

AGENDA MANAGEMENT SHEET

Report Title:	Update of Council's Constitution
Name of Committee:	Council
Date of Meeting:	14 December 2022
Report Director:	Chief Officer - Legal and Governance
Portfolio:	Finance, Performance, Legal and Governance
Ward Relevance:	None
Prior Consultation:	Constitution Review Working Party
Contact Officer:	Aftab Razzaq Chief Officer - Legal and Governance 01788 533521, aftab.razzaq@rugby.gov.uk
Public or Private:	Public
Report Subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	No
Corporate Priorities:	This report relates to the following priority(ies): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input checked="" type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) Corporate Strategy 2021-2024 <input type="checkbox"/> This report does not specifically relate to any Council priorities but
Summary:	The report sets out the proposed amendments to the Council Constitution.
Financial Implications:	None arising directly from this report.
Risk Management/Health and Safety Implications:	None arising directly from this report

Environmental Implications:	None arising directly from this report.
Legal Implications:	None arising directly from this report.
Equality and Diversity:	The Council has duly considered its obligations as set out within the s.149 of the Equality Act 2010 and there are no direct implications arising.
Options:	To accept or reject the recommendations set out within the report.
Recommendation:	<ol style="list-style-type: none"> 1) Delegated authority be granted to the Monitoring Officer and in consultation with the Constitution Review Working Party to implement the amendments to the Council Constitution as detailed within this report and Appendix 1 and make any non-material amendments; and 2) a review of the implementation of these changes be assessed by the Constitution Review Working Party in December 2023.
Reasons for Recommendation:	To ensure the Council Constitution contains a robust structure for Motions and Questions to be effectively implemented by Members.

Council - 14 December 2022

Update of the Council's Constitution

Public Report of the Chief Officer - Legal and Governance

Recommendation

- 1) Delegated authority be granted to the Monitoring Officer and in consultation with the Constitution Review Working Party to implement the amendments to the Council Constitution as detailed within this report and Appendix 1 and make any non-material amendments; and
- 2) a review of the implementation of these changes be assessed by the Constitution Review Working Party in December 2023.

1. INTRODUCTION

- 1.1. As set out within the Council's Corporate Strategy, there is a responsibility towards ensuring that the Council Constitution is both reviewed and updated. This responsibility has been undertaken by the Council's Constitution Review Working Party which comprises of representatives across all the political parties.
- 1.2. The proposed recommendations outline two areas of focus that were assessed by the Working Party, and this relates to Motions and Questions.
- 1.3. At present, there is a lack of control and structure within both Motions and Questions. This is in contrast with neighbouring district authorities and Warwickshire County Council.

2. QUESTIONS

- 2.1. It is fundamental that Members are able to put forward questions to the Leader of the Council, Cabinet and chairs of the relevant committees.
- 2.2. The questions should provide accountability within the Full Council forum. However, such questions should not provide a platform for repetition of past or present work streams that have already been through the Member decision making process or are inadequate within the overall basis and objective of Full Council questions.
- 2.3. In addition to the above, the questions should not dominate the entire meeting. On this basis, it is in the interest of the structure of Full Council meetings to both have a time limit in respect of questions and to limit the number of questions being put by Members. In the absence of such a structure, there is the possibility of a significant number of questions being put forward and also the principle of such questions not being used in the correct manner.

- 2.4. It is proposed there is a limit on the period and the number of questions being put forward. Both elements of a time limit for the period within the meeting and the number of questions being put forward is required.
- 2.5. In the absence of either, there is the risk that an excessive period of time and resources by officers is taken in answering questions. A single Member could also table a large number of questions and take the full allocated time period for such questions.
- 2.6. There must be an appropriate balance struck. On this basis, there is the ability for the Mayor to decide which questions are to be answered on the basis that they are urgent and in the overall interest of the Council and the public.
- 2.7. In addition to the above it is proposed that questions are aligned within the deadlines for Motions. This will ensure an adequate period and resources are put in place to allow a comprehensive answer to be compiled. At present there are only three working days for questions to be put forward prior to Full Council and this provides an inadequate period.
- 2.8. Finally, the scope of questions should be limited to the work and responsibility of the Council, Cabinet and chairs of committees. Any matters beyond this responsibility should be directed towards Motions as this is the appropriate mechanism for actions with stakeholders and external bodies.

3. MOTIONS

- 3.1. At present there is a wide scope of motions. However, there is no overall structure and control that supports this wide scope. Motions are a fundamental element of Full Council, and it is key to ensure that they are being implemented in the correct manner. On this basis, the following principles are recommended:

Power to Reject Motions

The Mayor, after consultation with Chief Executive and acting reasonably and particularly taking into account the interest of the public and the Council, has the power to exclude any Motion which objective and action:

- relates to a decision (including Motions) made by the Council which has been delegated to either a committee, working party or officers to implement and such body or officers are still within the process of implementing the decision;*
or
- are considered unsuitable or frivolous in character.*

Wording of the Motion

All Motions must be concise and set out a clear objective and action. The wording of any Motion must not contain unnecessary preamble which should be reserved for the moving of the motion within the meeting.

4. CONCLUSION

- 4.1. As set out above, it is important that the Constitution contains a robust structure to ensure that both Motions and Questions are effectively implemented by Members. The proposed recommendations will provide this structure and overall balance. There is also a requirement for a review by the Constitution Review Working Party in 12 months to assess the implementation of these changes.

Name of Meeting: Council

Date of Meeting: 14 December 2022

Subject Matter: Update of the Council's Constitution

Originating Department: Legal and Governance

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

QUESTIONS TO THE LEADER AND PORTFOLIO HOLDER AND COMMITTEE CHAIRS

1. Up to 30 minutes will be allowed at each meeting, unless additional period is allowed as determined by the Mayor in consultation with the Chief Executive PROVIDED the following is met;

- question is urgent and in the overall interests of the Council and the public
- it would be impracticable or inappropriate for it to be delayed to next meeting
- it cannot be answered outside of the meeting

2. A Councillor may ask no more than one question, unless in exceptional circumstances approval as determined by the Mayor in consultation with the Chief Executive PROVIDED the following is met;

- question is urgent and in the overall interests of the Council and the public
- it would be impracticable or inappropriate for it to be delayed to next meeting.

3. Questions must relate to the work and responsibilities of the Borough Council.

4. All questions will be considered in order of each Portfolio and any questions that cannot be answered within the allocated period shall move to the next scheduled Full Council meeting or be answered outside of the meeting.

Power to Reject Questions

The Mayor, after consultation with Chief Executive and acting reasonably, and particularly taking into account the interest of the public or of the Council, has the power to exclude any question which:

- (i) has already been answered and this shall include within any decision (including motions) made by the Council; or
- (ii) relates to a decision (including motions) made by the Council which has been delegated to either a committee, working party, or officers and such body or officers are still within the process of implementing the decision;
- (iii) is not relevant to council business; or
- (iv) they consider unsuitable, or frivolous in character; or
- (v) an answer would not, in the Mayor's opinion, be in the interest of the public or of the Council.