

# Report

## Democratic Services Committee

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Date: 18<sup>th</sup> February 2021

Item: 4

**Subject** Council resolution – Review of Standing Orders

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

**Author** Head of Law & Regulation

**Ward** General

**Summary** Council meeting on 26<sup>th</sup> January 2021 resolved that Democratic Services Committee review both the impacts of the Local Government and Elections (Wales) Act 2021, and any proposed changes to the standing orders together in line with the work plan of the said committee within their normal reporting to full Council

**Proposal** To consider the referral from full Council regarding the review of Standing Orders and to determine how the Committee wish to undertake this review.

**Action by** Head of Law & Regulation

**Timetable** In line with the consultation deadline

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Head of Finance
- Head of People & Business Change

## Background

1. A notice of motion was tabled and moved at Council on 26<sup>th</sup> January 2021 to amend Council Standing Order 4.2(b) to change the time limit for Questions at Council to the Leader from 15 minutes to 30 minutes. This was proposed on the basis that the current time limit did not afford a sufficient opportunity for Opposition members to ask questions of the Leader in Council.
2. 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 15 minute time is over, or when the list of balloted questions is complete, whichever is the earliest.
3. However, the following amendment was proposed, seconded and carried at the Council meeting:-

“This Council Believes:

The Local Government and Elections (Wales) Act 2021 will affect the way that we as a Council operate.

This Council further believes:

- The Council is committed to improving democracy and believes that any changes must be scrutinised within the terms of reference of the Democratic Services Committee.
- That this is the opportune time to review the proposed standing order 4.2(b) within the context of the introduction of the Local Government and Elections (Wales) Act 2021 and existing procedures including the Newport City Council Remote Meeting Attendance protocol.

This Council resolves that:

The Democratic Services Committee review both the impacts of the Local Government and Elections (Wales) Act 2021, and any proposed changes to the standing orders together in line with the work plan of the said committee within their normal reporting to full Council.”

4. Therefore, the Committee is asked to consider the referral from Council and to determine the scope for this review and how this should be undertaken.
5. The Local Government and Elections (Wales) Act 2021 contains a number of measures that will require changes to the Council's governance arrangements and Standing Orders, prior to May 2022. The implementation of these legislative requirements will be addressed as part of the forward work programme for Democratic Services Committee, together with any consequential amendments to the Constitution. The following provisions are of particular relevance to the current Standing Orders and the way in which business is conducted and managed in Council meetings:-

- (a) Duty to encourage local people to participate in local government decision making to include the making of decisions in partnership or in conjunction with any other person (Section 39);
  - (b) Prepare and Publish a Strategy on encouraging people to participate in local government decision and review the strategy following every local government election (Sections 40–41);
  - (c) Duty to make and publish a petition scheme and review the scheme from time to time (Section 42);
  - (d) Publish Constitution and a guide to accompany the Constitution and make copies of the guide available on request (Section 45);
  - (e) Electronic broadcasts of meetings open to the public (Section 46);
  - (f) Remote Attendance at local authority meetings (Section 47)
6. The duty to encourage public participation and engagement could include examining options for public speaking and public questions at Council, as well as member questions. The petition scheme would also have to enable public petitions to be submitted electronically and provide a mechanism for responding. In addition, a bid had already been submitted to the local Government Digital Democracy Fund for £52k grant funding to develop and upgrade the technology in the Council Chamber and Committee rooms to provide for “hybrid” meetings, to enable some members to dial-in remotely to face-to-face meetings. The Council Standing Orders will need to be reviewed and updated to accommodate these changes in governance processes.
7. There may also be other provisions within existing Standing Orders that the Committee would wish to review and reconsider.

### **Financial Summary**

There are no financial implications in relation to the scope and timing of this review of Standing Orders but the implementation of some of the legislative changes may require additional funding, if they cannot be accommodated within existing budgets.

### **Risks**

Failure to review standing orders in the light of the legislative requirements will have a reputational impact on the openness and transparency of the governance processes.

### **Links to Council Policies and Priorities**

The principles of open and transparent governance are consistent with the Council’s Strategic Recovery aims and support the Council’s Corporate Plan 2017-22. They are also enshrined in the well-being plan and objectives under the Well-being of Future Generations (Wales) Act.

### **Options Available**

The Committee is asked to consider the referral from Council and to determine the scope for this review and how it should be undertaken.

In particular, the Committee may wish to consider whether to review the operation of Standing Order 4.2(b) now or await further guidance on the other requirements of the Local Government and Elections (Wales) Act before undertaking a more comprehensive review of existing Standing Orders.

## **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.

## **Staffing Implications: Comments of Head of People and Business Change**

There are no staffing or HR implications. The principles of open and transparent governance are consistent with the Council's Strategic Recovery aims and support the Council's Corporate Plan 2017-22. They are also enshrined in the well-being plan and objectives under the Well-being of Future Generations (Wales) Act

## **Background Papers**

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

Dated: 11<sup>th</sup> February 2021