

## CONSTITUTION COMMITTEE

19 DECEMBER 2012

Present: County Councillor Furlong (Chairperson);  
County Councillors Cowan, Goodway, Hyde,  
Keith Jones, Kelloway, Knight, Magill, Marshall  
and Walker.

Apology: County Councillor De'Ath.

### 10 : MINUTES

The minutes of the meeting held on 20 September were approved as a correct record and signed by the Chair.

### 11 : REVIEW OF CONSTITUTION – COUNCIL PROCEDURE RULES

The Constitution Committee on 20 September 2012 (Minute No: 8) agreed a timetable to review the Constitution and for the Council Procedure Rules to be prioritised as the first area to be reviewed.

On 6 November 2012, the Constitution Committee as a Task and Finish Group considered an options paper setting out possible amendments and updates to the current Council Procedure Rules, and the management of Council meetings. The Task and Finish Group discussed each of the key elements of the current Constitution and made comments and suggestions on the proposed changes. The Chair undertook to meet with each of the political groups and various interested parties to discuss proposed changes.

A revised draft of the Council Procedure Rules, based on feedback from the Task and Finish Group, party groups and individual members had been circulated for initial discussion. Following the meetings with the political groups the Chair advised that it was necessary to alter the timetable for the proposed trial of the rules as the February Council meeting was the budget setting Council meeting. The Chair proposed that the revised Council Procedure Rules would be submitted for debate and approval at the March Council meeting with a view to trialling the new rules from April 2013 for 3 months.

Prior to opening up the discussion on the draft Council Procedural Rules a Member raised concern on an matter highlighted in the report raised by groups as part of the consultation in relation to whether Opposition Group Leaders should be allowed to participate in Members Debates or should they be only for backbench Members? The Chair sought the views of Members and in discussions the Committee was content that all Members with the exception of Cabinet Members and Committee Chairs should be able to present or be nominated to take part in a Member Debate. A Member indicated that to exclude Chairs of Committee would be unfair to smaller party groups who have Members who are Chairs of Committees of Council or Scrutiny Committees.

The Chair invited comments and discussions on the draft Council Meeting Procedure Rules and the following matters were discussed under each element: -

#### 17: Oral and Written Questions by Members

Members recognised that the guidance notes included in italics on what can form the subject matter of an oral and written question were for the trial period only. Members were keen to understand the distinction between what constituted an oral and written question to ensure that as far as possible the guidance was adhered to.

- Limit on number of Oral Questions

Members discussed the options for oral questions and proposals to consider limiting the number of oral questions that can be asked per Portfolio holder or Chair of Committee. It was suggested that currently the number of written questions responded to by portfolio was between 5 and 6 per meeting, and that the other questions currently fell and were dealt with as written questions only. The consideration of oral questions at Council would require more time than currently given to formal questions, as it was proposed that questions and answers would be read out, and it would therefore be necessary to consider limiting the number of oral questions to be dealt with at any one meeting.

Overall Members were not in favour of the proposal to limit the number of questions by ballot, with the limit to be agreed. The

Committee discussed other alternatives including proportionately allocating a quota by Group of the overall number of oral questions allowed per portfolio holder and Chair. From the discussion the preferred option for oral questions was to allow questions from the Party Group Spokespersons (or their nominated substitute); and one question from the lead group, limiting the number of questions per portfolio holder to five questions.

It was proposed that supplementary questions be limited to one from the original questioner only.

It was noted that the time limits for each oral question and supplementary question would need to be realistic to accommodate the range of business to be dealt with at each meeting.

It was agreed that the status quo on time line for the submission of oral questions remain at 9.00am on the last working day before the Council meeting, which would allow for party group meetings to be held at the beginning of the week of the Council meeting.

- Procedure for Written Questions

In discussions the Committee agreed that there should be no limit placed on the number of written questions that could be submitted. The Committee considered the procedure for written questions as outlined and the timelines. Some concern was raised in relation to the timelines for responses to supplementary questions to written questions which under the current timeline would conflict with the preparation for responses to oral questions. It was proposed that these timelines be reviewed.

The Committee recognised that the opportunity to ask questions to Council and be part of the public record of a meeting was part of the democratic process and that the written questions should be published as part of the record of the Council meeting, the timelines therefore needed to accommodate this requirement.

20: Petitions

Clarification was sought on the process for petitions of more than 500 signatures. In the revised Council Procedure Rules these could be debated at the next Ordinary Meeting of Council *“following such format as the Chair deems appropriate”*. The Committee was advised that this would allow for either a debate or a report to be brought forward with recommendations requiring Council decision depending on the issues raised.

21: Member Debates

Member Debates allowed for a Member to bring forward a topic for debate on issues that are not raised in other fora, and allow for the testing of views. There would be no voting on these topics. The Member proposing the debate would have the opportunity of allocating a proportion of the time allocated to other Members to participate.

The Committee discussed the selection of requests for a Member Debate and the proposal for these to be chosen by ballot on a quarterly basis. It was suggested that Member Debates could be rotated on a party group basis.

In addition the Committee discussed the proposed time allocation given for Member Debates. The Committee was in agreement with the 15 minutes allocated for the proposer or nominated participants in a Member Debate. There was also discussion on the time limit for the Cabinet Member to respond, this included whether it should be 5 minutes or the 10 minutes as proposed.

22: Ordinary Motions

- General

The Committee agreed to the status quo remain for the submission of proposed and seconded Notices of Motion as 5.00pm eight working days prior to Council.

- Amendments to Ordinary Motions by Other Members

It was proposed and agreed that paragraph 22 (o) amendments to Notice of Motion be submitted by 5.00pm two working days prior to Council.

It was proposed and agreed that the paragraph 22(p)(iv) relating to the substitute of another proposition be deleted.

- Right of Reply

There was a discussion on the right of reply in the case of Ordinary Motions, and it was requested that the current rule giving the original proposer the right to reply regardless of whether the amendment is accepted or rejected be continued. However further clarity was required and it was requested that consideration be given on how this process could be made easier to follow in the revised draft.

29: Voting

Clarification was sought on the recording of electronic voting. It was suggested that all votes undertaken electronically will be recorded in the minutes.

31: Record of Attendance

Members' attendance will be recorded on an attendance sheet. It was noted that with the current conference system all Members should press the attendance button to indicate when they are present in the chamber.

In conclusion a number of matters were raised including:

- the venue for Council meetings. Members were advised that all remaining meetings for this Municipal Year were scheduled for the City Hall and a view would be taken on the location of future meetings in time for the Annual Meeting of Council however this was not a matter for Constitution Committee.
- it was noted that the Council Procedure Rules referred to the '*Chair*' and not the Lord Mayor or Chairman of Council. The Chair indicated that this was a matter of style and consistent with accepted practice in other Local Authorities and other public bodies.

The Chair in summary advised that the draft Council Procedure Rules would be revised in light of discussion for submission to the January meeting of the Committee.

RESOLVED – That

1. the draft Council Procedure Rules and the contributions received as part of the discussion be noted;
2. delegated authority be given to the Monitoring Officer in consultation with the Chair of the Constitution Committee to make further amendments to reflect the discussions of Committee, and any typographical errors;
3. the final draft document be prepared for consideration by the Committee in January prior to submission to Council for debate and final approval at the March meeting;
4. the revised Council Procedure Rule if approved are trialled for 3 meetings starting from the April meeting of Council.