

Appendix 1

Constitution Review: Recommendations from the Working Group following discussion of proposals with their Groups

Working Group Members: Councillor Lucinda Wing (Chairman), Councillor Mike Kerford-Byrnes (Vice-Chairman), Councillor Conrad Copeland, Councillor Tom Wallis, Councillor Barry Richards, Councillor Les Sibley, Councillor Shaida Hussain, Councillor David Hughes

At the Constitution Review Working Group meeting held on 4 November 2020, the Working Group reviewed the areas for further consideration that had been agreed by Council on 14 October 2020.

The Working Group agreed to discuss the proposals with their Groups to inform the discussion and formulation of recommendations to be submitted to the Overview & Scrutiny Committee at their 1 December meeting. The Overview & Scrutiny Committee will consider and make recommendations to the 14 December Full Council meeting.

Constitution Section 2: Meeting Procedure Rules (and 2a: Virtual Meeting Procedure Rules)

- Rules of Debate
 - Clarity on order of speaking and seconder “reserving right to speak”

Proposal (NB. No changes proposed)	Working Group recommendation	Comments
No change to current process but ensure the Constitution is clear that the seconder can speak at any point in the debate if they have reserved their right and that this right does not mean they must be the penultimate speaker before the proposer sums up	No change	Unanimous decision
Once the proposer (of a motion or amendment) begins summing up, no further speakers will be heard	No change	Unanimous decision

- Length of speeches (NB. This will apply for the length of speeches – proposing, seconding and speaking on an item - at all committees and meetings. This includes consideration of reports at these meetings as well as motions at Full Council, unless a meeting agrees to suspend standing orders.)

Proposal	Working Group recommendation	Comments
Reduce the length of speeches for proposers and proposers of amendments to 7 minutes (currently 10 minutes) or to 5 minutes	Reduce the length of speeches for proposers and proposers of amendments to 5 minutes	Majority decision (5 votes for reduction to 5 minutes, 4 votes for reduction to 7 minutes)
Retain the length of speeches for the seconder, seconder of amendments and all other speakers at 5 minutes or reduce it to 3 minutes	Reduce the length of speeches for seconder, seconder of amendments and all other speakers to 3 minutes	Majority decision 5 votes for reduction to 3 minutes, 4 votes to retain 5 minutes

- Deadline for the submission of amendments to motions

Proposal	Working Group recommendation	Comments
Retain the deadline for the submission of amendments to motions (5pm, two working days before the meeting)	Retain existing deadline	Majority decision (6 members voted to support retaining deadline, 3 members voted to support no deadline)
Increase the word limit for amended motions to 300 words	Increase word limit for amendments to motions to 350 words	Majority decision (4 members voted to support retaining 250 word limit, 5 members voted to support increasing the limit to 350 words)

- Process for dealing with motions with budgetary implications
(NB. this is a motion that would require a significant increase in the current budget of the Council, or would involve capital expenditure. It is immediately adjourned to the next meeting once proposed and seconded to allow for Executive/Statutory Officer review of the implications)

Proposal	Working Group recommendations	Comments
Encourage Members to submit motions early and discuss with officers to enable review in light of budgetary implications	Support proposal and that a threshold be included to inform what “significant” is – agree this should be £10k increase in current budget or involve capital expenditure	Unanimous decision
If a motion is deferred due to having budgetary implications, allow for the wording to be amended in light of the review by the relevant committee / statutory officer before it goes back to Council to be debated	Allow amendments to motions deferred for budgetary reasons to be amended when resubmitted to Council	Unanimous decision

- Motions without Notice / Procedural Motions (please see below for further info on these motions)

Proposal	Working Group recommendation	Comments
When a procedural motion is proposed and seconded and put to the vote, require two-thirds of those present in the meeting to vote in favour for the procedural motion to be carried (currently simple majority)	Retain agreement by simple majority	Unanimous decision

- Recorded Vote

Proposal (NB. No changes proposed)	Working Group recommendation	Comments
Retain the current requirement only for a proposer and seconder to call for a recorded vote	Retain requirement for a proposer and seconder to call for a recorded vote	Unanimous decision

- Public Addresses (excluding Planning Committee)

Proposal (NB. No changes proposed)	Working Group recommendation	Comments
Retain the existing deadline to register (noon on the working day before the meeting)	Retain deadline for public speakers to register by noon on the working day before the meeting	Unanimous decision
Retain the 5 minute limit per speaker	Retain 5 minutes time limit per public speakers	Majority decision (8 members voted to retain 5 minutes, 1 member voted to reduce to 3 minutes)
No restrictions on the numbers of public participants at a meeting (i.e. on an item or maximum time for public addresses)	Retain existing arrangement with no limits (number or time) on number of public addresses	Unanimous decision

- **Constitution Section 2.1 – Council Procedure Rules**

- Order of Council business and finish time for Full Council

Proposal (NB. No changes proposed)	Working Group recommendation	Comments
Retain the existing order of business (questions/motions, then reports)	Retain existing order of business	Majority decision (7 members voted to retain existing order of business, 2 members voted to amend order of business to questions, reports, motions) Noted that the Constitution allows the Chairman to amend the order of business
Do not introduce a time limit / finish time for Full Council meetings	Do not introduce a finish time / cut off time for Full Council	Majority decision (6 members voted to retain no time limit, 3 members voted to set a time limit (with Chairman's discretion to continue))

- **Constitution Section 2.6: Planning Committee Procedure Rules**

- Site visits: add the use of remote tools to view sites

Proposal	Working Group recommendation	Comments
Allow the use of remote tools, i.e. drones, to view sites, subject to Planning Officers directing to ensure impartiality	Allow the use of remote tools but stress that it should complement other evidence, not	Unanimous decision The Constitution needs to stress that this is one tool among many

	replace site visits and impartiality should be ensured	– need to ensure impartiality and should complement other evidence and not replace physical site visits
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○ Member Debate at Planning Committee

Proposal	Working Group recommendation	Comments
Allow for questions of clarification to the officer after presentation of a planning application and before public speakers and debate	Retain existing arrangements whereby no questions of clarity are permitted	Majority decision (5 members voted to retain the existing arrangement, 1 member voted to support questions of clarification after the Planning Officer presentation and before public speaking 3 members voted to support allowing questions of clarification after public speakers and before debate)

○ Public Participation at Planning Committee

Proposal	Working Group recommendation	Comments
Retain the existing arrangement whereby county councillors can register to speak as a member of the public, rather than allowing a separate county councillor speaking slot	Retain the existing arrangement and do not introduce a county councillor speaking category	Unanimous decision

Introduce a 10 minute time limit for non-Committee ward Members addressing the meeting on an application in their ward	Introduce a 10 minute time limit for non-committee Ward Members addressing Planning Committee	Unanimous decision
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- **Terminology – proposals / comments in italics**

Bevan Britten advise a review provides an opportunity to consider the language used:

- Councillor v Member
 - *the terms are interchangeable and should be used as required to ensure the particular section of the Constitution makes sense. In the glossary (new addition to the Constitution), explain the terms are interchangeable*
- Executive v Cabinet
 - *Executive*
- Citizen v resident / member of the public / service user
 - *Resident*
- Chief Executive or Head of Paid Service
 - *Acknowledge the terms are not are always interchangeable and provide better clarification in the Constitution and glossary*
- Chair v Chairman
 - *Throughout the Constitution use “Chairman” for consistency but stress that a Chair of a Committee should be able to determine how they would like to be addressed*
 - *Majority decision – 5 members voted to use “Chairman”, 4 members voted to use “Chair”*
- Chief Finance Officer v S151 Officer or both
 - *Use both titles but provide better clarification in the Constitution and glossary*
- *The working group agreed that a glossary of key terms be included with the Constitution*

- **Future Review – the Working Group unanimously supported the introduction of an annual review of the Constitution**

- Annual Review –
 - At its October/December meeting, the Overview & Scrutiny Committee to consider and recommend to Full Council to agree in December
 - To include notice of any changes brought about by legislation / transfer of functions made under Chief Executive / MO delegation
- Any significant changes would be submitted to Full Council as necessary for consideration (as was the case for virtual meetings)