

Minute Extract

Minute 180 – Council, 26 April 2023

Standards Committee - Report of the meeting held on the 8 February 2023 (00:39:17)

The Chairman of the Standards Committee presented the report of the meeting held on 8 February 2023.

1. Task and Finish Group (Council Procedure Rules Review) (minute 17)

A written **AMENDMENT** was **MOVED** by Cllr Mrs N Woollatt, seconded by Councillor

A Wilce that:

a) The Council Procedure Rule 25.2 be suspended to allow the following amendments to be made to the Constitution at its next meeting.

b) Subject to any further changes to recommendations (c), (d) and (g) below, the Council Procedure Rules be amended as outlined in Appendix B to this report subject to the following:

- i. Under 4.3 word 'approved' be removed, to read "the Chief Executive will send a summons".
- ii. With the removal of "present at the meeting where physical presence is required (or in attendance including remotely where such physical presence is not required)" from 6.1.
- iii. That point 9 to 9.2, single issue debate be kept, pending an investigation by the Monitoring Officer as to whether it could be removed.
- iv. That 11.1.6 (b) be kept unchanged, but with proposition changed to motion.
- v. That 12.1 (b) (rules of debate) and the paragraph below, not be removed, pending an investigation by the Monitoring Officer as to whether it could be removed.
- vi. That section 106 of the Local Government Finance Act 1992 be added to the constitution under section 15.7, voting.

c) The Council Procedure Rules regarding Member Questions be amended as set out in Appendix B Rule 10. except for the removal of text at 10.2 (b) and 10.2 (d)

Entire extract of 10.2 copied here for clarity and context with text to be removed struck through in bold.

10.2 Questions on notice at full Council

A Member of the Council may, ask the Chairman of the Council, the Leader, a Cabinet Member or the Chairman of any Committee any question which:

(a) concerns the Council's powers / duties or which otherwise affects the District;

~~(b) relates to matters on which the Council has or may determine a policy;~~

(c) the Member has provided written notice of the question to the Chief Executive no later than noon, two clear days preceding the Council meeting;

~~(d) the question has first been discussed at a meeting of the Cabinet or Committee and the Member is not satisfied with the adequacy of the answer contained in the relevant Minutes;~~ and

(e) the question is not (in the opinion of the Chairman taking account of the advice on the matter from the Chief Executive, Monitoring Officer or Member Services

Manager) one which:

- (i) is scurrilous, improper, capricious, irrelevant or otherwise objectionable
- (ii) is substantially the same as a question which has been put at a meeting of the Council (or other meeting to which these rules apply) in the past six months;
- (iii) requires the disclosure of confidential or exempt information unless the question is raised in closed session;
- (iv) contains expressions of opinion; or
- (v) relates to questions of fact.

d) The Council Procedure Rules regarding Public Questions be amended as set out in Appendix B Rule 8 subject to the additions and omissions shown by strike through and bold text below:

8. Questions **and Statements by** ~~from~~ the Public

8.1 Residents, electors or business rate payers of the District **may make a statement or** ~~shall be entitled to ask questions at a meeting~~ **which** ~~provided that:~~

(a) concerns the Council's powers / duties or which otherwise affects the District; Where a question does not relate to an agenda item, and a response is required from a member or an officer, the question must be submitted to the Member Services Manager two working days before the meeting to give time for a response to be prepared. Where such advance notice is given, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question. Contributions from members of the public will be limited to 3 minutes and 15 minutes (extendable at the Chairman's discretion) will be available at the beginning of meetings for such questions and statements.

(b) At all meetings of the Cabinet, PDGs, Scrutiny, Audit and Standards Committees, members of the public have the general right to make statements and/or ask questions in respect of all agenda items. The normal procedure to be that after a report has been introduced by the relevant Portfolio holder and/or officer the Chair will enquire of any member of the public whether they wish to speak in respect of the matter and/or ask questions. In each case, contributions from members of the public will be limited to 3 minutes.

(c) The Chair of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.

(d) NB Planning Committee has its own arrangements for public questions

- ~~(a) the question(s) are relevant to an item on the Agenda for that meeting;~~
- ~~(b) all the questions from one body shall not exceed three minutes when read out;~~
- ~~(c) written notice has been given to the Member Services Manager by noon plus one clear working day before the meeting (via email or otherwise as he/she agrees) of the question(s) to be asked; and~~
- ~~(d) the questions have not been rejected in accordance with Rule 8.5.~~

8.2 Time for Public Questions

~~Any public question shall be dealt with at the beginning of the Agenda and limited to 30 minutes provided that the Chairman may extend the time, or proceed to the next agenda time within the shortened period if there are no questions or all permitted questions are answered.~~

8.3 8.2 Attendance

Persons submitting questions must be present (remotely or in person) at the meeting unless the Chairman agrees to address the questions in the questioner's absence.

8.4 8.3 Order of Questions

Questions will be asked in the order they have been received.

8.5 Scope

~~The Chairman may, following advice from either the Chief Executive, Monitoring Officer or Member Services Manager, reject a question giving reasons for that rejection, if it:~~

- ~~(a) Is not about a matter for which the Council has a responsibility or which affects the District;~~
- ~~(b) Is in his/her opinion scurrilous, improper, capricious, irrelevant or otherwise objectionable;~~
- ~~(c) Is substantially the same as a question which has been put at a meeting to which these rules apply in the past six months; or~~
- ~~(d) Requires the disclosure of confidential or exempt information.~~

8.6 Supplementary question

~~At the discretion of the Chairman questioners may ask one supplementary question~~

e) Members' Business remain on full Council but Members be asked to take account of the guidance on its use set out in this report at paragraph 4.4.

f) The requirement for the Planning Committee to consider an Implications Report (if it proposes to determine an application contrary to policy and officer recommendation) before decision confirmed, be removed.

g) The rules on Substitute Members be amended so that trained substitutes may come from any group where there is no other trained Member in the permanent Members' political group.

h) The practice at full Council for Chairs to have to read out minutes of each committee (including PDGs and Cabinet) be changed to reading out the minute number range and asking if there are any questions on any of those minutes.

A further **AMENDMENT** was **MOVED** by Cllr Mrs M Squires, seconded by Cllr C Slade that:

For the written amendment to be put back to the Standards Committee after the election, to be discussed in full.

Upon a vote being taken the **AMENDMENT** was declared to have **CARRIED**.