

Report

Democratic Services Committee

Date: 27th April 2023

Subject **Review of Standing Orders**

Purpose To consider the referral from Council regarding the review of Standing Orders

Author Head of Law and Standards

Ward General

Summary At the Council meeting on 24th January 2023 it was resolved that Democratic Services Committee consider Standing Orders in place under Part 4: Rules of Procedure of the Constitution regarding Questions at Council to the Leader of the Council.

Any proposed changes to the Standing Orders resolved by the Committee will be referred to full Council to vote on proposals as per 3.1.1(a) Terms of Reference of the Council's Constitution.

Proposal **To consider the Standing Orders and to determine whether the Committee wish to make any referrals to Council for amendments.**

Action by Head of Law and Standards

Timetable In line with the consultation deadline

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Head of Finance
- Strategic Director – Transformation and Corporate

Background

1. As part of the democratic framework that supports transparency and accountability, the Council's Standing Orders already have a number of provisions through which elected members can ask questions of, and receive answers from, the Leader, Cabinet Members and Committee Chairs. This provision allows for questions to be submitted and answered at any time, not just during meetings of full Council.
2. A notice of motion was tabled and moved at Council on 24th January 2023 to consider Council Standing Orders under Part 4: Rules of Procedure. This was proposed to clarify the proceedings of the Council meeting when the Deputy Leader is called on to deputise for the Leader in her absence. The current Standing Orders do not specify proceedings for occasions when it is necessary for the Deputy Leader to deputise for the Leader at Council, specifically concerning Standing Order 4.2 regarding Questions at Council to the Leader of the Council, and Standing Order 4.2(f) concerning Leader's announcements.
3. In addition, at their meeting on 27th January 2023, members of the Democratic Services Committee wished to debate the time limit for Leader's questions under the same Standing Order 4.2, as they felt that the time allotted did not afford a sufficient opportunity for Opposition members to ask questions of the Leader in Council.

Standing Orders: Deputisation for the Leader at Council

4. The current Standing Orders under Part 4: Rules of Procedure do not reference any specific provision regarding the role of the Deputy Leader in Leader's questions, including Leader's announcements, on such occasions when the Deputy Leader is deputising in the Leader's absence at Full Council meetings. Article 2.2.1, Framework Member Role Descriptions and Person Specification, outlines the role of the Deputy Leader which include;
 - To fulfil the duties of the Leader in his or her absence
 - To assist the Leader in specific duties as required
5. Clarification of the requirements of the Deputy Leader when deputising for the Leader in full Council would require a new Standing Order to confirm the correct rules of procedure concerning Leader's announcements and Leader's questions.

Standing Orders: Questions to the Leader

6. Newport City Council currently takes a unique approach to Leader's questions at Council whereby questions do not have to be submitted in advance; other Local Authorities in Wales require questions to be submitted in writing in advance of the Council meeting.
7. Under the current standing orders, each opposition group is allocated one question each, to be asked in order of group membership, with the largest opposition group going first, followed by the second largest opposition group and so on. Each of the Group Leaders or their appointed deputies are invited to put their questions to the Leader in turn and they are allowed one supplemental question to clarify anything arising from the response. After all the allocated opposition group questions are completed, questions are opened up to all members and are allocated according to a ballot. Councillors wishing to ask a question of the Leader must notify the Governance Team in writing by midday on the day of the Council meeting. The content of the

question does not need to be submitted in advance. Question notifications are grouped according to opposition/majority party members and the order for questions is then selected by a ballot, with the questions alternating between opposition and majority party members. The Leader's question time ends when the allotted 15 minutes is over, or when the list of balloted questions is complete, whichever is the earliest.

8. The current Constitution/Standing Orders make provision for elected members to submit questions in a number of different ways. Standing Order 4.3; Questions to Cabinet Members and Committee Chairs supports elected members to ask a question of Cabinet Members or Committee Chairs. Councillors wishing to ask a question of a Cabinet Member or Chair of Committee are required to provide questions in writing to the Governance team no later than 4pm three working days before the Council meeting. The question is then asked orally at the Council meeting and an oral answer is given at the Council meeting. The question and the answer are appended to the Council minutes and published to the Council's website. A time limit of 10 minutes for Questions to each Cabinet Member is set out in the Standing Orders. This means that there is provision for up to 80 minutes of time dedicated to Questions to Cabinet Members at each Council. Questions to Committee Chairs are submitted less frequently, but could potentially represent another hour and 40 minutes of Questions in Council.
9. Elected Members can also submit questions to the Leader and Cabinet Member at any time, under Standing Order 4.8 Formal Questions at any other time, known as Questions At Any Time, or QAAT. This process means that elected members can submit a question at any time, without the need to wait up to 6 weeks for the next Council meeting to take place. Written questions can be forwarded to any Cabinet Member (including the Leader) at any time, although any submitted at weekends or later than 4pm on any working day will not be deemed to have been received for the purposes of response times until the next working day. Answers to questions submitted under this process will be provided within 10 working days of the receipt of the question by the Cabinet Member. The question and answer is copied to all Members of the Council via email and is published on the Council's website for the purposes of transparency and engagement. The question must be forwarded in writing to Democratic Services, and the question must be identified as a formal question or QAAT to the Leader or Cabinet Member to be dealt with in accordance with this standing order.
10. The Standing Order for Questions to the Leader could be aligned with the approach taken in other Local Authorities in Wales. This is the same approach that Newport presently uses for Questions to Cabinet Members and Committee Chairs under Standing Order 4.3. Questions could be submitted in writing to the Governance team before the Council meeting. Questions would be reviewed in the same way as Cabinet Member questions; elected members would be advised by Democratic Services and Monitoring Officer if the question is of an operational nature or is part of the Cabinet Member portfolio rather than the Leader. Questions accepted under this process could then be asked orally at the Council meeting and an oral answer given at the Council meeting. The question and the answer would then be appended to the Council minutes and published to the Council's websites.
As with other LA's, adopting this approach would still require a time limit and an order in which questions are asked to ensure proceedings are clear. Adopting a new process would require a longer lead time in order to support officers providing administrative support to meet the new requirements. Aligning the new Questions to the Leader process, and the Questions to Cabinet Member and Committee Chairs process with a new timeline, requiring questions to be submitted by 4pm 10 working days in advance of the Council meeting would ensure that there is sufficient time to process the questions and gather any necessary information to inform the response.
11. Council meetings are usually around 2 hours and 30 minutes long with present arrangements. Given that this will extend the provision of time in the current Standing Orders for questions at Council, that already includes up to 80 minutes for Questions to Cabinet Members, and potentially up to 1 hour and 40 minutes for Questions to Committee Chairs, it may be necessary to begin Council meetings earlier, in order to accommodate the extended period of time for Questions to the Leader and full provisions in the Standing Orders. Changes to the start time for

Council may have further reaching impacts for elected members who may have other employment or caring responsibilities.

Summary

12. The Committee is asked to consider the referrals from Council, and the previous meeting of the Democratic Services Committee as set out above, and to determine any recommendations to be considered by full Council as listed below.

Financial Summary

There are no financial implications in relation to the Standing Orders.

Risks

Failure to consider the referral from Council and Democratic Services Committee will have a reputational impact on the openness and transparency of the governance processes and will not meet the legislative requirements of the Constitution.

Links to Council Policies and Priorities

The principles of open and transparent governance support the Council's Corporate Plan 2022-27. They are also enshrined in the well-being plan and objectives under the Well-being of Future Generations (Wales) Act.

Options Available and considered

The Committee is asked to consider the referral from Council and Democratic Services Committee and to determine any recommendations that they wish to be considered by full Council. In particular, the Committee is to consider recommendations regarding Standing Order 4.2 and 4.2(f) as follows:

a. Deputisation for the Leader at Council

Option 1a

The Committee recommends that Standing Orders are updated to specify that the Deputy Leader conducts Leader's announcements and responds to Leader's questions when called upon to deputise for in the Leader's absence at full Council meetings.

Option 2a

The Committee recommends that Standing Orders are updated to specify that Leader's announcements and Leader's questions are not part of proceedings when the Deputy Leader is called upon to deputise in the Leader's absence at Council meetings. In this circumstance, questions to the Leader would be submitted in writing with written responses being provided within 10 working days following the Council meeting.

b. Questions to the Leader

Option 1b

Standing Order 4.2 is not amended; Questions to Leader are asked verbally, and responded to verbally at the Council meeting, and the time limit remains 15 minutes.

Option 2b

Standing Order 4.2 is amended to align with the process for Questions to Cabinet Members. Questions are submitted in writing to Democratic Services ahead of the meeting, no later than 4pm three working days before the meeting. Accepted questions are then asked verbally and responded to verbally at the meeting within a time limit of 30 minutes. The timeline for submitting questions, to the Leader or to Cabinet Members, would be by 4pm 10 working days in advance of the Council meeting. Consideration would be given to changing the times of Council to start earlier, to allow for the increased time for responding to questions.

Preferred Option and why

Options 2a and 1b are the preferred options.

Comments of Chief Financial Officer

There are no financial implications of undertaking the review of standing orders

Comments of Monitoring Officer

Set out in the report.

Comments of Head of People, Policy and Transformation

There are no HR implications. The principles of open and transparent governance are consistent with the Council's Corporate Plan and objectives under the Well-being of Future Generations (Wales) Act, ensuring that members are able to attend meetings at changed times will continue to be important.

Local Issues

Not applicable.

Equalities Impact Assessment and the Equalities Act 2010

No applicable.

Wellbeing of Future Generations (Wales) Act 2015

Considering referrals from Council as per the Constitution support transparent and open governance arrangements which underpin the Equality Plan 2020-2024 objective;

1. Leadership, Governance and Involvement.

Consultation

Not applicable.

Background Papers

Local Government & Elections (Wales) Act 2021 and associated guidance
Constitution

Dated: 6th April 2023