

PROPOSED REVISIONS TO THE CONSTITUTION – SEPTEMBER 2008

APPENDIX

PROPOSED REVISIONS TO STANDING ORDERS

| Standing Order Number & Title | Current Wording | Proposed Wording | Reason |
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| 1. MEETINGS OF THE COUNCIL | (1) The Annual Meeting of the Council shall be held at the Guildhall, Exeter, at 7 o'clock and other meetings at 6 o'clock on such dates as may be determined by the Assistant Chief Executive in consultation with the Leader of the Council. | (1) The Annual Meeting and other meetings of the Council shall be held at the Guildhall, Exeter on such dates and times as may be determined by the Assistant Chief Executive in consultation with the Leader of the Council. | Removal of specified times to enable any required flexibility in the starting time of the Annual Council meeting. |
| 6. NOTICES OF MOTION AT COUNCIL | (5) If the subject matter of any motion of which notice has duly been given comes within the province of any Committee or the Executive, it shall stand referred without discussion to that Committee or Executive, or to such other Committee as Council may determine, for consideration and report. (6) Council may, if requested by a member and agreed by Council without discussion, allow the motion to be dealt with at the meeting at which it is brought forward. | (5) A Notice of Motion shall be debated at the Council meeting at which it is brought forward, unless the Council decides that it shall stand referred to a Committee, by reason of legal, financial or other relevant considerations. That Committee shall consider the Notice of Motion and report back to Council in due course. (6) Delete | To enhance democratic debate by presuming that Notices of Motion will normally be debated at Council at the meeting at which they are presented and only referred to Committee if there are specific reasons to do so. No longer relevant if revised (5) is approved. |
| 8. QUESTIONS AT COUNCIL | (3) A member of the Council may:- (a) Ask the Chair of the Committee, or the Leader of the Council any question on any matter for which the Council has powers, duties or which affects the City, provided that he/she has given the Assistant Chief | (3) A member of the Council may:- (a) Ask the Chair of the Committee, or the Leader of the Council any question on any matter for which the Council has powers, duties or which affects the City, provided that he/she has given the | To extend the deadline to allow more topical questions. |

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| | <p>Executive written notice of such question by 9.00 am, 3 clear working days in advance of the Council meeting.</p> <p>(b) with the consent of the Lord Mayor, put to the Chair of any Committee, or the Leader of the Council any question relating to urgent business, provided the question has been given to the Assistant Chief Executive in writing not later than 10.00am on the day of the meeting.</p> <p>Provided always that the Leader may ask any Executive member with relevant portfolio to respond to a question set out in accordance with Standing Order 8(3)(a) and 8(3)(b).</p> <p>(c) If a reply cannot be given to the questioner because insufficient notice has prevented a complete enquiry to be made, a written reply shall be given to the questioner as soon as practicable after the Council meeting, a copy of which shall be placed in the Members' Room and shall be available to any member on request.</p> <p>(d) Every question shall be put and answered without debate.</p> <p>4(c) where the reply to the question cannot be conveniently given orally, a written answer (a</p> | <p>Assistant Chief Executive written notice of such question by 5.00 pm <i>on the day preceding the Council meeting.</i></p> <p><i>Provided always that the Leader may ask any Executive member with relevant portfolio to respond to the question.</i></p> <p>Delete (b)</p> <p>(c) <i>Where a reply cannot conveniently be given orally to the questioner or where insufficient notice has prevented a complete enquiry from being made, a written reply shall be given to all Councillors as soon as practicable after the Council meeting.</i></p> <p>(d) One supplementary question shall be permitted in respect of each question.</p> <p>4(c) Delete.</p> | <p>Unnecessary in view of extended deadline. Urgent business can be raised on the day in exceptional circumstances if agreed by the Lord Mayor.</p> <p>To remove unnecessary restriction on circulating answers.</p> <p>To allow a supplementary question.</p> <p>Incorporated in proposed 3(c) above.</p> |
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| | copy of which shall be placed in the members room and shall be made available to any other members on request) shall be circulated to all members. | | |
| 10. RULES OF DEBATE FOR COUNCIL MEETINGS | <p>MOTIONS AND AMENDMENTS</p> <p>(12a) Except as set out in 12b below, the mover of a motion has a right to reply at the close of debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his/her amendment.</p> | <p>(12a) Except as set out in 12b below, the mover of a motion has a right to reply at the close of debate on the motion, immediately before it is put to the vote. <i>If an amendment is moved, the mover of the amendment shall have the right of reply at the close of the debate on his/her amendment prior to the mover of the original motion. The mover of the original motion shall have a right of reply at the close of the debate on the amendment, but shall not otherwise speak on the amendment.</i></p> | To give the mover of an amendment the right to reply. |
| 13. DECISIONS OF THE EXECUTIVE | <p>(1a) A notice setting out all Executive decisions shall be published within two working days of the meeting. A copy of such notice shall be given to Chairs and Deputy Chairs of all Scrutiny Committees and group leaders. A copy shall also be placed in the member's room and shall be made available to any Council member on request.</p> <p>(1b) Where a key decision has been delegated to an Executive member with relevant portfolio or an officer, then notice in accordance with Standing Order 13(1)(a) shall be published within two working days of the decision.</p> | <p>(1a) A notice setting out all Executive decisions shall be published within two working days of the meeting. <i>A copy of such notice shall be sent to all members electronically.</i></p> <p>(1b) Where a key decision has been delegated to an Executive member with relevant portfolio or an officer, then notice in accordance with Standing Order 13(1)(a) shall be published within two working days of the decision. <i>It shall be sent to all members electronically.</i></p> | <p>Open democracy</p> <p>Open democracy</p> |

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| | (3) Minutes of the Executive meeting shall be published and circulated as soon as is reasonably practicable after they are finalised. A copy shall be placed in the members' room, and made available to any member on request. | (3) Minutes of the Executive meeting shall be published and circulated <i>to all members electronically as soon as is reasonably practicable after they are finalised.</i> | Open democracy |
| 14. KEY DECISIONS IN EXECUTIVE MEETINGS | (1) A key decision may not be taken by the Executive unless: (a) Notice in the form of a Forward Plan has been published in connection with the matter in question. | (1) A key decision may not be taken by the Executive unless: (a) Notice in the form of a Forward Plan has been published in connection with the matter in question <i>and circulated to all members electronically.</i> | Open democracy |
| 18. SCRUTINY COMMITTEE AGENDA | (1) Any member shall be entitled to give written notice to the Assistant Chief Executive not later than 10.00 am, 10 clear working days in advance of the meeting that he/she requires an item relevant to the functions of the Scrutiny Committee to be included in the agenda of the next meeting. | (1) Any member shall be entitled to give written notice to the Assistant Chief Executive not later than 10.00 am, <i>8 clear working days</i> in advance of the meeting that he/she requires an item relevant to the functions of the Scrutiny Committee to be included in the agenda of the next meeting. | To decrease the notice required to include an item on a Scrutiny Committee agenda. |
| 19. PUBLIC QUESTIONS AT SCRUTINY COMMITTEES | (1) A member of the public may ask any question which in the opinion of the Chair is relevant to the business of the meeting provided that:- | (1) A member of the public may ask any question <i>of the Chair of the Scrutiny Committee or Executive member with relevant portfolio</i> , which in the opinion of the Chair is relevant to the business of the meeting provided that:- | Clarification |

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| | <p>(a) the question was submitted in writing, including by electronic means where possible, to the Assistant Chief Executive at least 3 working days in advance of the meeting of the Committee;</p> <p>(b) the Assistant Chief Executive in consultation with the Chair of the Committee may refuse to include the question on the agenda where the question is:-</p> <ul style="list-style-type: none"> - defamatory, frivolous or offensive - is the same or substantially the same question which has been put before a scrutiny committee within the last six months - requires disclosure of confidential or exempt information. <p>(2) A response to the question raised shall be given by the Chair or Executive member with relevant portfolio as appropriate. There shall be no debate of the issue save that a member of that Scrutiny Committee may propose that the matter be placed on the agenda of a future Scrutiny Committee for further report and this shall be decided without discussion.</p> <p>(3) No supplementary questions shall be allowed.</p> | <p>(a) No change proposed</p> <p>(b) No change proposed.</p> <p>(2) A response to the question raised shall be given by the Chair or Executive member with relevant portfolio <i>as requested. The Committee may debate the issue for up to 10 minutes at the end of which the Committee may decide whether to place the matter on the agenda of a future Scrutiny Committee for further report</i></p> <p>(3) <i>The member of the public asking the question shall have the opportunity to respond for a maximum of 2 minutes. No further debate shall be permitted.</i></p> | <p>To encourage public participation in the scrutiny process by extending the question facility.</p> |
| <p>20. QUESTIONS TO PORTFOLIO HOLDERS</p> | <p>(1) A member of the Scrutiny Committee or other Council member may, in the time set side for such business:-</p> | <p>(1) A member of the Scrutiny Committee or other Council member may, in the time set side for such business:-</p> | |

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| | <p>(a) Ask an Executive member with relevant portfolio any question on any matter for which the Scrutiny Committee has powers, duties and responsibilities provided that he/she has given the Assistant Chief Executive written notice of such question by 10.00 a.m. 3 clear working days in advance of the meeting.</p> <p>(b) If a reply cannot be given to the questioner because insufficient notice has prevented a complete enquiry being made, a written reply shall be given to the questioner as soon as practicable after the Scrutiny Committee meeting, a copy of which shall be placed in the members' room and shall be available to any member on request.</p> <p>(c) One supplementary question shall be allowed in relation to the subject of the original question.</p> <p>(d) Every question shall be put and answered without debate.</p> | <p>(a) Ask an Executive member with relevant portfolio any question on any matter for which the Scrutiny Committee has powers, duties and responsibilities <i>at the place on the agenda allocated for questions to Portfolio Holders.</i></p> <p>(b) <i>If a full reply cannot be given at the meeting, a written reply shall be given to the questioner as soon as practicable after the Scrutiny Committee meeting, a copy of which shall be circulated to all members electronically.</i></p> <p>(c) No change proposed.</p> <p>(d) No change proposed.</p> | <p>To dispense with the need to give portfolio holders notice of questions.</p> <p>To remove unnecessary restriction on circulation of reply.</p> |
| <p>39. ELECTION OF LEADER AND CHAIR AND DEPUTY CHAIR OF COMMITTEES</p> | <p>(1) The Council shall at its Annual Meeting elect the Leader of the Council. Each Committee shall elect its Chair and Deputy Chair at the Annual Meeting. In the absence from a meeting of the Chair and Deputy Chair, a Chair for that meeting will be appointed. No member of the Council shall be eligible to be appointed Chair of more than one Standing Committee.</p> | <p>Either:</p> <p>(i) retain current wording of paragraph or</p> <p>(ii) amend second sentence to read <i>"The Chairs and Deputy Chairs of each Committee shall be elected by Council at the Annual Meeting."</i></p> | <p>The Local Government Act 1972 does not specify how or who should decide on the chairmanship of committees. Council is invited to either (i) retain the wording of the current Standing Order which requires the chairs and deputy chairs to be elected by each Committee at the time of the Annual Meeting of Council or (ii) enable the election of the Chairs and</p> |

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| | | | Deputy Chairs to be undertaken by full Council at the Annual Meeting. |
| 44. ATTENDANCE AT COMMITTEES, SUB-COMMITTEES & EXECUTIVE | (1) A member of the Council shall have the right to attend the meeting of any Standing Committee, Sub-Committee or Executive of which he/she is not a member and may remain during consideration of both the public and private parts of the agenda but he/she may not vote at that meeting and may only speak if he/she has given not less than 2 clear working days notice in writing (by electronic mail wherever possible) to the Assistant Chief Executive and has specified in the notice the particular agenda item or items on which he/she wishes to speak. | (1) A member of the Council shall have the right to attend the meeting of any Committee, Sub-Committee or the Executive of which he/she is not a member and may remain during consideration of both the public and private parts of the agenda but he/she may not vote at that meeting and may only speak if he/she has given notice in writing (by electronic mail wherever possible) <i>by 10am on the day of the meeting</i> to the Assistant Chief Executive and has specified in the notice the particular agenda item or items on which he/she wishes to speak. | To decrease notice required for speaking at Committee. |
| PROPOSED CHANGE TO SCRUTINY PROCEDURE RULES | | | |
| PART 4 SCRUTINY PROCEDURE RULES | 6. Chairs 6.1 Chairs of scrutiny committees will be drawn from among the councillors sitting on the committee. Where one group has majority control of the Council one of the Chairs will be drawn from a member of a minority group with the deputy chair of that committee being from the majority group. The other two committees shall have a majority group chair and a minority group deputy chair. | 6. Chairs 6.1 Chairs of scrutiny committees will be drawn from among the councillors sitting on the committee. <i>Where one group has majority control of the Executive, all chairs and deputy chairs of Scrutiny Committees shall be drawn from members of the other groups of the Council.</i> | To reflect current practice. |

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| | New Para 9 – Questions to Portfolio Holders (Standing Orders 19 and 20) (and renumbering of subsequent paragraphs) | Relevant Portfolio Holders will normally be required to attend Scrutiny Committee meetings to respond to questions from members of the Council and members of the public. | To reflect the proposal to dispense with the need to give portfolio holders notice of questions. |
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