

REPORT OF THE CONSTITUTION COMMITTEE

A: REVIEW AND REVISION OF THE CONSTITUTION

Purpose

1. The purpose of this report is to seek the approval of the Committee to submit proposed changes to the Meeting Procedure Rules (Standing Orders) and Articles of the Constitution to the County Council for approval.

Background

2. Article 15 of the County Council's Constitution gives the Chief Executive a duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. It requires that changes to the document should only be approved by the full County Council after consideration of the proposal by the Chief Executive and the relevant Committee which, in the case of the Articles and Meeting Procedure Rules, is the Constitution Committee.
3. In the case of everything except the Meeting Procedure Rules the final decision on changes can be made at a single meeting of the County Council. However, in the case of the Meeting Procedure Rules any motion to add, to vary or revoke Standing Orders must, having been proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. The proposed changes to the Standing Orders set out in this report cannot therefore take effect until after the County Council meeting in September 2015.

Review of Standing Orders

4. The Leaders of the three main Political Groups have discussed concerns raised by the Leader relating to the conduct of the Council budget meeting in February 2015 and the fact that a number of members had failed to speak to the matter before the Council and were speaking on behalf of other bodies, specifically district councils.
5. A further issue highlighted during the Council debate was that some members had not understood the how school finances work and in their speeches therefore misrepresented the position. A similar issue occurred in relation to the notice of motion on grammar schools moved at the March Council meeting. Currently there is no mechanism in place to enable another member to raise a point of information to correct a speaker from developing their arguments based on an incorrect understanding or incorrect information.

Proposals

6. In order to address the concerns set out above, it is proposed to make some amendments to the Standing Orders and a consequential amendment to the Articles. These are set out in Appendix 1 to this report. The proposed amendments are appended to the report and involve the following:-

- (i) Amending Standing Order 18 and Article 2.03 to clarify the role of a County Councillor. The amendments confirm that, whilst the overriding duty of County Councillors in their representative role is to the whole community, they have a special duty to their constituents, including those who did not vote for them. They should act in the capacity to which they were elected to the Council and should not speak on behalf of any other local authority. The amendment to Standing Order 18 also clarifies that any speech must be directly relevant to the matter under discussion.
- (ii) Amending Standing Order 22 by adding a provision to enable a member to raise a point of information so as to correct a speaker from developing their argument on incorrect facts.

Recommendations of the Constitution Committee

- 7. The recommendations of the Constitution Committee are contained in the motion which appears below.

(Motion to be moved:-

Motion 1

- (a) That the proposed changes to the Constitution, as set out in Appendix 1 to this report, other than those which relate to Standing Orders (the Meeting Procedure Rules), be approved;**

Motion 2 – Procedural Motion in accordance with Standing Order 37

- (b) That the changes to Standing Orders (The Meeting Procedure Rules), as set out in Appendix 1 to the report of the Constitution Committee, be approved.”**

(NOTE Standing Order 37 requires that this procedural motion, having been moved and seconded, stands adjourned until the next ordinary meeting of the Council.)