

Council



Forest Heath
District Council

Title of Report:	Constitution Review – Clarification on Referrals Report and Questions and Motions on Notice	
Report No:	COU/FH/15/014 [to be completed by Democratic Services]	
Report to and dates:	Joint Constitution Review Group	27 January 2015
	Council	27 February 2015
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Purpose of report:	To provide further clarification on two principles that were discussed at the last meeting of the Council on 10 December 2014.	
Recommendation:	It is <u>RECOMMENDED</u> that: (1) the two principles deferred from last meeting be approved;	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:		
Alternative option(s):		

Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • In order to give legal effect to the constitution it will need to be formally adopted by resolution of council.	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Risk/opportunity assessment: <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>			
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Failure to create a form of constitution that is acceptable to both councils	Medium	Adherence to the principles agreed by both councils. Drafting to be tested by the Working Group and published for comment by all members as it progresses.	Low
Failure to adopt a constitution which is fit for purpose	Medium	Examine best practice and establish the councils' needs through the Review Group and consultation.	Low
Ward(s) affected:		All Wards.	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		Report No. COU14/683 – Alignment of Constitutions – Joint Task and Finish Group Report No. COU14/692 – Review of Constitution Report No. COU/FH/14/008 – Review of Constitution	
Documents attached:		<i>(Please list any appendices.)</i> Appendix A – Example Referrals Report	

1. Key issues and reasons for recommendation(s)

1.1 A report updating Members on the Review of the Constitution was considered by Council on 10 December 2014. Members were asked to approve a number of principles given in Appendix A to COU/FH/14/008. Members sought further clarification of two of the principles and requested that further information be presented at the next Council meeting.

Set out below are the reasons why the principles are being recommended.

1.2 Clarification of Principle 4.3

1.2.1 The recommendation included in Appendix A to COU/FH/14/008 was:

4.3 – Final Recommendation

Instead of going through all minutes, FHDC full Council receive a 'Referrals Report' containing recommendations from Cabinet/Committees, which can reference the full reports where required.

1.2.2 A Referrals Report would contain the recommendations and a brief summary of any items that had been referred to Council for a decision. References would be given to reports that had been considered by other council committees such as the Performance and Audit Scrutiny Committee or by Cabinet. The original electronic version of this report would also contain links directly to the reports so that they can be accessed with one click. There would also be no need for the minutes of all other committees to be included, where no decision by Council is needed. However, members would still have access to all minutes and an item could be included on the agenda (as is currently the case for St Edmundsbury) for members to ask questions of the chairmen of those committees. It is important to view this proposal in the context of existing plans to improve electronic access to committee documents.

An example of what a Referrals Report would look like has been drafted (at Appendix A to this report) based on the Council meeting held on 10 December 2014. The table below gives the relevant statistics for the separate reports and the proposed referrals report:

Actual Council meeting on 10 December	Proposed Referrals Report
7 separate reports totalling 47 pages (94 sides)	1 referrals report totalling 4 pages (7 sides) which summarises the reasons for each decision. Background reports will be available for members who wish to read them.
6 sets of minutes of other meetings totalling 25 pages (50 sides)	These do not need to be included in the agenda as any recommendations would be included within the referrals report. The minutes themselves will remain accessible and chairmen can be questioned about them.
Required reading/printing reduced from 72 pages to 4	

1.3 **Clarification of Principle 4.4**

1.3.1 The recommendation included in Appendix A to COU/FH/14/008 was:

4.4 – Final Recommendation

Questions and motions by members to be at the end of the agenda and should be limited to one each per member per meeting.

1.3.2 Members were concerned that this would reduce the opportunity for members to participate in debates, and felt that it was a matter for the chairman to control any member who was being unreasonable. However, the recommendation from the Joint Constitution Review Group is to limit only the number of questions **on notice**, or motions **on notice** – the ones that have to be sent in before the meeting. The existing right to raise questions at the meeting is not affected (see below).

Under the present Forest Heath constitution, members can submit up to two questions on notice to be asked provided they give one clear day's notice prior to the meeting with a maximum of 15 questions on notice in total per meeting. These are questions to the Chairman, Leader, Cabinet members and Committee Chairmen. If more than fifteen questions are received then the first fifteen are taken at the meeting and the rest answered in writing. St Edmundsbury's present constitution contains no limit on numbers, either from each member or overall.

The proposal is that each member can submit only one question on notice, not two, but with no limit on the overall number – meaning that in total for Forest Heath there could be 27 questions not 15. It must be stressed that members will still be able to ask questions spontaneously during debates on any agenda item, subject to the rules of debate, and also on the Leader's report. At present, members can also submit a motion on notice provided they give 8 clear days' notice prior to the meeting and there is no limit on numbers of these. Officers have no choice but to include on the agenda any question or motion that has been properly notified and there is no role for the chairman in filtering or limiting them. Most members will of course use this facility in a wise and reasonable manner. However, if any member chose to misuse it, there would be no means of preventing him or her from dominating the meeting with a series of questions on notice or motions on notice.

1.3.3 If members do not wish to limit the number of questions on notice and motions on notice to just one per councillor per meeting, it is open to them to propose an alternative limit.