

CONSTITUTION COMMITTEE

10 JULY 2013

Present: County Councillor Furlong (Chairperson);
County Councillors Aubrey, Cowan, Kelloway, Magill (part
meeting) and Marshall.

Apologies: County Councillor Goodway, Gordon, Hyde, Keith Jones, Knight
and Walker

1 : CHAIRPERSON

The Committee noted that Council at its Annual Meeting on 23 May 2013 elected Councillor Furlong as Chairperson of this Committee for the Municipal Year 2013/14.

2 : MEMBERSHIP AND TERMS OF REFERENCE

The Committee noted that Council at its Annual Meeting on 23 May 2013 agreed the following Membership & Terms of Reference:

(i) Membership

County Councillors Aubrey, Cowan, Furlong, Goodway, Gordon, Hyde, Keith Jones, Kelloway, Knight, Magill, Marshall and Walker

(ii) Terms of Reference

To review the Council's Constitution, and to recommend to Council and/or the Cabinet any changes, except that the Committee will have authority (subject to the Monitoring Officer's advice) to make the following changes on behalf of the Council:

- (a) Drafting improvements to enhance clarity and remove minor anomalies;
- (b) Updating to reflect legislative changes and matters of record;
- (c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the Section 151 Officer being sought).

3 : DECLARATION OF INTERESTS

The Chairperson reminded Members of their responsibilities under Part III of the Members' Code of Conduct, to declare any interests in general terms and complete "personal interest" forms at the start of the meeting and then, prior to the commencement of the discussion of the item in question, specify whether it is a personal or prejudicial interest. If the interest is prejudicial, Members would be asked to leave the meeting, and if the interest is personal, but not prejudicial, Members would be invited to stay, speak and vote.

4 : MINUTES

The minutes of the meeting of the Constitution Committee held on 14 May 2013 were approved as a correct record and signed by the Chairperson.

5 : COUNCIL PROCEDURE RULES - FEEDBACK FROM PILOT

The Chair advised of the requirement to review the outcomes and feedback received on the new Council Procedure Rules (CPR) following the pilot at the April and June meetings of Council, and to agree a way forward.

As part of the process there had been engagement with all political groups and Members prior to the commencement of the trial and during the pilot period, and all Members had been encouraged to provide feedback at all each stage. The Committee received a revised Appendix A containing Members feedback for consideration as part of their review.

The Chair indicated that in order to facilitate the review of the pilot and feedback, she would consider each of the key elements in turn and take Members comments and observations.

Oral Questions

- it was felt that the allocation of 30 oral questions per meeting was about right. It was noted that in April the Council had received 29 questions out of a possible 30, not all Members were present in the Chamber when the question were put reducing the number of questions and answers to 27; and the full time allocation of 90 minutes was used. At the June Council meeting 25 questions were received out of possible 30 and were heard within the allocated time.
- a number of Members suggested that the allocation of oral questions should be more balanced giving opportunity for individual Members and smaller groups to have more questions than the current allocation. As part of the discussions it was suggested that if a group didn't use all of their allocation that these should be offered to other groups, but the workability of such a proposal could be complicated.
- it was agreed that there should be a better arrangement for the individual independent members to ask questions.
- Members discussed the oral presentation of questions and it was proposed that if oral questions are circulated in advance and published on the website and the webcasting site that the reading out of the oral question could be dispensed with.
- Members discussed the time allocated for responses at 1 minute and the constraint this puts on the Cabinet Member/Chair in giving a satisfactory response.
- the Committee was in favour of the re-instatement of the second supplementary question for a Member from a different group with a limit of 1 minute for the question and 1 minute for the answer.

- the Committee discussed the ordering of the questions. It was felt that ordering questions by portfolio would give greater continuity and be more efficient at meetings, but it was recognised that would have implications on the group priority system and it was proposed that this be investigated and options discussed with the Chair prior to the next Council meeting.
- Members were content with Oral questions being considered early on the agenda.

Written Questions

There were no changes proposed to written questions.

Member Debate

The Committee reflected on the two debates received so far and made the following observations:

- it was felt that these were not 'debates', rather an opportunity for a limited number of Members to express their views on a topic and receive a response from the Cabinet Member. Outcomes from the debate were unclear and there was no requirement for a decision or to hold Council to account.
- the Committee felt that there was a need for a clear guidance and for topics to be relevant and appropriate to the business of Council.
- the Committee considered that it was important for greater opportunity for Members to contribute to the discussion and it was proposed that the time allocation be amended to allow for a general discussion. The timings were therefore proposed as follows:

Presentation of topic – 10 minutes. The proposer to allocate a proportion of their time as they wish up to a maximum of 5 Members.

Open contributions – 10 minutes (maximum of 10 speakers allocated a 1 minute each)

Cabinet Member response – 5 minutes

- the Committee was advised that nominations had been received for the ballot for the Member Debate for July Council which could be run if the Committee was minded to continue with the pilot. The selection process had been by ballot on a quarterly basis with Members expressing an interest for meetings that fall within that period.

Petitions

The Chair sought Members views on the current thresholds that determine the response that a petition receives and whether these should be raised or lowered.

- It was felt that the threshold of 500 signatures for a matter to be debated at Council should be raised.
- The Committee felt that the consideration and response to petitions needed to be formalised. The Committee suggested consideration should be given to the options for dealing with petitions, in particular the establishment of a Petition Committee or Panel which would give ownership to Petitions and their outcomes.

Unopposed Business

- Members were content that unopposed business was at the end of the agenda. It was however recognised that on occasion there was potential for unopposed business to be brought forward for decision or debate for example - Local Authority nominations to School Governors.
- The agenda setting process would need to clearly identify what is business for decision or debate and what is unopposed business.

Statements

- Cabinet Members wished to have the option of either providing an oral or written statement at Council, and these would be circulated at the meeting.
- There were some concerns that significant announcements are made within statements giving Members little opportunity to prepare pertinent and meaningful questions when they have little time to assimilate oral or written statements at the meeting.

Green Papers

- The process for the receipt of Green Paper announcement; the consultation; feedback; and the submission of a White Paper were being firmed up for the new CPR.

The Committee considered the way forward and agreed to extend the trial of the new CPR for July and September meetings of Council and for an evaluation paper on the outcomes of the trial to be submitted to the September Constitution Committee prior to any further proposals being submitted for consideration at September Council. As part of the pilot a detailed feedback form attached as Appendix B was agreed for circulated to all Members.

In addition the Committee agreed that the CPR be varied for Oral Questions and Member Debate.

RESOLVED – That

1. the trial of the Council Procedure Rules be extended for the July and September Council meetings;
2. an evaluation report on the trial Council Procedure Rules be prepared for the September meeting of the Constitution Committee with a recommendation to be submitted to September Council on the way forward;
3. the pilot Council Procedure Rules be varied as follows:

Oral Questions

- (i) Oral questions be circulated and published on the Council website and webcasting site at least 30 minutes prior to the meeting;

- (ii) Oral Questions will not be read out at the meeting but answered orally by the Cabinet Member deemed most suitable to respond (or by the relevant Chair of a Committee or nominated Member of the Fire Authority if the question is so addressed). A maximum of 1 minute shall be allowed for the answer;
- (iii) In addition to a supplementary question from the Member who submitted the original question, a second supplementary question be allowed from another Group with a maximum of 1 minute for the question and 1 minute for the answer.

Member Debate

- (iv) The time allocation for the Member proposing the topic be 10 minutes and the Member can choose to allocate a proportion of that time to other Members up to a maximum of 5 Members;
 - (v) 10 minutes be allocated to a general debate and contributions from other Members (10 speakers 1 minute per speaker);
 - (vi) The Cabinet Member be allocated 5 minutes to respond.
4. The Chief Officer Legal and Democratic Services in consultation with the Chair of the Committee consider the options for the ordering of Oral Questions by portfolio groupings and If workable introduce for the July meeting of Council;
5. The Chief Officer Legal and Democratic Services give further consideration to the Council Procedure Rule on Petitions and the option to set up a Petitions Committee/Panel and report back to Constitution Committee. .

SIGNED(CHAIRPERSON)

DATE