

SUMMARY OF PROPOSED CONSTITUTION CHANGES

CORPORATE SELECT COMMITTEE 23 May 2022

Significant changes				
Page	Para	Proposed change	Reason	Comment (if necessary)
38	Part 3B para 11 gifts and hospitality	In addition to the requirement to declare gifts of value of at least £50, add in requirement to declare cumulative gifts from one source exceeding £100 in any 12-month period	Agreed as a recommendation by Standards Committee on 28/03/2022	Following government response to recommendations from the Committee on Standards in Public Life
78	Part 5A council procedure rules para 1.2	Separates ceremonial business from other business	Already happens in practice – for clarity on agenda planning	
78 for AGM and 79 for ordinary meetings	Part 5A council procedure rules para 1.2 (vi) And para 2.1 (iii)	Receive announcements from the Chair, Leader or Head of Paid Service. Maximum of 15 minutes	There is already a section on the agenda for the Chair's announcements (with no current time limit). Adds in the option in case there are any announcements the Leader or Head of Paid Service need to make	This is fairly standard practice. It is not intended to be used for every meeting, but only if there was something necessary to announce that could not be announced elsewhere. An example might be to make members' aware of new funding announced in the days before the meeting. North Norfolk, for example, allows announcements from the Leader,

				Norwich allows comments from officers in exceptional circumstances, Broadland allows announcements from the Chair or Head of Paid Service, Leader, Cabinet members. 15 minutes is the maximum time, and it is not intended this should regularly be a 15- minute slot.
78	Part 5A paras (v) vote of thanks (ix) to (xi) receive a report from returning officer in an election year, elect a leader and be notified of Cabinet members (xiii) decide which committees to establish	These are not really changes, they happen anyway but are not currently shown in the Constitution	These are included for clarity. They are not changes and should be in the section below, but as changes to Council procedure rules are controversial they are all included in this section for ease of reference.	The Council is required by legislation to elect a Leader at least once every 4 years.
79	Para 2.1 (v) and (vi)	Again, not a change but an addition to the agenda to clarify petitions may be received and procedure for presenting them	Addition of wording only, to reflect current position	
And 82	Para 8.1			

<p>79 And 9.1.1</p>	<p>Para 2.1 (ix) Para 9.1.1</p>	<p>Currently we have 15 minutes questions to the Leader without notice, as well as the option for questions to the Leader with notice (which is rarely used). There is an additional 30 minutes for questions to Cabinet members on any item in their portfolio without notice. Later in the agenda the committee reports are currently presented and there is the opportunity for questions to committee chairs on their reports.</p> <p>It is proposed that this is simplified to have one section of a maximum of 30 minutes for questions on notice to the Leader</p>	<p>The current process takes up a considerable proportion of the allotted time of 3 hours for the Council meeting. To distribute the time more fairly, s that there is sufficient time for motions, it is proposed that the overall time taken on questions is reduced.</p> <p>The aim of these proposals is to reduce the time spent on questions compared to the time left available for motions</p> <p>The proposal is:9.1.1 max of 30 minutes for questions without notice to the Leader, Cabinet member, r any chair of committee, on reports before Council.</p> <p>9.2 questions on notice to the Chair, Leader, cabinet member or committee chair on any matter in relation to which the Council has powers or duties or affects Norfolk.</p> <p>This removes the provision for questions not on notice to the Leader, as it seems unnecessary to have provision for questions with and without notice.</p>	<p>This is not unusual. A similar process is adopted by Broadland and Norwich (unless the question relates to urgent matters.</p> <p>Alternatives would be to remove the options for questions on notice, instead of questions without notice, or to keep current sections and reduce the overall time allowed for all.</p>
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			(note, if this is agreed, consequential changes would be made to para 2.1 order of business, which does not currently reflect this proposed change in the draft)	
80	Para 2.1 (vii) and (xiv)	The order of the agenda has been changed to move motions further down the agenda	This was previously agreed by Council in October 2018, and has been reflected in actual practice since that date, but an administrative error was made and the change was never made to the Constitution	This reflects current practice and corrects the Constitution in line with previous decision of Council
81	Part 5A para 4 (ii)	Allows for a meeting to be postponed or cancelled in extenuating circumstances, after summons issued.	Without this provision, once called, a meeting would have to be convened even if all were agreed it was not required. (In practice it would be convened, declared inquorate and then not proceed, which is a waste of resources). Group leaders must be consulted.	This is simply to allow meetings to be cancelled without having to be convened and declared inquorate, if they are no longer needed
81	Part 4 (v) (vi)	Procedure for dealing with agenda items not dealt with at the end of 3 hours if time limit for council not extended	The Constitution does not currently contain any provision for dealing with remaining business.	<p>This is a standard provision, adopted by Peterborough and Wirral amongst others.</p> <p>Alternatives are that:</p> <ul style="list-style-type: none"> - Remaining business be considered at a time and date fixed by the Chair (EGM or next ordinary meeting) - A process similar to that adopted by Norwich – after 2

				<p>hours Chair asks if remaining items can be dealt with as unopposed business, then deals with any agreed first, before then dealing with opposed business (and if any remains after 3 hours this to be dealt with at a time and place fixed by the Chair)</p> <ul style="list-style-type: none"> - Time limit for council meetings is extended to 4 hours
83	Para 10.1	<p>To list the motions on the agenda in order of one per political group, then any non-aligned member.</p> <p>To take motions in the order of the largest group, working towards the smallest</p>	<p>To ensure that groups have a chance of having motions heard, rather than if taken in the order submitted one group may have several motions together at the top of the agenda.</p> <p>To try to limit the number of motions to those that can be managed in the 3 hour time limit for council meetings</p> <p>This particular order is the preference of the administration.</p> <p><i>(note: following feedback it is proposed to remove the wording "if time permits" in 10.1.2 as this</i></p>	<p>There are numerous options to limiting the number of motions, adopted by various councils. There are alternatives and Council is able to consider any or none of these.</p> <p>Alternatives are:</p> <ul style="list-style-type: none"> - No limit on numbers, dealing with outstanding motions at the end of the time limit as suggested in one of the ways above - Limiting the number to be submitted to one per group - Taking the motions in order submitted (as we currently do)

			<i>would apply equally to all groups as well as the any non-aligned member)</i>	<ul style="list-style-type: none"> - Drawing motions “from a hat” in public, to determine the order in which they are heard - Reducing time limit for debate on each motion - Reducing time limit for motions overall
84	Para 10.3.1	Changes to wording of acceptability of motions	This is adopting the standard wording from the original model Constitution, which is clearer than our current wording, but does not change what would be accepted in practice. It should assist those drafting motions.	
84	10.3.3	Member must consider options to submitting a motion and provide reasons why this was felt to be inappropriate when submitting.	<p>This does not prevent members submitting motions if they consider it appropriate.</p> <p>On receipt of motions, when considering admissibility, officers will consider whether there is a better route for what the member is trying to achieve, than submitting a motion.</p> <p>This proposal simply prompts members to consider that for themselves and submitting their reasons with the motion prevents them being contacted by officers unnecessarily if they show they have already considered alternatives.</p>	Note – this does not, contrary to some comments received, restrict in any way the rights of members to submit motions.

86	Part 5A para 12.4.1	To reduce speaking time from 5 minutes for all, to 5 minutes for the mover of a motion and 3 minutes for everyone else.	With a time limit of 3 hours, allowing 5 minutes for each speaker makes it difficult to manage that time appropriately.	<p>This is a standard allocation of time adopted by many councils.</p> <p>Alternatives are:</p> <ul style="list-style-type: none"> - No change - Allow the first speaker to a motion (after the mover of the motion) from each Political Group other than the Political Group to which the mover of the motion belongs: 5 minutes (all other speakers 3 minutes) (<i>this is the Hertfordshire model</i>)
89	Para 13 (13.7) and in various other places where this time restriction is applied	Align the current discrepancy that motions in similar terms submitted in the previous seven months will be rejected, with the position for questions where the period is 6 months	To avoid confusion between the time limits for each	Note, despite criticism from some that this is being restrictive, it is actually less restrictive as it reduces the time period in which a similar motion to a previous motion to 6 months (as with questions) rather than the current seven
114	Part 7, para 7.4 (ii)	Call-in	<p>Clarifies what call-in is and the effect it has</p> <p>Clarifies that a cabinet recommendation to Council is not a decision and may not be called -in (as it is a recommendation, with the decision to be taken by Full Council)</p>	This clarifies the procedure. The provision that a decision of Cabinet to recommend something to Council is not a decision that can be called-in is because Council is the decision maker, not Cabinet. The debate on the issue could be had at full Council so scrutiny call-

				<p>in for debate would not be appropriate.</p> <p>This is wording used by others including Peterborough City Council.</p>
114	Part 7 para 7.4 paras (vi) to (vii)	Clarification of all-in procedure	Added for transparency and ease of reference for those who may wish to call-in a decision. This is the procedure currently adopted, but not currently set out in the Constitution.	Standard call-in procedure process adopted by many other councils
115	Part 7 para 7.4 (ix)	Provides that scrutiny must meet to consider a decision called-in within 10 working days unless the decision make agrees it can wait until the next scheduled meeting	<p>To ensure the decision- making process is not unnecessarily delayed by the calendar of meetings and having to wait until the next scheduled meeting</p> <p>The calendar of meetings is generally arranged to ensure that this does not occur, this is a failsafe in case of a lengthy gap between meetings</p>	<p>Some councils have a process that requires an extraordinary meeting of Scrutiny committee to be called within a certain time period (10 days is common) to hear a decision called-in.</p> <p>As we do not, and use standard meetings, this provision is sensible.</p> <p>An alternative would be to require all call-ins to be dealt with at an extraordinary meeting called for that purpose, which would have the benefit of call-in not disrupting the planned scrutiny agenda.</p>
131	Part 8A Para 4	Abolish Standards Committee and integrate its work and terms of reference with that of Audit Committee	The agenda for Standards Committee has been light over previous years, and it is considered that this could be incorporated into Audit committee. This was	There is no requirement to have a specific Standards Committee. A council is required to have a process for and committee responsible for dealing with

			<p>proposed by the relevant Chairs after discussion with the Leader.</p> <p>This will be a saving to the council in terms of SRA allowed, attendance allowances, and officer costs for preparation and attendance.</p>	<p>standards matters, and the usual process adopted is to include with audit or a governance committee.</p> <p>Any standards hearings required would be convened of a sub panel of audit members trained in dealing with standards matters.</p>
134	Par 4.3 (2)	Remove detail of procedure for dealing with hearings from Constitution	It is not necessary to include this detail in the Constitution, and it adds to the weight/ volume of the Constitution. It is a procedural issue to which any changes can be agreed by Audit Committee and subsequently uploaded to the website	It is neither necessary nor desirable to include detailed procedures in the Constitution
224	Part 11 Para 11.4	Removal of the option to have contracts exceeding £30,000 to be signed by two officers rather than under deal of council	This has led to confusion as to what should and should not be sealed. A simpler process is to require the seal in these circumstances	A process, guidance, and where appropriate training for officers on the requirement for sealing is being produced
And 262	Para 5.12.3			
246	Part 11C Para 2.8	Clarification that Corporate Board is an informal Board which is not subject to the rules of council meetings	No change, this has always been the case, but to clarify given that questions have been asked about its role	

250	Para 3.6.1	Removal of requirements that “decisions which commit the County Council to spending over £100m must be referred to Full Council”.	<p>This is unnecessary and causes confusion between executive and non-executive decisions.</p> <p>If a decision is an executive decision, it cannot be taken by Full Council no matter how large the sum involved.</p> <p>This calls into question what the role of Council is when such a decision is “referred” as it has no role in the decision making at this point.</p> <p>Full Council will have a role in decision making in the sense that it will have agreed such large budgets as part of the Budget setting process, so will have been involved at that stage.</p>	If agreed reference to this provision will also be removed from anywhere else it appears in the Constitution
Minor changes				
Page	Para	Proposed change	Reason	Comment (if necessary)
15	Part 2B para 3(i)	Add in “factual” to press releases about agenda items	For clarity only, this is what currently happens (to avoid any confusion if we are asked to add a comment that could amount to personal or political views about agenda items)	
19	Part 2C para 1	Removal of words “such as Twitter and Facebook”	Everyone knows now what social networking sites are, examples are not needed, and there are more	

			options than these two – reference not needed	
24	Part 3A para 6 role of Chair	Add in “or Chair of the Council”	To clarify budget procedure rules that if the Chair of Scrutiny Committee is unable to act for any reason, the Chair of Council is entitled to decide whether or not a proposed decision is contrary to the budget and policy framework	
26	Part 3A para 3 role of Deputy Cabinet members	To state that deputy cabinet members may not vote at cabinet meetings	The maximum number of voting members of cabinet is restricted by legislation to 10. This is not a change, just making the position clear to anyone reading it who may not be aware of that limitation.	
45	Part 3C members’ allowance scheme para 7	Requirement to inform Director of Financial and Commercial Services in writing if a councillor opts not to claim allowances	For clarity – already happens in practice.	To ensure the finance team are aware of councillors’ wishes in this regard
50	Appendix A	Comment about updating members’ allowance scheme can be removed	Updates to show the current allowances were made before this draft was issued – comment should have also been removed	Details will be updated further when the scheme has been reconsidered by Council at a later date
59	Part 3D para 4	Add in statutory scrutiny officer role	For clarity. This already exists but was not referenced in the Constitution	The Council is required by legislation to appoint a statutory scrutiny officer, and ahs already done so
71	Part 4 para 4.2	To add in that certain officer decisions will also be published	This already happens, added for clarity only	

74	Part 5 para 5.1.1	Adds links to the policy framework documents	For ease of reference. Other links will be added as documents refreshed and revised	
83	Part 5A paras 9.1 and 10.1.1	Add time of 5pm to deadline date	To reflect current practice, and to avoid confusion as when the deadline for submission of questions and motions may be	
94	Part 6 para 6.3(i)	To confirm period of office of leader	To insert into Constitution current practice	Current practice is as required by legislation
95	Part 6, Para 6.3	To clarify decision making process in period between elections and appointment of new leader	To add current practice into constitution for clarity	
97	Part 6 Para 6.10	Updated details of portfolios of cabinet members	Content updated – to note. This is the decision of the Leader but included in the Constitution for transparency	
106	Part 6 Para 1 1.3 to 1.6	Clarifies procedures	Not a change – adds existing practice to Constitution including where provisions were included in other sections but relevant here	
107/108	Part 6 paras 3 to 6	Clarifies key decision and call-in procedures	These are NOT changes – this is the process we already adopt, but is not currently set out in the Constitution	Key decisions, call-in and urgency/ special urgency procedures at NCC are in line with legislative requirements
109 And 146	Part 6 Para 7.1.1 Part 8B para 6.2.1	Amendment of deadline to questions to be Tuesday instead of Wednesday	This process has been trialled, and assists officer in assisting with preparation of responses.	

112	Part 6 para 18	Record of decisions	Adds existing provisions into Constitution	
143 to 154	Part 8B	Various minor tidying up amendments to committee procedure rules	No real changes here, just tidying up	
155	Part 9. Para 9.4	Includes that council may set up informal joint working groups	Already happens. It is intended that this section will be further changed to include details of informal groups, where appropriate	Arrangements for committees are under review. Any changes required will be proposed at a subsequent date.
160	Para 5	To confirm appointment to Norfolk Parking Partnership should be an executive member	This is an executive committee, so members appointed should be members of the executive	
163 to 211	Part 10	Tidying up of officer nominations and delegations	Further amendments are likely before this is presented to full council. The proposals will not then be track changed as they are within officer delegations, although will be pointed out if significant, rather than purely operational tidying up.	The Constitution provides that: “Changes to reflect revised arrangements for the distribution of responsibilities and the delegation of powers to officers in accordance with decisions taken by the person(s) or body with authority to take such action, will be made by the Director of Governance”.

This does not include the following, some of which are still changed in the current draft and track changing will be removed before final report to Council :

- additions or amendments to reflect the use of screens or electronic voting provisions
- formatting changes (including changes to references to references to other paragraphs which have changed as a result of change of layout)
- minor changes to job titles etc, changes of dates (for example in para 1 of Part 1 which changes the date at which Council approved the current version of the Constitution (assuming it does), existing provision/ arrangements
- typing corrections
- addition of changes to relevant legislation
- comments to show that links will be added to other existing documents
- comments relating to future planned amendments for example in relation to integrated care services