
Governance Committee: Constitution Review

Background and context

- 1** Over the last two years a number of changes have been made to the Constitution, some in response to the coronavirus pandemic and others to help make County Council meetings run more effectively.
- 2** Virtual formal meetings were allowed by emergency regulations from April 2020 to May 2021 but the Government has indicated that it does not intend to make provision for virtual formal local government meetings in the near future. It is therefore timely to review the Standing Orders introduced to allow limited virtual meetings during the pandemic and consider in which circumstances members should be able to participate virtually in a meeting.
- 3** There are also proposals in relation to meeting cancellation, substitutes and treatment of motions at Council not reached due to lack of time and the time limit for motion subjects returning for consideration.

Proposal details

- 4** Appendix 1 sets out a number of proposed changes to Standing Orders as explained below.

Virtual attendance at meetings

- 5** For non-decision-making meetings under the Local Government Act 2000 (i.e. scrutiny committees) the legal position is that these can meet virtually, physically or in hybrid form. This option is not available for decision-making business at non-Executive committees nor the County Council. Standing Orders currently allow members to participate virtually in the non-decision-making parts of County Council meetings. This includes question time and any address by a Cabinet Member.
- 6** The main advantages of virtual participation are that it can save on travel time for members, giving them more time for other work and reducing the carbon impact of travel. It also allows participation for members who are unwell or have other commitments and it can assist members with caring responsibilities and leads to improved attendance. In-person participation has the advantage that members are better able to network and have informal discussions. Confidence in full engagement in the meeting is also greater and procedures for speaking and voting are simpler. Chairing can be easier with all members in one space.
- 7** The Governance Committee has considered the options available and recommends that, as County Council meetings are the main forum for political debate, it is timely to return to meetings in-person only. If members are only able to attend the meeting by being physically present in the chamber, it will be possible to revert to using the screens in the chamber for functions such as the speech timer.
- 8** The Committee recommends that the flexibility of virtual attendance at scrutiny committees be maintained but should be dealt with to encourage in-person attendance. It is therefore proposed that it should be a requirement that a member contacts the Chairman in advance of the meeting to request virtual attendance and the proposed changes to Standing Orders in Appendix 1 include examples of reasons for such a request being considered positively.

Decisions to cancel meetings

- 9** Following the experience in February 2022 where the County Council meeting had to be rearranged at the last moment due to extreme weather, it is proposed to add a new Standing Order to provide for a chairman, on the advice of the Director of Law and Assurance, to agree to the cancellation of a meeting when the agenda has already been issued. In such circumstances it would be for the chairman to determine whether the meeting should be rearranged or the business rolled forward to the next scheduled meeting. A proposed addition to Standing Orders is set out in Appendix 1.

Substitutes

- 10** Another proposed change to the Constitution is to allow substitution on the Governance Committee, due to the significance of its responsibilities. It is proposed to appoint a panel of substitutes in a similar manner to the Planning and Rights of Way Committee. For consistency, it is also proposed to create a panel of substitutes for the scrutiny committees, to provide more flexibility in substitution than the current one-per-group arrangement. Proposed additions to Standing Orders are set out in Appendix 1.

Treatment of motions not reached due to lack of time

- 11** One of the changes introduced last year to the order of Council business is that notices of motion are at the end of the agenda, following decision-making items and question time. Standing Order 2.23 (k) states that any item of business that falls away from the previous agenda will be added to the next meeting and is expected to be taken early on the agenda.
- 12** Now that Standing Orders 2.48 and 2.49 assume a limit of two notices of motion at each meeting, to be determined by the Chairman, in consultation with group leaders, this conflicts with Standing Order 2.23 (k) which would limit the options for that meeting to consider. It is proposed that notices of motion are excluded from the rule in Standing Order 2.23 (k) to make it clear that motions on the agenda for one meeting, but not reached, are not automatically added to the next meeting's agenda. They will instead be included with any new notices of motion submitted for consideration by the Chairman, in consultation with group leaders.

Time limit for motion subjects returning for consideration

- 13** The Committee has considered whether the rule which prevents the subject of a motion being re-considered within six months of last consideration should be extended to a longer period to ensure that the motions debated are those that are most relevant and timely. This is particularly pertinent now there is a limit of two motions per meeting in order to allow for the full two-hour question time. There are only five Council meetings a year where motions are considered (excluding the budget meeting). When motion topics are resubmitted for debate, if nothing has changed the debate can lead to a repeat of the previous debate.
- 14** It is therefore proposed that, subject to the discretion of the Chairman, in consultation with the Director of Law and Assurance, to allow a shorter time if there is a significant change in circumstances relevant to the subject matter, the time limit should be extended to the four-year Council term. This will allow for a wider range of topics to be debated. Standing Order 2.55 in Appendix 1 sets out

the proposal. The management of the council agenda will continue to be a matter for the Chairman in consultation with group leaders, which gives an opportunity for an argument for consideration to be put forward when a motion is submitted.

Recommended

That the following changes, as set out at Appendix 1, be approved:

- (1) Changes to virtual attendance at meetings (paragraphs 5 to 8 and Standing Order 3.09 (e));
- (2) New Standing Order on meeting cancellation (paragraph 9 and Standing Order 3.09 (f));
- (3) Arrangements for substitutes (paragraph 10 and Standing Orders 6.03, 6.04 and 7.03);
- (4) Treatment of motions not reached due to lack of time (paragraphs 11 and 12 and Standing Order 2.23 (k)); and
- (5) Time of for motion subjects returning for consideration (paragraphs 13 and 14 and Standing Order 2.55).

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Appendices

- Appendix 1 – Proposed changes to Standing Orders

Background papers

None