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**Meeting: COUNCIL**

**Agenda Item:**

**Date: 8 OCTOBER 2014**

**14**

## **REVIEW OF STANDING ORDERS**

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### **1. PURPOSE**

To recommend to Council revisions to Standing Orders.

### **2. RECOMMENDATIONS**

- 2.1 That the revisions to Standing Orders as detailed in section XX of the report be approved.

### **3. BACKGROUND**

- 3.1 Standing Orders form part of the Council's Constitution and set out the procedures to be followed for Council meetings.
- 3.2 The last review of Standing Orders was undertaken as part of the review of the Constitution in 2009.
- 3.3 Due to some legislative changes, correction of error and for clarification a short review was undertaken in August 2014 leading to a small number of recommended changes and the Leaders of each Political Group have been consulted.

### **4. OUTCOME OF REVIEW**

- 4.1 The review recommends changes to the following Standing Orders –

4 – Leadership of the Council/Leadership of Political Groups and Opposition

12 & 13 – Questions from the Youth Council/Public

14 – Leaders' Updates

16 - Questions to Committee Chairs or Executive Members

18 f. – Closure Motions

21 – Voting\*

24 – Attendance of the Press and Public at Meetings/Recording of Meetings\*

26 – Appointment of Committees

45 – Recording of Committee Meetings\*

\* required due to legislative changes

4.2 Standing Order 4 states that ‘the largest group in Opposition may choose two Members as Leader and Deputy Leader of the Opposition.’ There was no provision for Opposition Groups each having the same number of Members, as has occurred following the local election in May.

4.3 For the 2014/2015 Municipal Year the two Opposition Groups agreed that Councillor P Bibby serve as Leader of the Opposition with Councillor Margaret Notley as his Deputy for the period up to 30 November 2014 and Councillor R Parker CC would be the Leader of the Opposition for the remainder of the Municipal Year with Councillor Andy McGuinness as his Deputy.

4.4 It is proposed that in the event of Opposition Groups each having the same number of Members in future years the following provision be included in Standing Order 4 –

*In the event of there being no single largest Opposition Group the Leader of the Opposition shall be the Leader of the Opposition Group whose party achieved the largest percentage of votes across all Wards in the most recent Stevenage Borough Council Elections.*

4.5 On occasions questions submitted by the public or the Youth Council may relate to the subject matter of the Main Debate and are taken with that item. This may also occur with questions to Committee Chairs or Executive Members (Standing Order 16). Accordingly it is recommended that this be formalised by the addition of the following at the end of Standing Orders 12, 13 and 16 –

*‘Where a question relates to the subject matter of the Main Debate the above provisions may be integrated into that debate.’*

4.6 It has been considered that the procedure for the Leaders’ Update (Standing Order 14) requires clarification and therefore the following revised wording for this Standing Order is proposed (Changes shown in italic) –

- a. The Leader of the Opposition shall have the right to raise one item relevant to the Borough that has arisen since the last meeting. He/she shall have the right to speak on the one topic for no more than six minutes;
- b. The Leader of the Council may respond or nominate another Member to respond on her/his behalf (*no more than 6 minutes collectively*);
- c. At the Mayor’s discretion Members of the Council may ask questions or make statements in relation to the subject matter (*no more than 2 minutes per person*);
- d. The Leader of the Council may speak to the Council about matters

relevant to the Borough which have arisen since the last ordinary meeting. *He/she shall have the right to speak for no more than six minutes on any one topic;*

- e. The Leader may call upon another Member to speak on a topic. *That Member shall speak for no more than 2 minutes on any one topic.*
- f. *Following each report* the Leader of the Opposition shall have the right to speak on that topic *(no more than 2 minutes per topic)*. *Should he/she exercise this right the Leader may respond (no more than 2 minutes per topic)*
- g. At the Mayor's Discretion other Members of the Council may ask questions or make statements *(no more than 2 minutes) in relation to the individual matters raised and the Leader may respond (no more than 2 minutes)*

- 4.7 In the section on Closure Motions in the current Standing Order 18 there is an error. The procedure to be followed when the Motion 'The question is now put' has been moved, seconded and carried states 'that the mover of the amendment under discussion at the time has the right of reply'. This is inconsistent with the earlier provisions on Right of Reply whereby the Mover of the Motion has the right of reply before a vote is taken on an amendment to that Motion. Accordingly it is recommended that Standing Order 18 f. (ii) be amended to read (revisions in italic) –

- (ii) That the question is now put.

If this motion is seconded, the Mayor will first put to the vote the motion that the question be now put.

*If this closure motion is carried whilst an amendment is being debated –*

- *The mover of the Motion shall have a right of reply*
- *The vote is then taken on the amendment*
- *Debate may then continue on the substantive Motion.*

*If this closure motion is carried whilst a Motion is being debated -*

- *The mover of Motion shall have a right of reply*
- *The vote is taken on the Motion*
- *Council proceed to next business*

- 4.8 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require that votes taken at the budget setting meeting on the Budget and Council Tax setting must be recorded. Therefore the following amendment to Standing Order 21 – Voting, is required (revision in italic) –

- a. *With the exception of voting on the Council Tax and budget setting* voting shall be by show of hands, unless at least ten Members present request a fully recorded vote. On receipt of such request made before the item of business has been concluded, the individual votes of all Members seated in the Chamber shall be recorded in the following manner. The Chief Executive will call the name of each member in turn

and it will be recorded if he/she says 'Yes', 'No' or , 'Abstain'. These details shall be recorded in the Minutes.

- b. When voting on Council Tax and Budget setting Motions and Amendments all votes shall be recorded as described in a. above.*

- 4.9 Standing Order 24 currently states that 'No-one may make recordings of any other kind or take photographs at these meetings unless the Mayor has given written permission.'. The Openness of Local Government Bodies Regulations 2014 now requires that provision be made in Standing Orders to allow any member of the public to take photographs, film and/or audio record proceedings at meetings. To take account of this legislative requirement the following revised Standing Order 24 is recommended (revision in italic) –

## **24. Attendance of the Press and Public at Meetings/Recording of Meetings**

The press and public will be admitted to all Council, Executive and Committee meetings subject to the Access to Information Rules in Part 4 of this Constitution, and to this Standing Order and Standing Order 30.

All matters considered by the Council and Committees during such time as they are not open to the public and press shall be regarded as confidential and not disclosed to any person until the Council has taken steps to make that business public.

*Anyone who may attend a Council meeting may take written notes, film, audio-record, take photographs and use social media to report on meetings as they are taking place. However, in the event that Mayor considers that someone undertaking these activities is acting in a disruptive manner Standing Order 30 will apply.*

- 4.10 As Standing Order 24 also applies to Executive and Committee meetings with 'the Mayor' substituted by 'the Chair' the current Standing Order 45 'Recording of Committee Meetings' may now be deleted and subsequent Standing Orders re-numbered accordingly.
- 4.11 A protocol for members of the public wishing to report on meetings of the Council, Executive and/or Committees etc. has been drafted and is attached at Appendix A
- 4.12 It should also be noted that other provisions in the Openness of Local Government Bodies Regulations 2014 will require changes to the Access to Information Rules at Part 4B of the Constitution.

## **5. Legal Implications**

- 5.1 The above proposals take account of relevant legislation and specifically address the new provisions set out in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 and the Openness of Local Government Bodies Regulations 2014.

## **BACKGROUND DOCUMENTS**

- BD1 – The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014
- BD2 - The Openness of Local Government Bodies Regulations 2014
- The Council's Constitution

## **APPENDICES**

- Appendix A - Protocol for members of the public wishing to report on meetings of the Council, Executive and/or Committees