

Report to Governance Committee

15 November 2021

Changes to Council Procedures

Report by Director of Law and Assurance

Electoral division(s): Not applicable

Summary

The Chairman has asked officers to review Council procedures with a view to making them more consistent and easier to understand and so improve Council meetings.

Council meeting procedures are set out in Part 4, Section 1 of the Constitution (Standing Orders). The proposed changes are shown at Appendix 1 to the report.

Recommendation

That the proposed changes to Part 4, Section 1 of the Constitution, as set out in Appendix 1, be endorsed for submission to the County Council for approval.

Proposal

1 Background and context

- 1.1 The Chairman asked officers to review Council meeting procedures with a view to making the procedures more consistent and easier to understand and so improve Council meetings.
- 1.2 The County Council's Standing Orders are set out in Part 4, Section 1 of the Constitution and within Standing Orders, section 2 deals with procedures specific to the meetings of the County Council itself. These have developed over many years and the varied procedures for how business is managed reflect this.

2 Proposal details

- 2.1 First, it is proposed to normalise the order of the agenda that has been agreed at recent meetings, so that decision-making items are first, followed by the two-hour Question Time and motions after that. This should ensure the full length of question time on most occasions.
- 2.2 There are two items allowing member questions – the Question Time item and the Cabinet Member address, which is not a routine item. The items currently have different arrangements.
- 2.3 For Question Time, a questioner has unlimited supplementaries and there is a five-minute time limit following the first answer on a topic. The total time is two

hours. For the Cabinet Member address, the Cabinet Member has five minutes to speak, then there is 15 minutes for member questions which are limited to one question and one supplementary.

- 2.4 It is proposed to simplify these arrangements to have one supplementary question on both items. It is proposed to give a Cabinet Member up to 10 minutes to address Council on the Cabinet Member Address, although they may often take less time. It is proposed to have up to 10 minutes per topic on Question Time, starting at the beginning of each topic. The Chairman will expect questions and answers to be succinct to ensure that several questions on each topic can be taken if requested.
- 2.5 For the format of written questions it is proposed to put size limits on the questions and answers – 150 words for a question and 250 words for an answer. This will give guidance on expected question length.
- 2.6 Debates are the other main business at Council. There are several types of debate where different rules apply. For decision-making items, such as the budget, other policy frameworks, Governance and Standards Committee items, there is no limit of any sort. For items to note such as annual reports there is no limit of any sort. Notices of motion have no overall time limit but have a five-minute time limit per speech. Petition debates allow members to speak for three minutes during the half hour debate.
- 2.7 It is proposed to make all debate speech limits five minutes, with the exception of speeches during the annual budget debate.
- 2.8 Simplification of the Notice of Motion process is also proposed. Council agreed a presumption that a maximum of two motions will be debated at each Council meeting. As a result of this, it is proposed to simplify the process so that a motion will simply either be debated or will not be debated, but there should be two chances for it to be selected for debate. It is proposed that the formal referral system to Cabinet Members be abolished as part of this, although Cabinet Members will still be able to contact any proposer of a motion between meetings for an informal discussion. The proposed simplified Standing Order is set out below:

'The Chairman, in consultation with political group leaders, may decide that a motion shall be:

- (a) moved and debated at the next meeting (usually no more than two per meeting unless the Chairman determines otherwise); or
- (b) deferred so that it can be considered for selection to be moved and debated at the following meeting.

Any notice of motion not selected for debate after two meetings will fall away and cannot be resubmitted before six months from the date of the Council meeting for which it was submitted.'

- 2.9 If this proposal is supported, a consequential proposal is that the officer briefing notes currently produced for motions will only be produced for motions selected for debate at the meeting.

3 Other options considered (and reasons for not proposing)

- 3.1 The Chairman hopes that the proposed changes will make members more confident about procedures in place and will enable Council to prioritise its decision-making role, plus question time as an opportunity for holding to account of cabinet members. If any changed procedures are found to be counterproductive, the Governance Committee can review them at any time with the ability to recommend something different.
- 3.2 At most meetings prior to May 2021, the number of motions discussed often shortened the time for debate on decisions and often meant that question time was significantly shortened or abandoned.

4 Consultation, engagement and advice

- 4.1 The Chairman consulted group leaders on 8 October 2021 and invited them to consult their groups ahead of the Governance Committee.

5 Finance

- 5.1 There are no revenue or capital budget consequences.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Simplification of processes can have unintended consequences that might give an appearance of reducing opportunities for debate and challenge.	This will be kept under review and should there be a perception that the improvements worsen any aspect of Council, Governance Committee can review this and revert to the former procedure or consider other options to improve the situation.

7 Policy alignment and compliance

- 7.1 Not applicable.

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Appendices

Proposed Changes to Standing Orders

Background papers

None