

 <b>Executive – 14 January 2015</b>		<b>Agenda Item No.</b>  <b>4</b>
<b>Title</b>	<b>Council Procedure Rules</b>	
<b>For further information about this report please contact</b>	Amy Carnall Committee Services Officer	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>		
<b>Background Papers</b>		

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes – 594
<b>Equality Impact Assessment Undertaken</b>	Yes/No (If No state why below)

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	19/12/14	Chris Elliott
Head of Service	19/12/14	Andy Jones
CMT	19/12/14	
Section 151 Officer	19/12/14	Mike Snow
Monitoring Officer	19/12/14	Andy Jones
Finance	19/12/14	Mike Snow
Portfolio Holder(s)	29/12/14	Councillor Mobbs
Consultation & Community Engagement		
Consultation work with the Constitution Working Party		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

## 1. **Summary**

- 1.1 This report proposes amending the Council Procedure Rules to enable easier understanding of the Order of Business, Rules for Debate and the Executive decision making process.
- 1.2 Members and officers had often voiced concern about the complexities of the debating rules at Council meetings and struggled to understand the lengthy explanations in the Constitution.
- 1.3 It was agreed that these processes and explanations could be simplified, which should assist in a better understanding for Members and officers.

## 2. **Recommendation**

- 2.1 That the Executive recommends to Council that the Council Procedure Rules be updated as per Appendix 1 to the report;
- 2.2 Members note that training on the Rules for Debate will be included in the Members Training schedule, due to commence after the elections in May 2015;
- 2.3 The Constitution Working Party will do further work, specifically looking at the Call-in process; and
- 2.4 The Executive recommends to Council that the Officer Scheme of Delegation A(2) be amended to read "Authority to affix the Common Seal where appropriate approval(s) have been given shall lie with Chief Executive, Deputy Chief Executives & Monitoring Officer (individually)".

## 3. **Reasons for the Recommendation**

- 3.1 The Constitution Working Party were asked to look at the need for the Public Interest debate section of the Council agenda and received feedback from their groups. It was agreed that whilst this was a useful tool to create public interest in meetings, it should only be used if requested and did not need to be a standalone item on the agenda.
- 3.2 The Rules for Debate were reviewed to ensure clarity of process for all Councillors. Members were encouraged to put forward suggestions for revising the process and the Working Party agreed on a more user friendly flowchart, which can be found at the end of Appendix 1.
- 3.3 In addition, the Working Party agreed that training should be provided to Councillors on the Rules for Debate, to provide a greater understanding and avoid confusion at Council meetings.
- 3.4 Experience had shown that no questions had been submitted to Committee Chairman at Council and only one had been asked of a Portfolio Holder.
- 3.5 The Working Party agreed that the two agenda items could be merged into one entitled 'Questions to Leader, Portfolio Holder and Committee Chairman' and would allow questions to be asked on the night, without prior warning.
- 3.6 As previously, if the questions could not be dealt with on the night, the answers would be given verbally or in writing as soon as possible and reported to the next Council meeting. Written questions could still be submitted, if preferred.

- 3.7 The Council's scheme of delegation is currently ambiguous in the area delegation to affix the Common Seal and therefore for the avoidance of doubt recommendation 2.4 has been included.

#### **4. Policy Framework**

##### **4.1 There is no impact on the Policy Framework**

##### **4.2 Fit for the Future**

##### **4.3 Impact Assessments – None.**

#### **5. Budgetary Framework**

- 5.1 There is no budgetary impact because the updates do not incur any costs to implement.

#### **6. Risks**

- 6.1 The risks to unlawful decisions being made was minimal because the previous version of the Constitution would remain in place until the updates were approved.

#### **7. Alternative Option(s) considered**

- 7.1 An alternative option was to not make any updates or changes to the Council Procedure rules. However, this would be counterproductive because the main aim was to provide clarity and to assist with the smooth running of Council meetings.
- 7.2 Officers are to start a comprehensive review of the Officer Scheme of delegation in January 2015. While this change could be considered as part of this review it was felt prudent to remove this ambiguity as soon as possible.

#### **8. Background**

- 8.1 The Constitution Working Party was set up in October 2012 to look at updating and improving the existing Constitution.
- 8.2 The Working Party is made up of three of the Group Leaders, Councillors Barrott, Boad and MacKay along with Councillor Caborn, the Deputy Leader and Lead on the Local Plan.
- 8.3 To date, the Working Party had reassessed the Employee Code of Conduct, the Executive Leader arrangements and the petitions process.
- 8.4 A number of amendments to the Scheme of Delegation, the Member Code of Conduct, Member Officer Protocol and the arrangements for Housing Advice Review Panels were being worked on and would be submitted to Council in due course.
- 8.5 Changes in legislation and working practices often dictated updates to the Constitution and it was under continuous review by officers The Working Party were able to look at specific processes and review best practice from an elected Member point of view.