

<b>Governance Committee</b>	
<b>20 January 2020</b>	<b>Part I</b>
<b>Proposed Minor Changes to Council Procedures</b>	
<b>Report by Director of Law and Assurance</b>	
<b>Electoral Division(s): Not applicable</b>	

<b>Summary</b>
Two minor changes to Council procedures are being proposed arising from consideration by the Director of Law and Assurance based on recent experience in managing business, namely the method by which a Cabinet Member provides his or her response to a motion to the public and the deadline for the submission of written questions for reply at County Council meetings.
<b>Recommendation</b>
That the proposed changes to the Constitution in section 2 be endorsed for submission to the County Council on 14 February 2020 for approval.

## **Proposal**

### **1. Background and Context**

- 1.1 Two minor changes are proposed to Council procedures arising from a review of the recent experience of managing Council business and their impact on officer resources and in relation to publicity and transparency.
- 1.2 Notices of motion submitted to the County Council can either be debated at the meeting or can be referred to a Cabinet Member or non-executive committee for discussion. Following the discussion, the Cabinet Member or non-executive committee will agree a response, which is made available to the County Council to inform its debate, usually at the next meeting. The Cabinet Member responses are currently published as an executive decision. This practice has been reviewed and the conclusion is that this process is not required. A simpler process is recommended: that the response be published as a short report in The Bulletin instead of as a decision report.
- 1.3 The other matter is the current deadline for receiving written questions from members, that receive a response from the relevant Cabinet Member or Committee Chairman by noon on the day prior to the Council meeting. The current deadline is 9.00 a.m. on the fourth working day before Council (usually a Monday morning). This deadline has been in place since 2016 and the rationale is two-fold – first to enable questions to be topical and second because a previous policy meant that written questions on topics covered in the Cabinet Member report were not accepted. The latter of these is no longer applicable, as members can submit any written question on matters

relevant to the County Council or county in general and can do this up to four weeks before Council, long before the cabinet member report is available. As there is a limit of 10 questions that will be answered in time for Council, this has in practice meant ever earlier submission of questions - most being submitted well ahead of the Monday morning deadline.

- 1.4 Increased pressures on staffing throughout the organisation in recent years have made the ability to answer questions within three working days more challenging. It is therefore proposed that the deadline for written questions be moved earlier, to the start of the fifth day prior to Council (usually the previous Friday). This should allow questions to be answered in a more timely manner, while not affecting the ability to ask topical questions.

## 2. Proposal

- 2.1 To allow a Cabinet Member response to a motion referral to be published in The Bulletin, rather than as a decision report, as shown below:

'Standing Order 2.53(b) - That the Chairman may, if he or she considers it convenient and conducive to the dispatch of business, allow such motion to stand referred to the relevant cabinet member ... In such instances motions relating to an executive matter shall, upon being formally moved and seconded without speeches, stand referred to the relevant cabinet member for consideration. The response of the Cabinet Member shall be published **in The Bulletin** ~~Executive Decision Database (EDD) and may (if necessary) be called in~~; it shall be reported to the next ordinary meeting of the County Council. The Cabinet Member's response will not be final until it has been reported to the next ordinary meeting of the County Council for debate in relation to the original motion.'

- 2.2 To change the deadline for written questions to five working days, as shown below:

'Standing Order 2.39 - The notice of a question to be asked in pursuance of Standing Order 2.38 shall be in writing and shall be given to the Director of Law and Assurance no earlier than four weeks before the meeting and at the latest by 9.00 a.m. on the **fifth** ~~fourth~~ working day before the meeting of the County Council at which the question is to be asked; the Chairman may allow this provision to be relaxed if, in his or her opinion, it would be an advantage to the County Council's business to do so.

*(N.B. This will be by 9.00 a.m. on the **Friday** ~~Monday~~ prior to the meeting when the County Council meets on a Friday.)'*

## 3. Resources

- 3.1 Not applicable.

## Factors taken into account

## 4. Consultation

- 4.1 Consultation could be undertaken with members prior to making a decision on these matters.

**5. Risk Implications and Mitigations**

5.1 None.

**6. Other Options Considered**

6.1 None.

**7. Equality Duty**

7.1 Not applicable.

**8. Social Value**

8.1 Not applicable.

**9. Crime and Disorder Act Implications**

9.1 Not applicable.

**10. Human Rights Implications**

10.1 Not applicable.

**Tony Kershaw**

Director of Law and Assurance

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**Background Papers:** None.