



AUDIT & GOVERNANCE COMMITTEE

Monday, 14 March 2022

Subject	PROPOSED CHANGES TO THE COUNCIL PROCEDURE RULES IN THE CONSTITUTION
Report by	Councillor Steve Gallant Leader of the Council
Supporting Officer	Chris Bing Head of Legal & Democratic Services and Monitoring Officer chris.bing@eastsoffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable.
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

This report proposes changes to the Council and Committee Procedure Rules in East Suffolk Council's Constitution which the Monitoring Officer does not consider to be "minor amendments" and which, therefore, need to be considered by the Audit and Governance Committee and, if endorsed, be recommended to Full Council for approval.

Options:

1. To endorse and recommend the changes to the Council and Committee Procedure Rules as set out in this report.
2. To not recommend the proposed changes to the Council and Committee Procedure Rules, as set out in this report, to Full Council for approval.

Recommendation/s:

1. Audit and Governance Committee is asked to recommend to Full Council to instruct the Monitoring Officer to amend the Council Procedure Rules in the Constitution:
 - a. To require members to submit their questions to Democratic Services on the Question template form and to limit member's written questions to no more than 100 words
 - b. To require members to submit their motions to Democratic Services on the Motions template form and to limit member's written motions to no more than 250 words
 - c. To incorporate Appendices B, C, D and E of this report into East Suffolk Council's Constitution
2. Audit and Governance Committee is asked to recommend to Full Council to instruct the Monitoring Officer to convene a meeting of the Chairman and the group leaders to discuss, and seek to agree, the venue for each submitted motion for Council after the deadline for motions to be submitted for Full Council has passed and before the date of the meeting of Full Council, pursuant to CPR 11.4.
3. Audit and Governance Committee is asked to recommend to Full Council to instruct the Monitoring Officer to incorporate the motions and report flowcharts (Appendices C and D) into the Council Procedure Rules in the Constitution.
4. Audit and Governance Committee is asked to recommend to Full Council to instruct the Monitoring Officer to amend the Council Procedure Rules to require members to read their questions and motions out aloud at Full Council.
5. Audit and Governance Committee is asked to recommend to Full Council to instruct the Monitoring Officer to amend paragraph 11 of the Committee Procedure Rules to require that at least half the members of a committee present need to request a recorded vote for there to be a recorded vote.

Corporate Impact Assessment

<p>Governance:</p> <p>It is considered that the suggested changes to the Constitution will clarify the Council and Committee Procedure Rules and ensure continued good governance in the Council's decision-making.</p>
<p>ESC policies and strategies that directly apply to the proposal:</p> <p>The East Suffolk Council Constitution.</p>
<p>Environmental:</p> <p>None.</p>
<p>Equalities and Diversity:</p> <p>Not applicable</p>
<p>Financial:</p> <p>None.</p>
<p>Human Resources:</p> <p>None.</p>
<p>ICT:</p> <p>None.</p>
<p>Legal:</p> <p>Not applicable</p>
<p>Risk:</p> <p>None.</p>

External Consultees:	None.
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>

P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>How does this proposal support the priorities selected?</p> <p>The Council's Constitution is a key governance document which sets out how the Council operates, and how it carries out its functions and responsibilities. The Constitution regulates how the Council makes its decisions. Sound decision making is key to how the Council carries out its business and delivers against all of the themes and priorities of the East Suffolk Strategic Plan. The Council's Constitution needs to be clear, up to date and accurate, to reflect its business practices and procedures.</p>			

Background and Justification for Recommendation

1	Background facts
1.1	The Council must have a written Constitution which has to include its Standing Orders, Code of Conduct and such other documents as the Council considers to be appropriate (S37 of the Local Government Act 2000).
1.2	A new Constitution was drafted when East Suffolk Council was created. The Constitution was approved by the Shadow Council for East Suffolk at its meeting on Monday 28 January 2019; report reference REP 29(SH) refers.
1.3	It was recognised by the Shadow Authority that the Constitution would need to be reviewed, to fit the working practices of the newly formed East Suffolk Council. This report proposes some changes to the Constitution.
1.4	Part 2 of the Constitution outlines the Council's functions and responsibilities. Paragraph 2.1 of Section B of this part of the Constitution details specific functions that are reserved for Council and states that one of these functions is changing the

	Constitution. In addition, Paragraph 10.3 of Part 1 of the Constitution states that the Audit and Governance Committee (AGC) has responsibility to advise the Council on substantive changes to the Constitution. Any substantive changes to the Council’s decision-making arrangements and committee structure have to be considered by the AGC which will recommend changes to the Full Council. The Monitoring Officer has authority to make minor amendments and corrections to the Constitution. The Leader of the Council may change Cabinet Portfolios and delegations.
1.5	This report proposes changes to the Constitution which the Monitoring Officer does not consider to be “minor amendments” and which, therefore, need to be considered by the AGC and, if accepted, be recommended to Council for approval.

2 Current position	
2.1	The Constitution is regularly reviewed by the Monitoring Officer, with the assistance of the Democratic Services team, to ensure that the Constitution remains fit for purpose and up to date.
2.2	<p><u>Council Procedure Rules (CPRs)</u></p> <p>At recent meetings of Full Council, it has been identified that the CPRs could be clearer as to the procedure to be followed in relation to the submission and consideration of questions and motions at Full Council.</p> <p style="margin-left: 40px;">1. Template for questions and motions</p> <p>There is currently no prescribed form in the Constitution for members to submit written questions and motions to Full Council. Therefore, members are currently taking a variety of approaches when drafting questions and motions for Full Council which can vary considerably, especially in their length, with some submitted motions seeking to address multiple issues over several A4 pages.</p> <p>Democratic Services proposes introducing templates for Council questions and motions (Appendices B and E) with a capped number of words for both so that there is greater consistency in approach to be fair both to those asking the question/proposing the motion and those responding to the question/speaking to the motion. It is important that members, officers and the public are always clear as to what is being asked and answered and what is being debated and voted upon. To this end, concise and clearly worded questions, answers, motions and submissions on motions are to be encouraged.</p> <p>Democratic Services is proposing members be asked to limit their written question to no more than 100 words and to restrict their written motion to no more than 250 words. In terms of format, Democratic Services is proposing background information to the motion to be no more than 5 sentences/points and for the motion itself to also be no more than 5 sentences/points. Democratic Services would also like to ask members to shortly start submitting their questions and motions on a new online template which, once available, will be accessible via Dash Forms on the Council’s intranet/Sharepoint.</p>

Audit and Governance Committee is asked to recommend to Full Council to instruct the Monitoring Officer to amend the Council Procedure Rules in the Constitution:

- **To require members to submit their questions to Democratic Services on the Question template form and to limit member's written questions to no more than 100 words**
- **To require members to submit their motions to Democratic Services on the Motions template form and to limit member's written motions to no more than 250 words**
- **To incorporate Appendices B, C, D and E of this report into East Suffolk Council's Constitution**

2. Venue for tabled motion to be discussed

CPR 11.4 requires the Chairman, the Leader of the Council and the Leader of the Opposition Groups to meet to seek to agree whether motions submitted for Full Council should be debated at Full Council or whether they should alternatively be referred to Cabinet or Committee to be debated. Since the formation of East Suffolk Council on 1 April 2019, this meeting has not been happening. To address this moving forward, it is proposed that Democratic Services convene a meeting of the Councillors, to which CPR 11.4 refers, to discuss the venue for the motions during the ten working days between the motions being submitted for Full Council and the motions being considered at Full Council.

If this group can reach a consensus view as to the venue, the Chairman will advise Full Council as to the Chairman and group leaders' preferred venue, ask for a proposer and seconder, ask if anyone wishes to debate the matter and then put the procedural motion as to the venue for the motion to be discussed to the vote.

If the group cannot reach a consensus view, the Chairman will not be able to make a recommendation on the venue for the motion to Full Council. In these circumstances, the Chairman will explain that the Chairman and group leaders were unable to agree a recommendation as to the venue for the motion. The Chairman will ask for a proposer and a seconder for the procedural motion that the matter be discussed at Council that evening. If there is no proposer and seconder for that motion, or if there is a proposer and seconder but when put to the vote there is no majority in favour of that procedural motion, the motion will automatically be referred to the relevant committee or Cabinet for investigation and/or debate.

Audit and Governance Committee is asked to recommend to Full Council to instruct the Monitoring Officer to convene a meeting of the Chairman and the group leaders to discuss, and seek to agree, the venue for each submitted motion for Council after the deadline for motions to be submitted for Full Council has passed and before the date of the meeting of Full Council, pursuant to CPR 11.4.

3. Flowcharts

Democratic Services seeks Audit and Governance Committee's endorsement of the motion flowchart (Appendix C) which shows the Council Procedure Rules motion process in diagrammatic format.

For completeness, Democratic Services has also drawn up a flowchart (Appendix D) to show the various stages in the presentation and discussion of reports at meetings which reflects existing arrangements.

Audit and Governance Committee is asked to recommend to Full Council to instruct the Monitoring Officer to incorporate the motions and report flowcharts (Appendices C and D) into the Council Procedure Rules in the Constitution.

4. Reading out questions and motions

Democratic Services seeks Audit and Governance Committee's endorsement of Councillors being asked to read aloud their questions and motions at Full Council to assist the public viewing at home to follow the proceedings and so that there is openness and transparency in the way East Suffolk Council conducts its business at Full Council.

Audit and Governance Committee is asked to recommend to Full Council to instruct the Monitoring Officer to amend the Council Procedure Rules to require members to read their questions and motions out aloud at Full Council.

5. Recorded votes

It has been identified that there is a contradiction between the Council Procedure Rules and the Committee Procedure Rules in relation to how recorded votes are conducted at meetings.

Paragraph 15.5 of the Council Procedure Rules sets out the requesting of recorded votes by both the Full Council and its committees and states that in the case of the latter, half the members of the Committee present must demand a recorded vote. This conflicts with Paragraph 11.1 of the Committee Procedure Rules which states that any member of the Committee, supported by not less than two other Members, can demand a recorded vote.

We need to align the Council Procedure Rules and the Committee Procedure Rules to be consistent on this point. It is proposed to amend paragraph 11 of the Committee Procedure Rules, to bring it in line the Council Procedure Rules, so that at least half the members of a committee present need to request a recorded vote for there to be a recorded vote.

Audit and Governance Committee is asked to recommend to Full Council to instruct the Monitoring Officer to amend paragraph 11 of the Committee Procedure Rules to require that at least half the members of a committee present need to request a recorded vote for there to be a recorded vote.

3 How to address current situation

3.1	The recommendations in this report propose a way of addressing the matters which have recently been identified.
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4 Reason/s for recommendation

4.1	To ensure that the Council's Constitution is up to date, and reflects the Council's needs, working practices and procedures.
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Appendices

Appendices:

Appendix A	Current Council Procedure Rules
Appendix B	Draft motions guidance and template
Appendix C	Motions flowchart template
Appendix D	Presenting reports to meetings flowchart
Appendix E	Questions on notice guidance and template

Background reference papers:

None.