



## Corporate Governance Group

8 February 2018

## Revisions to the Council's Constitution - Addendum Report

### Report of the Monitoring Officer

#### 1. Purpose of report

- 1.1 This addendum report provides feedback to the Corporate Governance Group from Councillor workshops held on 5 and 6 February 2018 and makes additional, consequential recommendations.

#### 2. Recommendation

- 2.1 The Group is **RECOMMENDED** to consider the feedback from the workshops and to recommend for approval to Cabinet and Council that:
- a) the model scheme for public questions at Council and Cabinet, set out in Appendix A to this report, be adopted for use by the Borough Council, initially for a twelve-month trial period;
  - b) the model scheme for Opposition Groups' questions at Cabinet, set out in Appendix B to this report, be adopted for use by the Cabinet, initially for a twelve-month trial period;
  - c) a definition of the leader of the main opposition group be inserted into the proposed revisions, in the manner set out in this report, and the other references to that role in the proposed revisions be adopted, with the exception of the rights to ask questions contained within the proposed standing orders for overview and scrutiny and, if recommendation (2) above is adopted by Cabinet and Council, the right to ask questions at Cabinet meetings contained within the proposed Cabinet Standing Orders.

#### 3. Reason for Recommendations

- 3.1 The workshops discussed and developed several changes to the proposed revisions to the Constitution and showed broad support for the model for Public Questions at Council and Cabinet. The support shown for Opposition Groups' Questions at Cabinet led to a model being prepared for the second workshop for detailed discussion and this also achieved broad support. The adoption of this model would have implications for the proposals regarding the leader of the main opposition group.

## 4. Supporting evidence

- 4.1 The main report to the Group, recommending approval of the proposed revisions to the Constitution, referred to two workshops to be held on 5 and 6 February 2018. This report covers the main feedback from those sessions, as follows.
- 4.2 The overall approach to the revisions was strongly supported, as was the intention to continuously update the Constitution and the means of accessing it for the public, councillors, and officers.
- 4.3 **Model Scheme for Public Questions at Council and Cabinet:** A suggested scheme was presented to both workshops and achieved broad support. An amended version of the model is set out at Appendix A and incorporates changes made as a result of discussions. The model is available for use by either Council or Cabinet. Whilst the model contains a filtering process to avoid unacceptable questions, concerns expressed within the workshops over potential abuse of a scheme can also be mitigated by introducing the schemes on a trial basis, with one year recommended.
- 4.4 **Leader of the main opposition group:** the recognition of this role within the Constitution was discussed at both workshops and, whilst generally supported, it was agreed that a definition was needed which made it clear that such recognition was only given when there was one opposition political group which contained more councillors than any other opposition political group. Additional definitional wording is proposed for insertion in Part 1 of the revised Constitution to cover this and is set out in Appendix C. The second workshop also agreed that the right of the leader of the main opposition group to ask questions, as set out within the proposed Standing Orders for Overview and Scrutiny (S.O. 8) was unnecessary, and it is recommended it is not adopted. A similar right is contained within the proposed Standing Orders for Cabinet (S.O.2.2 and 2.3 (c) and may be subsumed within the Scheme for Opposition Group's Questions, if that scheme is adopted.

## 5. Implications

### 5.1 Finance

There are no direct financial implications arising from these proposals

## 5.2 Legal

Under section 37 of the Local Government Act 2000 the Council has a duty to keep its Constitution up to date and that section also prescribes its minimum content. The proposals in this report comply with those requirements.

## 6. Risks and Uncertainties

6.1 The proposals do not involve the Council in assuming any significant risk.

## 7. Corporate Priorities

7.1 The proposed revisions should make it easier for members of the public, councillors and officers to access, and use, materials which are essential to effective and efficient democratic decision-making.

<b>For more information contact:</b>	Name: Glen O'Connell Monitoring Officer 0115 9148332 Email: GOConnell@rushcliffe.gov.uk
<b>Background papers available for inspection</b>	Draft revised Constitution
<b>List of Appendices (if any):</b>	Appendix A – Model Scheme for Public Questions at Council and Cabinet  Appendix B - Model Scheme for Opposition Groups' Questions  Appendix C - Draft insertion to Part 1 of revised Constitution



## Appendix A

### **Corporate Governance Group Thursday 8 February 2018 Revision to the Council's Constitution**

#### **Draft Model Scheme for Citizens Questions at Council/Cabinet**

1. Total time limit of 15 minutes at meetings for Citizens questions.
2. Right limited to Rushcliffe residents and business owners in Rushcliffe ('Citizens').
3. Questions to Leader, portfolio holders and Committee Chairmen – Mayor /Leader has discretion to direct questions to most appropriate responder.
4. Submission in writing 7 working days before the meeting.
5. Can be rejected by the Chief Executive in consultation with the Mayor (for Council) or the Leader (for Cabinet), for good reasons:
  - Not Council responsibility
  - Defamatory, vexatious, offensive, etc.
  - Similar to or asked in last 6 months
  - Response would disclose confidential or exempt information
  - Relates to matters currently under investigation, in complaints process or with Ombudsman
  - Relates to a matter where Council has a quasi-judicial or regulatory role.
6. Limit of one question per Citizen for meeting.
7. Citizen can ask the question, but Mayor/Leader can read it if Citizen unable to attend or for other good reasons.
8. Written answers given to questions not dealt with at the meeting.
9. Questions dealt with in order received.
10. No debate on the question, but responder can refer it to another council body.
11. No supplementary questions.



## **Appendix B**

### **Corporate Governance Group Thursday 8 February 2018 Revision to the Council's Constitution**

#### **Draft Model for Opposition Groups' Questions at Cabinet**

1. Each opposition Group Leader (or nominee) can ask one question relevant to an agenda item.
2. Five Minutes in total for each question and answer (including any supplementary and answer).
3. Questions received three working days before the meeting.
4. Questions dealt with in order received.
5. Leader can direct who shall answer the question.
6. Question can be rejected for good reason (as per rejection criteria for Citizens Questions).
7. No debate on the question, but responder can refer it to another Council body.
8. One Supplementary Question is allowed directly relevant to the original question.



## Appendix C

### Corporate Governance Group Thursday 8 February 2018 Revision to the Council's Constitution

#### Leader of the Main Opposition Group



Councillor MacInnes is the current Leader of the Main Opposition Group. Where there is an opposition political group which contains more councillors than any other opposition group, the role of its leader is recognised under the Constitution by:

- Expectations on the Leader and the Chief Executive to liaise with that group leader on emerging issues on the Council's policies and procedures (see Part 3, sections 1.4 and 1.8(g)).
- Granting rights within the Rules of Debate at full Council to speak immediately following the seconding of a motion, or to nominate another Councillor to do so.
- Granting the right to ask questions on executive matter at a Cabinet meeting or a sub-committee or working group of Cabinet, for a maximum period of five minutes [ **This right is dependent on whether the scheme for Opposition Groups' questions to Cabinet is adopted or not**].