable a debate on an issue of public interest. A Council motion however is not a mechanism for decision making or policy setting. These require the presentation of relevant information and a set of tested recommendations and reasons in the form of a report to the appropriate decision making body. Given the other matters which are the necessary business of Council, the number of motions needs to enable time for debate.
- 5.13 To enable this to happen Procedure Rule 28 limits the number of motions that may be submitted by each group. This rule was put in place because, prior to the change being implemented in December 2021, meetings were characterised by a large number of motions that were submitted for debate. This did not provide sufficient time for debate or for an effective framework for the allocation of motions between groups, nor for the order of debate.
- 5.14 It is suggested that the limitation be revised in order to ensure there is time for the motions to be debated. A limit of one motion per group is therefore proposed, with the Principal Opposition being allocated an additional motion via a revised Opposition Priority Motion item.
- 5.15 The Committee may wish to consider whether any further structure is required to facilitate efficient debate. At the meeting of group leaders, a range of options were considered, including:
- a) A limit on the number of individual speakers per motion;
 - b) A limit on the total time available to debate each motion; or
 - c) A limit on the overall time available to debate motions at each meeting.
- 5.16 However, it was considered that a more effective method of managing debates would be to revise the time allowed for speeches. The proposal the Committee is asked to consider is a change in the time allowed for speeches. It is proposed that members moving a motion or report will still be permitted up to five minutes, but all other speeches, including seconding and exercising a right of reply, be limited to two minutes.
- 5.17 The meeting of group leaders also recommend that the Committee review the arrangements for Priority Opposition Business. Given the proposal to limit the number of motions, it is suggested that Opposition Priority Business could take the form of the Principal Opposition submitting a motion for debate as per the usual rules for motions, but that motion is dealt with at an early point on the agenda. This would recognise the status of the Principal Opposition group by allocating an additional motion but would address concerns about the current restrictions on debate for this item as the item would be subject to the ordinary rules of debate.

Hearing from members of the public

5.18 It is the practice at most councils that public engagement at meetings takes place towards the beginning of the agenda. There is much to commend this practice as it enables members of the public to participate without having to stay until the end of the meeting, which is currently around 10pm. The Council also has a number of mechanisms by which members of the public can engage, including petitions, statements and questions. It is suggested that this part of the Council Procedure Rules does not require change.

Participation of ‘back bench’ councillors

5.19 While there is no dedicated route for ‘back bench’ councillors to participate in meetings. There are routes through which such participation can take place. Debate of reports and motions enable all councillors to participate. Such councillors may also (but seldom do) ask questions of portfolio holders.

5.20 The meeting of group leaders considered adding a dedicated item to receive updates from Overview and Scrutiny Committees. This would provide councillors with another means by which they can participate. However, the group leaders considered that Cabinet is the appropriate forum for engagement with Scrutiny Chairs and so this option is not recommended for approval.

Other issues

5.21 The Committee may wish to use the information set out in this report to create a time plan for meetings. This can be used to inform time limits set out in the Council Procedure Rules. An example is set out below:

Activity	Approx. time allowance
Housekeeping (minutes, announcements etc.)	15
Public Participation	30
Opposition Priority Business	15
Cabinet reports and Questions	60
Comfort Break	15
Decision Making (reports)	60
Motions	60
Total	255 (4 hours 15 minutes)

This may go some way towards helping members identify priorities for meetings and sensible time limits for certain items.

6. Issues and Choices

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)

7.1 Resources and Financial

7.1.1 There are no financial implications arising directly as a result 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 will be undertaken with this committee 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**

8.1 None