

COUNCIL
17 MAY 2018

CONSTITUTIONAL MATTERS

(a) Council Working Group Report

Recommendation

- 1. The Head of Legal and Democratic Services recommends that the Council:**
 - a) considers the changes to the arrangements for Council meetings proposed by the Council Working Group set out in this report;**
 - b) authorises the Head of Legal and Democratic Services to make any changes to the constitution if required as a result of consideration of the proposals**

Background Information:

2. At its meeting on 14 September 2017 Council resolved to re-convene the cross-party Council Working Group to consider how better use might be made of the opportunities that full Council meetings represent, and how every Councillor can make a strong personal contribution for the benefit of residents and the county.
3. As part of this work the Council Working Group has continued to progress the findings from the Councillor survey undertaken in December 2016, the results of which inform this report.
4. Membership of the Council Working Group consists of the following Councillors: Mr Tom Baker-Price, Mr Brandon Clayton (Chairman), Mrs Liz Eyre, Mr Marcus Hart, Mr Peter McDonald, Mrs Jane Potter, Mrs Mary Rayner, Prof John Raine, Mr John Smith, Mrs Liz Tucker and Mr Richard Udall, with officer support from Legal and Democratic Services.
5. At its meetings so far, the Group has focused on the mechanics of the Council meeting in response to comments from Councillors in the survey about the length of meetings. The table below summarises the proposals from the Group relating to Questions, Notices of Motion and CMR reports.

Procedural proposals

6. **Question Time** – the constitution provides for 30 minutes to be set aside for dealing with formal written questions submitted by councillors. The current deadline for such questions to be submitted is 3 days before the meeting, which is after the initial publication of the agenda. Currently questions received by the time of agenda publication are included with it, and others received after this but prior to the constitutional deadline are circulated separately. Where a Councillor submits more than one question they are asked at the meeting to confirm which they wish to ask first.

7. The Council Working Group proposes to move the deadline forward as below so as to ensure that all formal questions are contained in the initial agenda, which also identifies the order of priority where a Councillor wishes to ask more than one question.

8. **Notices of Motion** – The current deadline for Notices of Motion to be submitted is days before the meeting, which is after the initial publication of the agenda. This means that they are not necessarily all included with the initial agenda, often with later Notices of Motion circulated separately. The Council Working Group proposes to move the deadline forward so that all Notices of Motion are included with the initial published agenda for the meeting. To address concerns in the survey of Councillors about the length of Council meetings, it is also proposed to introduce a time limit of 90 minutes at each meeting for dealing with all Notices of Motion. It is acknowledged that on occasion the Council may wish to exceed this and if it is agreed to change the constitution provision is also proposed to enable this to happen.

9. The current PSO relating to Notices of Motion requires that they "*relate to the statutory functions of the County Council or affect the County*". In order to make best use of Council time, the Group has considered how wide the interpretation of the phrase "*affect the County*" should be. The Council Working Group is recommending the PSO should be clarified to state that to qualify under the second limb they must affect the County in particular rather than being national issues.

10. **CMR reports** – as part of addressing members' concerns about the length of Council meetings it is proposed to introduce a 30 minute time limit for questions on CMR reports. The Group did consider whether to recommend that reports were submitted to the relevant Overview and Scrutiny Panel instead of Council, with all members invited to the meetings. It was suggested that this would enable more in-depth questioning, but on balance it was felt that it was important all members had the opportunity to consider the reports at a Council meeting.

Continuation of Council Working Group

11. Finally, the original terms of reference of the Group included member development and the effectiveness of committees. Continuation of the Working Group will enable these areas to be progressed.

Proposals:

12. The majority of the members who participated in the Council Working Group supported the changes set out in this report to take effect from the next Full Council Meeting. Mrs Tucker and Prof Raine have asked that their objection to the report is noted.

Question Time:		
Current constitution	CWG Proposal	Notes
No Councillor usually able to ask more than 2 questions	No change to number but Councillors asked to rank questions in order of importance at time of submitting any second question	To help Chairman in running the meeting and speed up the process
Some questions are published with the agenda, others separately, depending on when received. Deadline: noon on 3 rd calendar day before meeting.	Deadline: noon on 9 th Calendar day before the meeting (normally Tuesday of the week before Council)	Questions published with the agenda to bring all paperwork into one place. NB: waiting to ensure the agenda includes all formal questions means we are very unlikely to publish the Council agenda on that Tuesday, so publication would usually be on the legal deadline on the Wednesday of the week before the Council meeting
Notices of Motion:		
Current constitution	CWG Proposal	Notes
Deadline: noon on 7 th calendar day before the meeting	Deadline: noon on 9 th calendar day before the meeting (Tuesday)	To enable all NoM to be included with initial agenda NB: waiting to ensure the agenda includes all Notices of Motion means we are very unlikely to publish the Council agenda on that Tuesday, so publication would usually be on the legal deadline on the Wednesday of the week before the Council meeting
No time limit on discussion of NoM at the Council meeting	Introduce a total time limit of 90 minutes for all discussions on NoM agenda	To address feedback from the survey of Councillors (Dec. 2016) which indicated many felt the meetings are too long.

		<p>Council would be able to agree to continue beyond 90 minutes by agreement at the meeting.</p> <p>Any Notice of Motion not moved at the meeting would be postponed until the next meeting.</p>
Currently NoM must relate to the statutory functions of the County Council or affect the County – no further requirements ref content	Notice of Motions must <i>"relate to the statutory functions of the County Council or affect the County in particular"</i> .	To clarify the approach to be taken and focus debate on matters of direct relevance to the county.
CMR Reports:		
Current Situation	CWG Proposal	
Unlimited questions and no limit on the length of reports. .	Shorter reports encouraged and 30 minute maximum time limit permitted for questions and answers.	To address member feedback about the length of meetings
Future of Council Working Group:		
<p>The Council Working Group, have further agreed work streams to progress as identified through the results of the Member Survey 2016 which are:</p> <ul style="list-style-type: none"> • Member development and • The effectiveness of committees. <p>In addition, the Council Working Group agreed it would be useful to undertake an annual survey to identify any training or support needs and any information gaps Councillors may have.</p>		

(b) Council meeting dates 2019

Recommendation

13. The Head of Legal and Democratic Services recommends that the Council approves its programme of meetings for 2019 as follows:

17 January 2019

14 February 2019

16 May 2019

18 July 2019

12 September 2019

07 November 2019.

14. County Council meeting dates are currently scheduled up to November 2018. To enable the 2019 meetings programme to be produced and help members plan their commitments, the Head of Legal and Democratic Services suggests that further meetings of the Council are now scheduled for 2019. In accordance with the usual practice and pattern of meetings, further meetings (Cabinet, Committees and Panels) will be arranged in the light of the Council dates and members notified in due course.

15. Members may wish to note that the remaining Council meetings for 2018 are scheduled for 13 September and 8 November 2018.

(c) Chairmen and Vice-Chairmen of Member Bodies

16. The Head of Legal and Democratic Services recommends that the constitutional appointments as set out in the Appendix to this report (to follow) be confirmed.

17. The Council receive regular reports on appointments which need to be made to various chairmanships and vice-chairmanships. The nominations for a number of appointments are set out in the Appendix to this report.

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Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are background papers relating to the subject matter of this report:

For the Council Working Group - Agenda papers and Minutes of Council on 14 January 2016, 12 January 2017, 13 July and 14 September 2017