

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 6
12 OCTOBER 2020	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Farooq, Cabinet Member for Digital Services and Transformation	
Contact Officer(s):	Pippa Turvey, Democratic and Constitutional Services Manager	Tel. 452460

UPDATE AND REVIEW OF COUNCIL STANDING ORDERS AND PETITION SCHEME

RECOMMENDATIONS	
FROM: <i>Fiona McMillan, Director of Law and Governance and Monitoring Officer</i>	Deadline date: <i>N/A</i>
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> 1. Recommends to Council that the Standing Orders be amended as set out in paragraph 4.6 of the report, in relation to the approval of minutes. 2. Recommends to Council that the Standing Orders be amended as set out in paragraph 4.12 of the report, in relation to equality of votes. 3. Recommends to Council that the Petition Scheme be amended as set out in paragraph 4.13 of the report, in relation to decision already taken. 4. Reviews the timeline for submissions of motions to Full Council and recommends any proposed change to Council as necessary. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Constitution and Ethics Committee following a referral from the Monitoring Officer.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is for the Constitution and Ethics Committee to review the Council's Standing Orders around notifying the Monitoring Officer and Democratic Services Team of any factual corrections or omissions from the minutes before any committee meeting commences and for the Committee to determine whether a recommendation is to be made to Full Council.

In addition members of the Constitution and Ethics Committee have requested a review of the Council's Standing Orders in relation to the timeline for submitting draft and final motions to the Monitoring Officer.

2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1

Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. **BACKGROUND AND KEY ISSUES**

MINUTES OF THE PREVIOUS MEETING

- 4.1 The Council's Standing orders under section 25.1 states that the only discussion when agreeing the minutes of the previous meeting is around the accuracy of those minutes.
- 4.2 The Council's current system of recording minutes is to summarise debate and answers to questions raised at meetings. Minutes are not intended to be a verbatim account of proceedings but rather a summary of the debate and record of decisions taken. All Council meetings, where appropriate, are audio recorded. This includes Full Council which is live streamed on the Council's Facebook page.
- 4.3 There have been occasions when Members have asked to include in the minutes of previous meetings something they believed should have been recorded or omitted, however the Council's standing orders do not currently allow for this and this can only be agreed with the specific agreement of Council at the time.
- 4.4 It is proposed that the Council's Standing Orders be amended so that Members would have to notify officers of what they consider to be a substantive omission or factually incorrect information (ie. more than mere typos) of previous minutes by no later than 12pm on the day of the meeting. This would allow officers the opportunity to review what was said and to make any necessary alterations if applicable so that Council is properly informed when it makes a decision on whether to agree the minutes as accurate.
- 4.5 It is proposed that the Council Standing Orders be amended as below, with additional wording highlighted in italics and underlined.
- 4.6 **25.1 Signing the minutes**

The Mayor/Chairman will sign the minutes of the proceedings at the next suitable meeting. The Mayor/Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

Members must notify the Monitoring Officer or Democratic Services by no later than 12pm on the day of the meeting, if they believe there has been a substantive omission or factually incorrect information recorded in the minutes.

REVIEW OF TIMELINE OF SUBMISSION OF MOTIONS TO FULL COUNCIL

- 4.7 Following a recommendation from the Constitution and Ethics Committee, Full Council at its meeting on 24 July 2019 agreed to amend standing orders to incorporate a new set of deadlines for the submission of motions and amendments.
- 4.8 This new set of deadlines, which have been in operation for the past year are:

- Draft Motions – 12 noon, 9 clear working days before the meeting.
- Final Motions – 12 noon am, 7 clear working days before the meeting.
- Draft Amendments - 12 noon, 3 clear working days before the meeting.
- Final Amendments - 12 noon, the day before the meeting.

4.9 In practice, due to the fact that motions must be published with the agenda 5 clear working days before the meeting, means that draft Motions must be received 4 days before the agenda dispatch. The final deadline is set at 2 days before the agenda deadline, providing officers with 2 days to liaise with service officers to ensure that motions are acceptable.

Following the final deadline, all motions are circulated to Member for information on the Friday before the agenda publication.

4.10 Two options are proposed to the Committee:

- a) To retain the current motion deadline dates.
- b) To push the draft motion deadline date and the final motion deadline date back one day each:
 - Draft Motions – 12 noon, 8 clear working days before the meeting.
 - Final Motions – 12 noon am, 6 clear working days before the meeting.

EQUALITY OF VOTING AND ABSTENTIONS

4.11 In order to clarify the position in relation to equality of votes and in what situation the Mayor or Chair would be called upon to utilise their casting vote, the below wording is proposed to be added to the Council Standing orders.

4.12 **24.2 Mayor's/Chair's casting vote**

If there are equal numbers of votes for and against (not including any formal abstentions), the Mayor/Chair will have a second or casting vote. There will be no restriction on how the Mayor/Chair chooses to exercise a casting vote.

PETITION SCHEME – DECISIONS ALREADY TAKEN

4.13 Following feedback in relation to the practicality of the Council's Petition Scheme, the below addition is suggested. This addition would disqualify any petitions that sought action on a decision that had already been taken. The aim of this addition would be to avoid receiving petitions that could not then be actioned.

4.14 3.4 Petitions will not be considered if they are:

- Abusive.
- Vexatious (intending to cause only annoyance, frustration or worry)
- Presented for the purpose of making mischief.
- Related to a function the Council is not responsible for and/or could not influence.
- Related to a decision by the Council that has already be taken.
- Otherwise inappropriate.

5. CONSULTATION

5.1 Consultation has been undertaken with officers within Constitutional Services who support the Full Council and committee meetings.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 It is anticipated that should the recommendation on the minutes of previous meeting be agreed at Full Council that standing orders will be amended accordingly.

7. REASON FOR THE RECOMMENDATION

7.1 To ensure that the Council's resources are used in an effective and efficient manner while maintaining an open and transparent decision-making process

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 To keep the current standing orders as they are and not making any further recommendations.

9. IMPLICATIONS

Financial Implications

9.1 There are none.

Legal Implications

9.2 There are none.

Equalities Implications

9.3 There are none.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Council Standing Orders, part 4, section 1
Petitions Scheme

11. APPENDICES

11.1 None.