

Meeting: General Purposes Committee
Date: 6 February 2024
Classification: Part 1 Public report
Key Decision: N/A
Title of Report: Standing order: changes to Council meeting procedures

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Executive Councillor: Cllr Moyies, ED for Constitutional Affairs

1. Executive Summary

- 1.1. The Council meeting is a public debate between all Councillors. To engage effectively with the public, rules are set out to govern the debate. This report proposes changes to those rules to make the meetings more effective. Those rules are known as 'standing orders'.

2. Recommendation

That the General Purposes Committee recommends

- (1) Council adopt the proposed changes to the Council Procedure Rules as set out in Appendix A.**
- (2) Agrees to separate procedure rules for Committees, Overview and Scrutiny and Working Parties as set out in Appendices B, C & D**
- (3) Agrees to minor revisions to the Contract Procedure Rules & Finance Procedure Rules to make clear the procedures for key decisions relating to contracts**
- (4) Permits the Monitoring Officer to make minor revisions to the Constitution in response to organisational changes.**

3. Background

- 3.1. The Councillors and the Monitoring Officer have been discussing procedures to improve debate in the Council Chamber, greater transparency for spending public funds are spent, particularly around contracts, improved engagement regarding the public in councillors questions and general house-keeping of the Constitution.

4. Reasons for Decisions

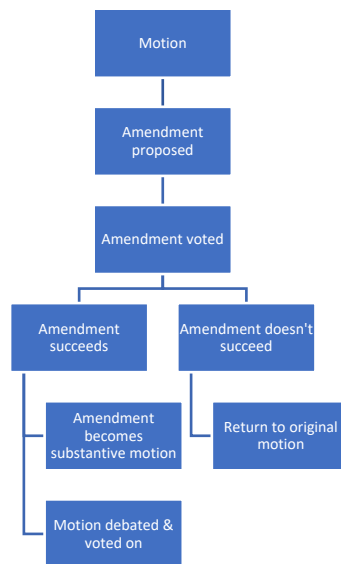
- 4.1. Explanations for the changes are as follows:

Notice of amendments to motion

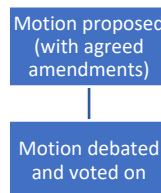
- 4.2. The proposal is to amend the standing orders so that amendments should be delivered to the Monitoring Officer at least 1 clear working day prior to the Council meeting.
- 4.3. This change allows time for the Monitoring Officer to advise the Mayor on whether the amendment is proper and can be accepted by the Mayor. The Monitoring Officer makes no determination on the issue under debate, that is for the members. The Monitoring Officer is responsible for ensuring the amendment does not negate or alter the purpose of the motion.
- 4.4. The outcome of this change will ensure that amendments do not delay the debate in the chamber whilst the Monitoring Officer advises on the efficacy of the amendment. It should support the flow of debate making this easier for the public to understand the points being made.
- 4.5. Most members were in support of this change.

Moving amendments as part of the motion

- 4.6. A motion is published with the agenda and reports. The process of debate on amendments is currently as follows



- 4.7. This proposal allows the owner of the motion to accept an amendment and move only the amended motion for debate. The process will be as follows:



- 4.8. This allows for the debate to focus on the motion rather than focusing primarily on the amendment. It supports good debate where there is no dispute between the proposer of the motion and the proposer of the amendment.

- 4.9. Most members supported this proposal although one member pointed out that members will lose the right to decide whether they accept the amendment or not.

Urgent amendments

- 4.10. Most members agreed that the Mayor should be allowed to accept urgent amendments during the debate provided that:
- The amendment is urgent and could not be notified in advance of the meeting, and
 - The group leaders signify their agreement to the amendment without a vote, and
 - The Mayor gives his consent to the amendment

Group Leaders speeches

- 4.11. There was no general consensus regarding the time to be allotted between group leaders and non-group leaders for speeches. Most of the group leaders agreed the principle that speaking time ought to be allocated more fairly between those with larger groups when compared with non-group members, who each currently have the same individual speaking time as the Leader.
- 4.12. The following principles emerged from the discussions,
- time ought to be allocated in proportion to the number of members the group leaders represented, which would indicate an annual calculation of time agreed at the AGM for each group
 - that non-group members ought to have speaking time, but a fixed time allotted to them, indicating in advance of the meeting who wished to speak
 - the Leader should retain the right of reply to group speeches.
- 4.13. There were a number of members who agreed it would be good practice to see a summary of the Leaders speech in advance of the meeting so that this could assist debate. This is a matter for the Leader and no changes are therefore proposed to the Constitution.
- 4.14. An amendment is proposed allowing the group leaders to agree for the civic year the allocation of time to group and non-group members prior to the annual meeting.
- 'Need to know'*
- 4.15. At present the Constitution contains a standard provision that only relevant Committee or the Scrutiny Committee may see exempt papers. Other members may only see exempt papers where they can demonstrate a 'need to know' to the Monitoring Officer.
- 4.16. There was general agreement that all members ought to be granted access to view exempt papers, other than those relating to employment matters. This has been a long held practice at Southend City Council and members considered it relied upon trust and confidence amongst members to act in

the best interests of the Council. It is recommended to amend the Constitution to reflect this practice.

Questions from members and the public

- 4.17. There have been a considerable number of questions from Councillors and the public at each Council meeting. This has meant that questions remain unanswered or time allotted for questions has been exceeded.
- 4.18. There was considerable support from members to publishing a response to questions in advance of the Council meeting to assist in being more open and transparent with the public.
- 4.19. A proposal is therefore made that Councillor questions are submitted at least 6 clear working days in advance of the meeting, allowing responses to those questions to be published at least 1 clear working day in advance of the meeting.

Key decisions

- 4.20. Key decisions are defined in Article 13.03 Constitution. This requires any decision above £250K spend or savings to require a decision by the Cabinet, Cabinet Member or Officer to be on the Forward Plan.
- 4.21. The Contract Procedure Rules will be amended to clarify that any decision to award a contract above £250K must be on the Forward Plan and approved by either the Cabinet or Cabinet Member in preference to an officer decision.
- 4.22. Procedures relating to the approval of contract decisions by Cabinet Members have also been updated to support this process.
- 4.23. This will ensure that Overview and Scrutiny members also have greater oversight of executive decisions which can inform their work programme and assist with pre-scrutiny or call-in. It also provides greater transparency to the public regarding the use of public funds.

Housekeeping

- 4.24. There are numerous incorrect references in the Constitution to previous job descriptions that are no longer relevant to the Council's current structure.
- 4.25. Several incorrect references also relate to the former SO46 procedure which is no longer relevant since the development of the Cabinet Member decision process.
- 4.26. Rather than bring these minor revisions to Council for approval, a proposal is made to allow the Monitoring Officer to make minor amendments to the Constitution consequential upon changes in organisational structures or for removal of invalid references.

5. Other Options

- 5.1. The Council could choose to retain the current version of the Constitution.

6. Financial Implications

- 6.1. There are no financial implications arising from these changes to the Constitution

7. Legal Implications

- 7.1. The Council is required to have a Constitution by section 9P Local Government Act 2000. This must contain its standing orders, Code of Conduct and a statement regarding its Overview and Scrutiny Committees.
- 7.2. Much of the Constitution sets out how the Council carries out its business and who is authorised to make decisions.

8. Policy Context

- 8.1 Ensuring the Council has an up to date and responsive Constitution ensures that the public has greater transparency regarding Council procedures.

9. Carbon Impact

- 9.1. There are no carbon impacts arising from this report.

10. Equalities

- 10.1. There are no direct equalities impacts arising from these changes

11. Consultation

- 11.1. All members of the Council were consulted on these proposed changes.

12. Appendices

- 12.1. **Appendix 1**