

COUNCIL

DATE	26 th July 2023
REPORT OF	Monitoring Officer
SUBJECT	Amendment to Council Procedure Rules (Standing Orders)
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 proposed amendments to the rules of procedure for Council meetings (the 'Standing Orders' of Council) as previously set out in the Annual Review of the Constitution report considered at the Annual Meeting of Council on 25th May 2023. As per the Council's Constitution (Article 5, Appendix 1, Standing Order 21.2), this change was referred to the next ordinary meeting of the Standards and Adjudication Committee on 26th July 2023 and any recommendations from the committee will be circulated at the full Council meeting.

RECOMMENDATIONS

That, subject to any further recommendations from the Standards and Adjudication Committee, the proposed amendments to the Council's Standing Orders, as set out in paragraph 1.2 of this report, be approved, effective from the next ordinary meeting of full Council on 28th September 2023.

REASONS FOR DECISION

The Standing Orders form part of the Council's Constitution and any changes to the Constitution have to be notified to full Council for formal approval.

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 25th May 2023 and contained a number of proposed amendments to the Council's rules of procedure ('Standing Orders').
- 1.2 The amendments were suggested in order to provide clarity and consistency as follows:

1.2.1 Deadlines

It would be helpful to have clearer consistency around deadlines set out in

standing orders to avoid confusion and to set clear expectations around timeliness of submissions in order to permit any irregularity/misinterpretation to be resolved in advance to avoid any submission being ruled out of order.

The proposed wording around control of such submissions links back to the recently adopted Code of Conduct.

Amendment to Standing Order 10.3 as follows (insertions marked in bold print):

A Member may only ask a question under Standing order 10.2 if either:

- (a) the question has been submitted in writing at least 3 working days (**for example, by 11.59pm on the Monday if the meeting is on a Thursday**) prior to the Council meeting to the Chief Executive or the Monitoring Officer; or
- (b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to Chief Executive or the Monitoring Officer by noon on the day of the meeting.

Members are cautioned that any anomalies or issues arising with such submissions must be dealt with in good time (ideally in office hours) prior to the deadline. Otherwise, members accept the risk of a submission being ruled out of order with no right of appeal. A submission may be ruled out of order if it is found to be unsuitable in form, illegal, irregular or improper, vexatious, frivolous or derogatory to the dignity of the Council. Early submission is therefore encouraged.

Amendment to Standing Order 11.1 (insertions marked in bold print):

Except for Motions which can be moved without notice under Standing Order 12, notice of every motion, signed by the proposer and seconder and any other member giving the notice, must be submitted to the Chief Executive and/or the Monitoring Officer no later than 6 working days (excluding the day of receipt and the day of the meeting) before the date of the meeting (**for example, by 11.59pm on the Tuesday if the meeting is on a Thursday**).

Members are cautioned that any anomalies or issues arising with such submissions must be dealt with in good time (ideally in office hours) prior to the deadline. Otherwise, members accept the risk of a submission being ruled out of order with no right of appeal. A submission may be ruled out of order if it is found to be unsuitable in form, illegal, irregular or improper, vexatious, frivolous or derogatory to the dignity of the Council. Early submission is therefore encouraged.

1.2.2 The Leader's Statement

There has been challenge at previous Council meetings around the form of Leader's Statement, which has always been the prerogative of the Leader.

Amendment to Standing Order 2.2 v (insertions marked in bold print):

receive any announcements from the Mayor and then a statement from the Leader of the Council, such statement to be for a duration of no longer than 15 minutes, updating Council in respect of:

- key issues of significance to the social, economic or environmental well-being of the area
- Special Urgency decisions taken in accordance with the Constitution
- the implementation of Motions previously resolved at the preceding Council meeting(s)”

Such statement (or any part thereof) shall be delivered verbally or in writing at the absolute discretion of the Leader.

1.2.3 Amendments to Standing Orders

The standing order (21.2) relating to amendments to standing orders is silent as to how any amendment will be dealt with. Further, the constitutional remit of the Standards and Adjudication Committee is similarly silent as to it specifically dealing with a proposed constitutional change.

Amendment to Standing Order 21.2:

Any motion to add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Standards and Adjudication Committee.

To add: **Once considered, the Standards and Adjudication Committee shall make recommendations back to Full Council at the next convenient meeting.**

Subsequently, to insert at Article 10 – The Standards and Adjudication Committee - 10.03 Role and Function:

(q) To receive and consider referrals from Full Council as to the addition, variation or revocation of any standing orders at Article 5 Appendix 1 of the Constitution.

1.3 Having been proposed and seconded, the proposals stood adjourned without discussion to the next ordinary meeting of the Standards and Adjudication Committee. The Committee is due to consider the proposal at its meeting on 26th July 2023 and any recommendations from the committee will be referred to full Council.

1.4 Full Council is now asked to make a final decision on this matter.

2. RISKS AND OPPORTUNITIES

The proposed amendments to Standing Orders are suggested to clarify the way full Council meetings are managed.

3. OTHER OPTIONS CONSIDERED

Not applicable.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

This matter is reported to Council as required by the Constitution.

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 25th May 2023.

13. CONTACT OFFICER(S)

Simon Jones
Monitoring Officer and Assistant Director Law and Governance
Email: simon.jones1@nelincs.gov.uk

**SIMON JONES
MONITORING OFFICER
AND ASSISTANT DIRECTOR LAW AND GOVERNANCE**