

STANDARDS AND ADJUDICATION COMMITTEE

DATE	21 st September 2022
REPORT OF	Monitoring Officer
SUBJECT	Amendment to Council Procedure Rules (Standing Orders) – Referral from Full Council
STATUS	Open

CONTRIBUTION TO OUR AIMS

Good governance arrangements and ethical standards contribute directly to the achievement of the Council's strategic aims.

EXECUTIVE SUMMARY

This report sets out a proposed amendment to Standing Order 10B of the Council's rules of procedure relating to questions on the minutes, as previously set out in the Annual Review of the Constitution report considered at the Annual Meeting of Council on 26th May 2022. As per the Council's Constitution (Article 5, Appendix 1, Standing Order 21.2), such a change stands referred to the next ordinary meeting of the Standards and Adjudication Committee.

RECOMMENDATIONS

That the Standards and Adjudication Committee considers the proposed amendment to Standing Order 10B and makes recommendations, by way of report, to the next meeting of full Council as it considers appropriate.

REASONS FOR DECISION

It is a requirement of the Council's Constitution that any changes to the Standing Orders of the Council stand referred to the Standards and Adjudication Committee for consideration prior to final decision on the matter by full Council.

1. BACKGROUND AND ISSUES

- 1.1 The Council's Constitution is reviewed on an annual basis and the outcome reported to the Annual Meeting of Council. Accordingly, a report was submitted to the Annual Meeting held on 26th May 2022 and contained a proposed amendment to the Council's rules of procedure ('Standing Orders').
- 1.2 A request had been received from the leading group on the Council to amend Standing Order 10B relating to questions on the minutes.
- 1.3 At the Annual Meeting of Council in May 2021, this Standing Order was amended to require questions on the minutes of Cabinet and Committee meetings to be submitted on written notice. Full Council meetings should be the main opportunity for all Members to debate the key issues affecting the Borough but the leading group is concerned that, instead, too much time is

being spent on protracted question and answer sessions with questionable outcomes. The leading group acknowledges the importance of decision-makers continuing to be held to account by Council through being asked questions on the minutes but, given that scrutiny has no decision-making powers, it does not see the need or benefit to continue to receive questions on minutes of scrutiny meetings. It is therefore proposing an amendment to Standing Order 10B to restrict questions on minutes to 'executive' and 'regulatory' decision-making meetings.

- 1.4 Having been proposed and seconded, the proposal stood adjourned without discussion to the next ordinary meeting of the Standards and Adjudication Committee. The Committee is now asked to consider the proposal and make recommendations to the next meeting of full Council as it considers appropriate prior to final decision on the matter by Council.
- 1.5 It is envisaged that the extent of the amendment to Standing Order 10B shall be as reflected in Appendix 1 to this report.

2. RISKS AND OPPORTUNITIES

The proposed amendment to Standing Orders is suggested as an improvement to the way full Council meetings are managed while still retaining the opportunity for all Elected Members to question the business of Cabinet and the regulatory Committees of the Council.

3. OTHER OPTIONS CONSIDERED

Not applicable.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

This matter is reported to this committee as required by the Constitution. Accountability is one of the seven Principles of Public Life (also known as the Nolan Principles) that apply to anyone who holds public office. It is for the committee to consider whether this proposal supports the accountability of the council's decision making arrangements, having noted that scrutiny has no formal decision-making powers.

5. FINANCIAL CONSIDERATIONS

There are no direct financial considerations arising from the proposal in this report.

6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no direct implications for children and young people arising from the proposal in this report.

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no direct climate change and environmental implications arising from the proposal in this report.

8. FINANCIAL IMPLICATIONS

There are no financial implications arising from the proposal in this report.

9. LEGAL IMPLICATIONS

As set out in the main body of the report.

10. HUMAN RESOURCES IMPLICATIONS

There are no human resources implications arising from the proposal in this report.

11. WARD IMPLICATIONS

All wards are affected.

12. BACKGROUND PAPERS

Annual Review of the Constitution Report to full Council dated 26th May 2022.

13. CONTACT OFFICER(S)

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SIMON JONES
MONITORING OFFICER AND ASSISTANT DIRECTOR LAW, GOVERNANCE
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APPENDIX 1

(Reflecting anticipated amendments to Standing Order 10B)

10B Cabinet, & Regulatory and Other Committee Minutes – Procedure for Submission to Council

10B.1 At each of the scheduled Ordinary meetings of the Council, the Minutes of the Cabinet, Scrutiny and Committees (otherwise referred to as the “Minute Book”) shall be moved en bloc (normally) by the Leader of the Council and seconded (normally) by the Deputy Leader of the Council prior to being put to the vote.

10B.2 The Mayor shall only invite questions on the minutes of Cabinet, Scrutiny Panels and Regulatory and other Committees (but not Scrutiny Panels) ~~(otherwise referred to as the “Minute Book”)~~, where such questions have been received on Notice.

10B.3 Questions on Notice must be submitted to the Chief Executive and / or the Monitoring Officer by no later than 11.59pm on the second day before the date of the Council meeting (for example, by 11.59pm on the Tuesday if the meeting is on a Thursday). Questions will be referred to the appropriate Member referred to in 10.B.7. The Member shall provide a response at the Council meeting.

10B.4 A schedule of questions received in accordance with this Standing Order shall be made available at the meeting. At the relevant point, the Mayor will invite the questioner to read out their question. One minute shall be permitted for the question to be read out as submitted (without introductory preamble or comment). A supplementary question of one minute in duration (and without introductory preamble or comment) is permitted provided that it arises from the answer to the first question. The Member questioned shall use reasonable endeavours to appropriately respond to the supplementary question. Where a specific data set is requested a written response shall be deemed reasonable.

10B.5 No motion shall be permitted in respect of such Minutes except as to accuracy.

10B.6 In the case of any Minutes that have been referred to Council for a decision (i.e. a recommendation to Council) the report to the Cabinet or the non-executive committee or Scrutiny meeting which resulted in such a recommendation shall be set out in the agenda for members' information.

10.B.7 In the case of questions relating to Cabinet or individual Portfolio Holder business, the Cabinet member whose Portfolio covers the area concerned shall reply. In the case of questions relating to

~~Minutes of a Scrutiny meeting and questions relating to~~ Minutes of
~~any other a regulatory, or other,~~ committee, the relevant Chairman shall reply provided
that, ~~in respect of any Scrutiny matter~~ if a question concerns a matter
of Council policy, the relevant Portfolio Holder shall also have the
right of reply.