

WEST NORTHAMPTONSHIRE COUNCIL

26th January 2023

Report by the Democracy and Standards Committee

Report Title	Updates to the Constitution: Council Procedure Rules
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Contributors/Checkers/Approvers

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List of Appendices

Appendix A – Updated WNC Constitution (available on request – please contact democraticservices@westnorthants.gov.uk)

1. Purpose of Report

- 1.1. The purpose of this report is to enable Council to consider the recommendations made by the Democracy and Standards Committee in relation to proposed updates to the Constitution.

2. Executive Summary

- 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 At their meeting on 12th January 2023, the Democracy and Standards Committee considered a report about changes that could be made to the Council's Procedure Rules. These are the rules that govern council meetings and set out the structure and content of those meetings, as well as the rules of debate. The Democracy and Standards Committee was invited to consider the report 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.
- 2.3 This report summarises the conclusions of the Democracy and Standards Committee and recommends a number of changes to the Council Procedure Rules which are set out within section 5 below.

3. Recommendations

- 3.1 It is recommended that Council:
- a) Note and approve the updates to the Constitution as set out in Section 5;
 - b) Delegate to the Monitoring Officer the power to make these amendments and any consequential amendments that may be necessary; and
 - c) Note that these changes come into effect following the conclusion of the meeting at which they are agreed.
 - d) Note that the updates delegated to the Monitoring Officer at the previous meeting have been completed.

4. Reason for Recommendations

- 4.1 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 At the meeting Council Meeting of 3rd November changes were proposed to Contract Procedure Rules and the Scheme of Delegation following an audit report which highlighted some anomalies in the wording – these changes have now been made.
- 5.2 The November meeting of Council also considered some changes to the Call in for planning matters. The implementation has highlighted some practical difficulties with the email provided and therefore a further change to the constitution will be made to provide a generic email address.
- 5.3 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.

- 5.4 Following consideration by the Democracy and Standards Committee at their meeting on 12 January 2023, a number of changes to the Council Procedure Rules are proposed. These are summarised below:

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 The Democracy and Standards Committee heard that some 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 The Committee have therefore recommended that the start time for Council meetings be moved from 6:00pm to 5:00pm, requiring a change to rule 1.1 of the Council Procedure Rules. It is anticipated this change will allow for full consideration of items on the agenda as well as potentially allowing for a slightly earlier finish time.

Extension of the meeting

- 5.8 Alongside the recommendation to bring the start time of Council meetings forward to 5pm, the Democracy and Standards Committee recommended that Procedure Rule 10 (Extension of the meeting) be amended so that if the business of a Council meeting has not been concluded by 9.15pm (was 9.45pm), the Chair will draw the attention of the meeting to the time and to this Rule.
- 5.9 In the case of any motions or recommendations on the agenda that have not been dealt with by 9.15 pm the Chair will decide whether to end the meeting or to deal with the outstanding matters provided that those matters can reasonably be dealt with by 9.30pm (was 10.00pm).

Motions

- 5.10 A 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 each motion to be debated.
- 5.11 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.

- 5.12 The Democracy and Standards Committee reviewed this procedure rule and considered whether to further restrict the number of motions allocated to each group. The committee resolved not to do this and instead have recommended that Procedure Rule 28.4 be amended as follows:

28.4 The largest political group not forming part of the Administration may move up to two motions on notice at each Council meeting (not including the Priority Opposition Motion). Other opposition political groups may move one motion each ~~a maximum of two motions on notice in total between them~~. The number of motions on notice submitted by the political group(s) forming the Administration shall be limited to one.

- 5.13 The Committee also discussed the order of motions and have recommended that Procedure Rules 28.5 be amended to alter the order in which motions be heard as follows:

28.5 Motions, where submitted, shall be taken in the following order: ~~order of receipt of notice;~~

- *Motion submitted by a member of the largest opposition group*
- *Motion submitted by a member of the second largest opposition group*
- *Motion submitted by a member of the third largest opposition group*
- *Motion submitted by a member of the administration group.*
- *Motion submitted by a member of the largest opposition group*
and the consideration of motions shall not take longer than 60 minutes in total.

Priority Opposition Business

- 5.14 Related to the issue of motions, the Committee heard a range of view about the effectiveness of the provisions relating to Priority Opposition Business (Procedure Rule 26). The Committee felt this area could be simplified and therefore recommend that Priority Opposition Business could take the form of the Principal Opposition submitting a motion for debate as per the usual rules for motions, but with the provision that the 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. The revised Procedure Rule that is recommended for adoption is:

26.1 The largest opposition group may submit one item of business to be placed on the agenda of an ordinary meeting of the Council to be treated as a Priority Opposition Motion. The usual procedure rules applicable to motions (see section 28) shall apply to the Priority Opposition Motion, including the deadlines for submission and the scope. The submission shall include the name of the member proposing the motion.

26.2 No Priority Opposition Motion shall be taken at the Annual Meeting, the meeting convened to approve the Council's budget or a meeting called for a specific purpose (an extraordinary meeting). The Priority Opposition Motion shall be dealt with after the public participation item at any ordinary meeting of the Council.

Content and length of speeches

- 5.15 The Committee considered the extent to which the rules as currently drafted support the effective and efficient discussion of business. The time limitation that apply to speeches and the asking of questions was discussed. It was suggested by group leaders, and agreed by the Democracy and Standards Committee, that Rule 29.5 be amended to reduce the time available for certain speeches as follows:

A councillor will confine their speech to the question under discussion, a personal explanation or a point of order. The speech of the mover of a motion shall not exceed five minutes and all other speeches shall not exceed two minutes.

- 5.16 It is recommended that the same time limit be applied to asking questions of Portfolio Holders.

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

- 7.2 There are no financial implications arising directly as a result of the Constitution review process.

7.3 Legal

- 7.4 Every local authority is under a legal duty to prepare and keep up to date its Constitution. 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.

- 7.5 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

7.6 Risk

- 7.7 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.

7.8 Consultation

- 7.9 Consultation was undertaken with group leaders and the Democracy and Standards committee prior to recommendations being submitted to Council.

7.10 Consideration by Overview and Scrutiny

7.11 Not applicable to this report.

7.12 Climate Impact

7.12.1 None specific.

7.13 Community Impact

7.13.1 None specific.

7.14 Communications

7.14.1 The Council will inform and update the public on subsequent future changes to council procedure rules arising as a result of this review, including the proposed changes to start times for committee meetings.

8. Background Papers

8.1 None.