

Agenda Item No: 15 **Report No:** 170/17
Report Title: Proposed Revisions to Council Procedure Rules
Report To: Council **Date:** 6 December 2017
Cabinet Member: Councillor Andy Smith
Ward(s) Affected: All
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Purpose of Report:

To propose that the Council Procedure Rules be revised in order to clarify the definition of Ward Issues, and to encourage more efficient and transparent debate of Motions on Notice; and that these changes to the rules be applied to the meetings of Council from 19 February 2018 on a trial basis.

Officers Recommendation(s):

- 1 That Council changes the procedure rules relating to ward issues and notices of motions for an initial trial period of one yearly cycle of meetings.
- 2 That the Assistant Director - Legal and Democratic Services be authorised to make the necessary changes to the relevant Council Procedure Rules in the Constitution.

Reasons for Recommendations

- 1 To improve the clarity and understanding of proceedings at meetings of the Council for both councillors and members of the public.

Information

- 2 The Group Leaders recently met with the Head of Democratic Services, the Assistant Director – Legal and Democratic Services and the Assistant Director for Corporate Governance to discuss possible changes to some procedure rules that can tend to cause difficulties at full Council meetings, particularly in terms of clarity and understanding of debate.
- 3 The overriding issue concerns how amendments to motions are dealt with and the need to clarify the process, not least for members of the public. Eastbourne

Borough Council operates a different model of receiving amendments to motions which runs similarly to the proposals made in this report. Officers who have had the experience of working in Eastbourne and seeing this model in action have suggested that it might constitute a clearer and more effective and transparent way of dealing.

- 4 Another proposal put forward concerns ward issues and the need to clarify what qualifies as a ward issue and how they are considered.
- 5 As we are providing a shared democratic service across both Councils, this is an opportune time to look at these and to explore any other measures and changes we could make to improve our democratic processes, the guiding principle being to reduce formalities and simplify debating procedures.
- 6 The Leader and the Leader of the Liberal Democrat Group have expressed a view that we should trial these new procedures. The Leaders of the Independent and Green Groups have been consulted and agree that the proposals should be brought to Council for debate.

Ward Issues

- 7 Ward issues have, in the past, been received on matters that do not require the issue to be raised at a Council meeting. The officer response to a ward issue is then considered by the Cabinet, often weeks later. The revision proposed is that only ward issues that have not been able to be otherwise resolved by the ward councillor with the appropriate officer be brought to Council.
- 8 The proposed revisions to ward issues are:
 - a) A ward issue shall mean an issue in a ward of the District that the councillor has tried to resolve, but has been unable to resolve, and in respect of which the Council can take action or exercise influence. A proposed ward issue may be rejected by the Chair, in consultation with the Senior Legal Officer, if the councillor has not shown that they have liaised with the appropriate officer to try to deal with the issue before raising it at Council.
 - b) Introduce a deadline for submission in writing of 3 clear days notice in advance of the meeting, of the intention to raise a ward issue and briefly stating the nature of the issue.
 - c) In exceptional circumstances, if a ward issue has arisen after the deadline for submission and needs to be raised urgently, the Chair, in consultation with the Senior Legal Officer, will use his/her judgement to decide whether to permit the submission of the ward issue.

Amendments to Motions on Notice

- 9 The current rules on moving amendments to motions during debate can be confusing and lead to uncertainty of decision-making. The main revision proposed is that amendments to motions be submitted in advance and published before the meeting. This would provide certainty and clarity to the public and to members during the debating process.

10 The proposed revisions to motions on notice are:

- a) Provide a template for councillors to use to submit motions.
- b) Circulate motions electronically to all councillors prior to publication of the Council agenda. At present, councillors only see the motions when they receive the agenda papers. This proposal will therefore give councillors earlier notice of proposed motions.
- c) Introduce a deadline for submission in writing of amendments to motions of 3 clear days notice in advance of the meeting.
- d) Circulate amendments to motions electronically to all councillors prior to the meeting.
- e) Hold a single debate at the meeting on the whole issue including any amendments.
- f) Allow minor modifications/modifying wording (as opposed to formal amendments) to be suggested at the meeting.
- g) Owner of modification can suggest to the owner of the amendment that they take on the modification, which is entirely at the discretion of the amendment owner. Thus, there is no voting upon suggested minor modifications.

Other Council agenda items

- 18** Regards reporting back on outside bodies, although it is a non-decision making item and does not form part of the Council procedure rules, it is proposed that instead of giving a verbal update at the meeting, councillors who wish to report back should submit a written report, and other members be allowed to ask questions on the report.
- 19** Regards the order of agenda items, it is proposed that decisions required of Council in order to discharge necessary business be taken first, motions/proposals to consider and decide on be taken next, and any non-decision debating items be taken last on the agenda.

Financial Appraisal

- 11** There are no financial implications of revising the Council Procedure Rules for a trial period.

Legal Implications

- 12** Section 9P of the Localism Act requires a local authority prepare and keep up to date its constitution.

Risk Management Implications

- 13** In accordance with the Council's Risk Management methodology, there are no relevant risks to consider from these proposed trial revisions to the Council Procedure Rules.

Equality Screening

- 11** An initial Equality Impact Assessment screening exercise has been undertaken and there are no negative impacts arising from this report. Therefore, a full Equality Impact Assessment is not required.

Background Papers

- 12** The Constitution of the Council <http://www.lewes-eastbourne.gov.uk/about-the-councils/constitutions/>

Appendices

Appendix: Summary of proposed Council debating rules