

<b>(Item No.</b> 4	<b>Classification:</b> Open	<b>Date:</b> 21 <sup>st</sup> May 2003	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Constitutional Issues – Review of Council Procedure Rules - Recommendations of Standards Committee	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Chief Executive (Borough Solicitor & Secretary)	

## RECOMMENDATIONS

### Recommendations of Standards Committee

1. That Council Assembly considers the recommendations of the Standards Committee, and approves the changes to the Constitution in respect of the Council Procedure Rules outlined in paragraphs 13 – 45 of this report.
2. That the technical changes to the Council Procedure Rules outlined in Appendix 4 be agreed.
3. That the Council Procedure Rules be renamed “Council Assembly Procedure Rules”.
4. That arising from recommendations 1 and 2, Officers be authorised to make any consequential amendments and cross-referencing amendments to the Constitution.

## BACKGROUND INFORMATION

### Decision by Council Assembly on 26<sup>th</sup> March 2003

5. On 26<sup>th</sup> March 2003 Council Assembly approved the following motion:

That this Council is concerned at the constitutional and probity implications of voting in Council Assembly without opportunity for debate (and in particular without opportunity for speech by the mover) and requests Standards Committee review Procedure Rules in respect of this, and other procedural matters where change has been suggested, in good time for consideration by all Members of its recommendations well before the May 2003 Constitutional Meeting of Council Assembly, with a view to facilitating an informal discussion on that occasion.
6. It was reported to Council Assembly that the relevant officers were close to fully committed to other work. However, it was possible to carry out a limited fast track review of Council Procedure Rules to inform discussion at Constitutional

Council on 21<sup>st</sup> May 2003. A small group of issues specific to Council Procedure Rules could only be reviewed at this time.

7. A meeting between officers and the Chief Whips from each political group was held on 2<sup>nd</sup> April 2003 to consider the Council Procedure Rules. Following this meeting the Standards Committee met on the 23<sup>rd</sup> April 2003 to consider options prepared by officers following this meeting. This report sets out the recommendations of the Standards Committee to Council Assembly.

#### Constitution and Role of Standards Committee

8. The terms of reference of Standards Committee include specific responsibility for the oversight, review and recommending amendments to the Constitution. The Standards Committee has a duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
9. The purpose of the Constitution is to:
  - i) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
  - ii) support the active involvement of citizens in the process of local authority decision-making;
  - iii) help Councillors represent their constituents more effectively;
  - iv) enable decisions to be taken efficiently and effectively;
  - v) create a powerful and effective means of holding decision-makers to public account;
  - vi) ensure that no one will review or scrutinise a decision in which they were directly involved;
  - vii) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
  - viii) provide a means of improving the delivery of services to the community.
10. The existing Constitution was adopted at Council Assembly (Constitutional Meeting) on 29<sup>th</sup> May 2002 and subsequently amended on 24<sup>th</sup> July 2002, 30<sup>th</sup> October 2002 and 24<sup>th</sup> February 2003.

#### Timetable for agreeing constitutional changes

11. The timetable for agreeing constitutional changes necessary to amend the Council Procedure Rules are set out below:

Table 1 - Timetable

Meeting	Date	Action
Standards Committee	23 <sup>rd</sup> April 2003	To consider proposed changes, considered at meeting of political groups whips.
Council Assembly (Constitutional Meeting)	21 <sup>st</sup> May 2003	To consider recommendations of the Standards Committee and agree changes to Constitution.

## KEY ISSUES FOR CONSIDERATION

12. The principal constitutional issues addressed in this report are:

- Reducing total length of question time (*see paragraphs 13 – 15*)
- Moving Members' Questions Time to the beginning of the meeting (*see paragraphs 16 – 18*)
- Lead times for submitting questions and motions (*see paragraphs 19 – 21*)
- Urgent questions by the Leaders of the Opposition Parties (*see paragraphs 22 – 23*)
- Written answers to questions naming an individual member (*see paragraphs 24*)
- Replacement of first in, first served rule with whip prioritisation and rotation (*see paragraphs 25 – 29*)
- Guillotine / Duration of meetings (*see paragraphs 30 – 38*)
- Adjournment Debate (*see paragraphs 39 – 40*)
- Moving and seconding motions (*see paragraph 41*)
- Allow motions and amendments to be accepted by e-mail (*see paragraph 42 - 44*)
- Other Technical Constitutional Changes (*see paragraph 40*)

The options on these key constitutional issues are set out in the boxes below.

### **Reducing total length of question time**

*(Council Procedure Rule 3.6 – Public question time)*

*(Council Procedure Rule 3.8 – Question by Members)*

13. Current Council Procedure Rules allow for a public question time not exceeding 30 minutes. Members' question time shall not exceed 30 minutes, plus any time set aside for public question time that has not been fully utilised. Since May 2002 public questions have never used more than 15 minutes and frequently less.
14. In respect of the length of question time the Whips agreed that public question time should be reduced to 15 minutes with member question time remaining at 30 minutes, so the maximum amount of question time would be 45 minutes.

Standards Committee supported this proposal.

15. The Standards Committee considered and rejected a further option prepared by officers that involved limiting the number of questions per meeting (which is the practice in some other authorities). For example, one authority has a limit of 20 per meeting broken down as 10 to majority group and 5 to each opposition group. An example of how this might apply in Southwark on a broadly proportionate basis (with each group having a minimum of 3 questions) would be: Liberal Democrat 9, Labour 8, Conservative 3; or alternately the number of questions could be divided equally amongst the three parties.

#### Recommendation by Standards Committee

##### Proposed Amendments – To reduce length of Public and Member question times

That the following paragraphs be amended:

Paragraph 3.6 (1) be amended to delete “30 minutes” and insert “15 minutes”.

Paragraph 3.8 (4) That the second sentence be reworded to read:

“The time during which Councillor’s questions may be taken shall be a minimum of 30 minutes, and shall be extended by the time set aside for public question time that has not been fully utilised (see Council Procedure Rule 3.6(1)).”

Paragraph 3.8 (4) At the end of the last sentence delete all after “...not used by the public”.

#### **Moving Members’ Question Time to the beginning of the meeting**

*(Council Procedure Rule - 3.2 Order of Business at Ordinary Council)*

16. Questions from Councillors to the Leader and other Executive Members are currently twelfth out of fourteen agenda items on the order of business for ordinary Council Assembly meetings. At the beginning of the municipal year, Members raised concerns that this item was not being reached. Using her discretion, the Mayor has varied the order of business to take this item higher on the agenda. The Whips meeting agreed that this current practice should be formalised and that the questions should be taken near the beginning of the meeting.
17. Standards Committee supported the option set out in the box below. The aim of the agenda is to take those items involving public participation at the top of the agenda. In practice if there are deputations these are usually taken after public questions, but before members questions. Any motions on subjects covered by the deputation will be debated once the deputation has been heard.
18. Standards Committee also recommended that at the commencement of Members’ Questions Time, the Council Procedure Rules should require the Mayor to state the total amount of time available for Members Question Time, including any not used for Public Question Time. This is the current practice however there is no such requirement in the Council Procedure Rules. Officers

have drafted an amendment to formalise this arrangement. This is set out in the box below.

#### Recommendation by Standards Committee

##### Proposed Amendments - Moving question time to the beginning of the meeting

That Members Questions is taken after Deputations in the order of business for ordinary meetings of the Council Assembly – this would move questions up to item (vii).

Paragraph 3.8 (4) Add at the end:

“At the commencement of Members’ Questions Time, the Mayor shall state how much time was not used for Public Question Time and the total amount of time available for Members’ questions.”

#### **Lead time for submitting questions and motions**

19. At the Whips meeting there was some discussion about the lead times required for Council Assembly, particularly with respect to questions and motions. Officers have reviewed these in light of Members’ comments and the need to provide effective support to the meeting to aid decision-making, transparency and good governance.
20. Members expressed the following concerns:
  - Councillors do not have the chance to fully challenge the Executive at the latest possible date because of the long lead-time for questions.
  - Officers should support members’ convenience not the other way round.
  - It was also questioned why questions needed to be circulated on the Agenda at all
21. In respect of all these points, officers advised Standards Committee that a balance needs to be struck between supporting Council Assembly and the needs of Members and managing the large volume of work generated by Council Assembly with the staffing resources available to service the meeting. These resources will not be increased, especially in the light of the recent Best Value Review of Members Services. In the interests of openness, it is officers’ view that questions and motions should be published on the agenda so that all Members and the public are aware of the issues to be considered. Officers reviewed the deadlines in light of the whips’ concerns and in the context of resources, proposed some changes. Standards Committee considered the officer recommendations and made the recommended changes set out in Table 2 below:

Table 2 - Current and proposed deadlines for Council Assembly  
*(Please note that all figures given are for clear working days)*

Deadline	Existing	Officer Proposal	Standards Cttee recommendation	Comments
Members Motions	15 days	13 days	13 days	Officers aim to circulate Chief Officers' comments on motions in the main agenda. Any further reduction in this timetable would create problems in achieving this objective.
Members' Questions	11 days	9 days	9 days	Reduction would still allow questions to be published on the agenda
Public Questions	9 days	No change	No change	Allows questions to be published on the on agenda
Deputations	9 days	No change	No change	Allows deputations to be listed on agenda
Agenda Despatch	7 days	No change	No change	
Motions/amendment for Rescission or Rejection of previous decision	4 days	No change	No change	
Questions on reports	1 day	2 days	1 day	Standards Committee supported no change. Officers had proposed a change that would have allowed 1 extra day to prepare responses.
Amendments	1 day	2 days	1 day	Standards Committee supported no change. Officers had proposed an earlier despatch that would give Members more time to consider the amendments.

## **Urgent Questions by the Leaders of the Opposition Parties**

22. Standards Committee recommended that a new provision be introduced to allow the Leaders of the Opposition Parties to ask an urgent question. This would allow matters to be raised that were current and allow the political parties to raise issues that may have arisen since the deadline for the submission of question. The Borough Solicitor & Secretary advised Members that in introducing such a provision, Members should note that there is a consequence of the shorter notice, which is likely to have an impact on the completeness and quality of the responses. The Standards Committee proposed the following principles:
- The Leaders of the Opposition Parties have the right to ask one urgent question at each Council Assembly meeting.
  - The question shall be submitted by 10.00am on the morning of the Council Assembly meeting.
  - Questions may be asked of a member of the Executive, the Chair of any Committee or Sub-Committee. The question must be on any matter to which the Council has powers or duties or which affects Southwark.
  - At the meeting a written response would be circulated to all Members. The questioner would be entitled to ask one supplemental question.
23. A draft amendment to Council Procedure Rules is set out below, a copy of which was sent to Chief Whips in advance of the agenda despatch for comments in line with the wishes of the Standards Committee. Members will note that officers have expanded on the principles proposed by Standards Committee to provide Council Assembly with a draft provision that will enable the wishes of the Committee to be put into effect.

### **Recommendation by Standards Committee**

#### Proposed New Council Procedure Rule

#### **Urgent Questions by the Leaders of the Opposition Parties**

##### **Urgent Questions at Council Assembly**

1. The Leader of each Opposition Group may ask:
  - the Mayor;
  - a member of the Executive;
  - the Chair of any Committee or Sub-Committeean urgent question on any matter in relation to which the Council has powers or duties or which affects Southwark.
2. Members are limited to one question at each ordinary meeting.
3. No question shall be asked on a matter concerning a Planning or Licensing application.
4. Urgent Questions shall be taken at all Ordinary Council Assembly meetings but not at the

Mayor-making, Annual Constitutional, Extraordinary or Council Tax Setting meetings.

**Deadline for Submission of Questions**

5. Written questions must be received by the Borough Solicitor & Secretary no later than 10.00am on the morning of an Ordinary Council Assembly meeting.

Questions shall be addressed to the relevant Executive member or Committee Chair who shall be responsible for the content of the answer. Executive members and Committee Chairs shall have discretion to refer a question to another Executive member, if this is appropriate.

**Circulation of Written Answers**

6. Copies of all questions and their written answers, which may be subject to oral amendment, shall be circulated to all Councillors at the beginning of the meeting. Copies shall also be made available to the press and public present at the meeting.

**Supplementary question**

7. A Member asking a question may ask one supplementary question without notice to the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

**Note** - In drafting this provision officers have made the following assumptions:

1. This provision will be in addition to the normal Members' Question Time;
2. It will be taken as a separate item prior to Members' Question Time;
3. There will be no time limit.

**Issues for Council Assembly to consider**

- Whether a Deputy Leader should be able to deputise in the absence of the Leader?
- Whether to extend the right to ask an urgent question to include the Leader of the Council, so s/he can ask questions to the Mayor or Chair of any Committee or Sub-Committee?
- Whether the time for questions should be included in Members' question time, have no time limit or have a specified time limit?

**Written answers to questions naming an individual Member**

24. A Member of the Committee raised a recent case whereby a Member of the Council was named in a response to another Member's question. Since this occurred, and following discussions with the Borough Solicitor & Secretary, it had been agreed that in the future a written response naming an individual Member should be made available to the individual Member(s) concerned prior to the day of the Council Assembly meeting, to provide them with the opportunity to raise any issues with the Borough Solicitor & Secretary.

Standards Committee endorsed this approach.

**Replacement of First in, first served rule with whip prioritisation and rotation**



*(Council Procedure Rule 3.8 – Question by Members)*

*(Council Procedure Rule 3.9 – Submission of Members' Motions on Notice)*

25. The submission of questions and motions is currently based on a “first in and first served” rule. The Council Procedure Rules state that motions and questions shall be placed on the agenda in order of receipt. In addition Members’ questions are taken in the following order: Leader, followed by other Executive Members (the order to be rotated at every meeting) and Chairs of Committees. The effect of this arrangement is that the person who gets their motion or question in first goes first on the agenda. The Whips agreed that currently there is a trade off between getting a question or motion in early and getting the earliest spot on the agenda so it is likely to be heard as against putting in a question which is timely.
26. The Whips proposed that both for Members’ questions to the Leader and Deputy Leader and for motions that the Council should adopt a new system whereby the questions and motions were rotated. The report to the Standards Committee included the proposal that Council Assembly should take one question or motion from each political group in turn for so long as there were questions and motions remaining. The questions / motions would be rotated so that at one meeting, for example, the Liberal Democrats went first, then Labour, then Conservative and then at the next meeting Labour, then Conservative, then Liberal Democrat, third meeting Conservative, then Labour, then Liberal Democrat and so forth. In this option, the same approach would be applied to motions.
27. Following discussions at the Standards Committee, it was recommended that questions to the Leader and Deputy Leader and motions should be rotated on a proportionate basis based on the number of places each group has on the Council. A ratio of 4:4:1 for Liberal Democrats, Labour and Conservatives was proposed. The amendment to Council Procedure Rules has been revised to take this into account. In practice this would mean that questions and motions rotated in the following order: the Liberal Democrats went first, then Labour, then Liberal Democrats, then Labour, the Liberal Democrats, then Labour, the Liberal Democrats then Conservative and so forth. At the next meeting Conservatives would be first followed by Labour and then Liberal Democrat rotating and so forth.
28. In this option, the Whips would prioritise the most important motions and questions submitted from their respective groups, and list them in order so that those motions / questions most important to each group were heard first. This could have the effect that motions which are submitted by backbenchers may not be debated - the Whips noted these consequences.
29. Officers reported that in a rotation system this might have implications for any independent councillor(s) on the Council. At Standards Committee, officers reported that at the whip’s meeting the view expressed was that independent councillors should take their turn in the rotation (as they would be entitled to only one question/motion per Council anyway).

Standards Committee agreed that it needed to give this matter further consideration and asked for report on the position of Independent Councillors.

## Recommendation by Standards Committee

### Proposed Amendment - Replacement of First in, first served rule with whip prioritisation and rotation

It was recommended that questions to the Leader and Deputy Leader and motions be rotated on a proportionate basis. A ratio of 4:4:1 for Liberal Democrats, Labour and Conservatives was proposed.

Standards Committee recommended the deadline by which the chief whips should provide notification to the Borough Solicitor & Secretary of their group's prioritisation for questions and motions is as follows:

- by 4 working days before the meeting

The technical amendments to the current constitution to put this into effect are set out in Appendices 2 & 3.

### **Guillotine / Duration of meetings**

*(Council Procedure Rule 1.13)*

30. The current Council Procedure Rule 1.13 provides that ordinary meetings of the Council Assembly are subject to a guillotine, which falls at 10.00pm. At that time a bell is rung, the Member speaking must immediately sit down; the Mayor interrupt the meeting and calls for the vote immediately on the item under discussion. The vote must then be taken without further discussion. Any other motions or recommendations not dealt with are deemed to have been formally moved and seconded (together with any amendments). No speeches are allowed on these items and the vote is taken without any further assistance. At Council Assembly on the 26<sup>th</sup> March 2003 concern was expressed about the taking of votes without the opportunity for debate (or at least a speech by the mover).
31. The guillotine applies only to Ordinary Council Meetings, and not to the Annual (Mayor Making) Meeting, the Annual (Constitutional Meeting), or to Extraordinary Meetings. Where necessary, it is possible for the operation of Council Procedure Rule 1.13 to be suspended.
32. The previous Council Standing Order 25 provided for a different mechanism where a guillotine fell either 2.5 or 3 hours after the start of the meeting, excluding time for Announcements, presentations, adjournments and question time. Once the guillotine fell specific items of outstanding business could be dealt with, each of which was allocated a maximum 15 minutes for debate.
33. At the meeting of Chief Whips, Members thought that overall meetings should not last beyond 10.30pm. The following model timetable for Council Assembly meetings was discussed:

Table 3 - Model Timetable for Council Assembly

Agenda Item	Start	Finish
Mayors announcements, minutes, deputations and tributes	7.00pm	7.30pm
Public and Member Questions	7.30pm	8.15pm
Reports from Executive, committees and officers	8.15pm	9.15pm / 9.45pm
Motions	9.45pm	10.30pm

34. There are two decisions for Members:

1. The nature of the guillotine, including business to be considered after the guillotine has fallen;
2. The process for dealing with any outstanding business.

The options considered by Standards Committee are set out in Appendix 5.

35. Option 1 below sets out a model guillotine based on discussions between whips and officers. Officers have expanded the list of items to be considered after the guillotine to take account of statutory and existing constitutional requirements. Any motions not discussed and voted upon will be deemed to have automatically fallen. Option 2 would potentially lead to additional meetings being arranged to deal with any business not considered; this would create problems in an already congested calendar.

36. In respect of the second question on the process for dealing with outstanding business, various alternative approaches are set out in options A to C (see Appendix 5). In considering this issue, Members need to balance a number of issues: the need to complete the business at each meeting; a process that allows some debate/participation by Members; and, that generally speaking taking decisions after 10.30pm may not be conducive to good decision-making. Officers recommended Option 1C as it provided a balance between Members' concerns that matters should not be voted upon without some debate and the need for reports from the Executive and other Committees to be taken.

37. The Standards Committee considered the options for amending the provisions on the guillotine (Council Procedure Rule 1.13 – Duration of Meetings) as set out below:

38. Having considered the options set out in Appendix 5, the Standards Committee recommended the following option. This is essentially Option 1C above with a number of modifications:

- Motions should be deferred to the next meeting rather than falling. There was concern that allowing motions to fall would impact on the rights of backbench members to have matters debated at Council Assembly.

Although concern was expressed about a possible backlog, officers advised that the proper business management would assist in this area. Any deferred motions will be referred to the appropriate political group whip for prioritisation for the next ordinary meeting. This would still address Members' concern that motions are not caught by the six-month rule.

- Included a mechanism to approve any unopposed motions. It was felt that if a matter was not contested that it should be voted on without any debate.

#### Recommendation by Standards Committee

##### Proposed amendment to Guillotine

##### **Concluding the meeting**

The guillotine shall take effect 3 hours after the beginning of question time. The time taken by announcements, presentations, adjournments and deputations, but not the time taken to consider recommendations on the agenda concerning the same subject matter as deputation(s), shall be excluded for the purposes of calculating when the guillotine shall take effect.

A bell will be rung once the guillotine is reached and the Member speaking must immediately sit down.

The following outstanding business shall be considered:

- Any business required by statute;
- Approval of Minutes of Council Assembly
- Each individual report with a recommendation, be it from the Executive, Committee or officer;
- Any other business accepted by the Mayor as late and urgent business.

##### **Process for dealing with any outstanding business (Fifteen minute debate rule)**

Each item of business shall be afforded up to a maximum of 15 minutes. If the matter is not concluded within that time the Mayor shall, if appropriate, call upon the mover of the substantive motion to exercise their right of reply and a vote shall be taken. In circumstances where the Council is legally obliged to make a decision, but the motion or recommendation voted upon is lost, the Mayor will take motions from the floor, each allocated up to a maximum of 15 minutes, until a decision is reached.

##### **Motions not dealt with**

If there are any outstanding motions on the agenda, the Mayor will ask the meeting whether any of the motions are unopposed. If a motion is unopposed, the motion shall be deemed to have been formally moved and seconded. No speeches will be allowed on the motion and it will be put to the vote.

All other motions not considered shall be deferred. The motions will be referred to the political group whips to be prioritised for the next ordinary meeting.

#### **Adjournment/Guillotine Debate**

39. A view was expressed at the whips' meeting that there was a lack of

opportunities for backbenchers to raise ward issues. It was suggested that at the conclusion of Council meeting 2 or 3 members could have a series of adjournment debates of 10 minutes each so that there would be a maximum of half an hour debate. In this case a backbencher perhaps could make a speech and speak for 5 minutes on a question of importance to them or their wards. The relevant executive member could respond in debate but no vote would be taken so that it really just provides the forum for Council to debate issues of local importance at the end of a meeting. As there will be no votes there is no need for other members to stay.

40. Standards Committee considered a new section for the Council Procedure Rules that would allow this kind of debate. Officers have redrafted the new clause in the light of the Committee's comments to include:

- Allow Chairs of Committees/Sub-Committee or Community Councils to reply to the debates.
- To allow the replying Executive Member or Chair to refer the matter to another Member to respond on their behalf.
- A provision that no further business should be considered once the Adjournment Debate has commenced when it is possible some Members will have left the chamber. The draft provision does not allow for any suspension.

Members should be aware that there would be some resource implications of the meeting continuing for an extra ½ hour (see paragraph 47).

#### Recommendation by Standards Committee

##### Proposed Amendment

Add new section 3.11 (and renumber existing paragraph)

##### **Adjournment/Guillotine Debates \***

1. At the preceding Council Assembly, the Mayor will choose by ballot those Members who will move adjournment debates. The Mayor will draw three names (and three reserve members). Members will move debates in the order in which they are drawn.
2. Notice of subjects for the adjournment debates shall be given in writing, signed by the Member, and delivered not later than four clear working days before the day of the meeting at the office of the Borough Solicitor & Secretary by whom it shall be dated and numbered in the order it was received. These will be entered in a book kept by the proper officer and be open to inspection by every Member of the Council.
3. Subjects must relate to any matter that primarily affects a Member's ward and where the Council has powers or duties.
4. The Member moving the debate may make a contribution of up to 5 minutes. At the invitation of the Mayor, the relevant member of the Executive or Chair of Committee/Sub-Committee or Community Council must have the opportunity to respond to points made in the debate for a period of up to 5 minutes. Executive Members or Chairs shall have the discretion to refer a

reply to another Executive Member or Chair, if this is appropriate. No other Members shall be invited to speak. There will be no vote at the end of the debate.

5. Each debate shall be limited to a period of 10 minutes. At the end of the period, the Member speaking must immediately sit down. The Mayor will interrupt the meeting and proceed to the next debate. The session will last for no more than 30 minutes.
6. No further motion to suspend Council Procedure Rules shall be moved once the Adjournment/Guillotine Debate has commenced. No further business shall be considered.

\* The provisions of this Council Procedure Rule cannot be suspended.

### **Moving and seconding motions**

41. Currently Council Procedure Rule 3.9 (1) permits a Member to move only one motion but there is no restriction on the number of motions that each Member may second. Standards Committee recommended that this should be changed so that a Member may only move or second one motion. Appendix 3 incorporates this proposed amendment.

### **Allow motions and amendments to be accepted by e-mail**

42. At the moment the Constitution does not allow the emailing of motions, questions and amendments because it stipulates that they have to be signed by the Member concerned or the mover and seconder. However during the course of the year, some Members have asked whether officers are able to accept emails, as they would find this extra option quicker and more convenient. It would require a change to Council Procedure Rules to allow this to happen. If agreed this measure would be more efficient administratively as it would reduce retyping and avoid the duplication of submitting signed and electronic copies.
43. At a meeting with the political group whips in April the proposal to accept motions, questions and amendments by email was discussed and there was cross-party agreement, in principle, to explore bringing in arrangements to allow motions, questions and amendments to be submitted by email. However there was also agreement that there needed to be a protocol developed so that it is clear how the arrangements will work. Options canvassed included:
  - a presumption that email received from a members official Southwark address came from that member; and,
  - individual members agreeing that motions could be accepted in their name when sent from other addresses (e.g. via the Political Assistant, Leader or Deputy of a group or their home or work addresses).
44. A draft protocol is set out in the box below and this proposal will be included in a report on proposed changes to Council Procedure Rules to Council Assembly (Constitutional Meeting) on 21<sup>st</sup> May 2003. In recommending the change on 23<sup>rd</sup> April 2003, Standards Committee agreed that there was a need for wider consultation with all Members to ask for feedback on this proposal. A letter was

sent to all Members on the 2<sup>nd</sup> May 2003 asking for comments by the 12<sup>th</sup> May. Officers will write to Members in advance of the Constitutional Council to report the outcome.

#### **Recommendation by Standards Committee**

##### Draft Protocol

1. Motions, questions and amendments will be accepted when received from a Member's official Southwark e-mail address.
2. Motions, questions and amendments will be accepted from any alternative e-mail address notified either in writing to the Borough Secretary or from the Member's official Southwark e-mail address prior to the relevant deadline.
3. Motions and amendments submitted in a Member's name by a Group Officer (Leader, Deputy Leader or Chief Whip) or Political Assistant will be forwarded to the Member's official Southwark e-mail address or by the most practical means within 24 hours of the relevant deadline.
4. It will be the responsibility of the relevant Member to check that motions, questions and amendments submitted by a group officer on their behalf are correct.
5. Motions, questions and amendments may still be submitted in the traditional way i.e. in writing, by fax.

#### **Other Technical Constitutional Changes**

45. Officers have set out in Appendix 5 a number of minor technical changes that have come to light though the year. Standards Committee recommended these to Council Assembly for approval.

#### **Effect of proposed changes on those affected**

46. The constitution has an important role in bringing decision-making closer to local people. The changes proposed in this report will assist in taking decisions more efficiently and effectively and providing the means of holding decision-makers to public account.

#### **Resource implications**

47. These will be some financial implications if the Council adopts adjournment debates and the new guillotine. This will mean longer Council Assembly meetings requiring the Town Hall to remain open and officers to be available for the duration of the meeting. The estimated cost at each meeting is approximately £200. There are no other specific financial implications within this report.

#### **Consultation**

48. A meeting between Chief Whips and officers was held on 2<sup>nd</sup> April 2003, the

comments are included in the report. In respect of the draft protocol on emailing motions, questions and amendments, a consultation letter was sent to all Members on 2<sup>nd</sup> May 2003 following the Standards Committee decision that there was a need for wider consultation with all Members on this proposal. Any feedback will be reported to Constitutional Council.

### Legal Implications

49. The existing constitutional arrangements introduced from June 2002 were the result of the measures contained in the Local Government Act 2000. These changes were part of a wider policy to strengthen local authorities abilities to deliver effective community leadership, democratic renewal and improvement in services. The purpose was to create efficient, accountable and transparent governance that supports this wider agenda. Section 37 of the act requires each local authority to prepare, keep up to date and publicise a document known as the Council's constitution. The constitution allocates responsibility within the local authority and sets out how this will put into effect. The Council's constitution is based on the framework in the Modular Constitutions for English Local Authorities published in December 2002 by the government. However local authorities have choices about how they meet these requirements. Authorities are encouraged to use the framework to create accessible and meaningful instruments of governance. It is recognised that constitutions will be subject to review and will change as local authorities learn from the experience of operating new constitutions.
50. The changes proposed in this report are consistent with statute, regulations and guidance.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly 24 <sup>th</sup> February 2003 – Agenda	Constitutional Support Services, Southwark Town Hall, Peckham Road SE5 8UB	Ian Millichap 020 7525 7225
Standards Committee 23 <sup>rd</sup> April 2003 – Agenda	Constitutional Support Services, Southwark Town Hall, Peckham Road SE5 8UB	Tina Akumanyi 020 7525 7226



## APPENDICES

Appendix No.	Title
Appendix 1	Audit Trail
Appendix 2	Council Procedure Rule 3.8 – Questions from Members - Amendment
Appendix 3	Council Procedure Rule 3.9 – Submission of Motions from Members - Amendment
Appendix 4	Council Procedure Rules – Technical Amendments
Appendix 5	Options for the Guillotine considered by Standards Committee on 23 <sup>rd</sup> April 2003
Appendix 6	Current Council Procedure Rules (To be circulated separately)

**APPENDIX 1**

**Audit Trail**

<b>Lead Officer</b>	Deborah Holmes, Borough Solicitor & Secretary	
<b>Report Author</b>	Ian Millichap, Constitutional Support Manager (Executive)	
<b>Version</b>	Final	
<u>Dated</u>	09/05/03	
<u>Key Decision</u>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Borough Solicitor & Secretary	Yes	Yes
Chief Finance Officer	No	No
<b>Executive Member</b>	No	No
<b>Date final report sent to Constitutional Support Services</b>	09/05/03	

## APPENDIX 2

### COUNCIL PROCEDURE RULES 3.8

#### QUESTIONS FROM MEMBERS

Amendments are shown in *bold/italics*

### 3.8 QUESTIONS BY MEMBERS

#### Questions on notice at Council Assembly

1. A member of the Council may ask:
  - the Mayor;
  - a member of the Executive;
  - the Chair of any Committee or Sub-Committee **or Community Council**

a question on any matter in relation to which the Council has powers or duties or which affects Southwark.

2. Members are limited to one question at each meeting.
3. No question shall be asked on a matter concerning a Planning or Licensing application.

#### **Time Period for Question Time**

4. Councillors' Questions shall be taken at all Ordinary Council Assembly meetings but not at the Mayor-making, Annual Constitutional, Extraordinary or Council Tax Setting meetings. The time during which Councillors' questions may be taken shall ~~be not exceed~~ 30 minutes, the exception being where the time set aside for 'Public Question Time' has not been fully utilised (see Council Procedure Rule 3.6(1)). In these circumstances Members question time may be extended by the remaining time not used by the public, ~~subject to this limit being curtailed to enable the Council meeting to conclude by 10.00p.m.~~
5. ***Questions to any individual Executive Member or chair shall not exceed 15 minutes.*** ~~The time during which questions may be asked of any Executive member or Committee Chair shall not exceed 15 minutes.~~ It shall not be in order to move an extension of these time limits. Questions shall be taken in the following order: the Leader, Deputy Leader, followed by other Executive members (the order to be rotated by the Borough Solicitor & Secretary at every meeting) and Chairs of Committees/**Sub-Committees/Community Councils**. At the expiry of Members Question Time, all questions not reached shall be deemed as noted.

#### **Deadline for Submission of Questions**

6. Written questions must be received by the Borough Solicitor and Secretary no later than midnight, ~~eleven~~ **nine** clear working days prior to the day of the Council meeting. ~~and s~~ **Subject to 3.8(3) above, will be listed in the order received- questions to the Leader and Deputy Leader will either be listed in the order received or, if notified, listed by whip prioritisation and rotation by the political groups / independent members (see Council Procedure Rule 3.8 (9) & (10)). All other questions will be listed in the order of receipt.**

Questions shall be addressed to the relevant Executive member or Committee Chair who shall be responsible for the content of the answer. Executive members and Committee Chairs shall have discretion to refer a question to another Executive member if this is appropriate.

#### **Circulation of Written Answers**

7. Copies of all written questions and their draft answers, which may be subject to oral amendment, shall be circulated to all Councillors at the beginning of the meeting. Copies shall also be made available to the press and public present at the meeting.

#### **Supplementary question**

8. A Member asking a question may ask one supplementary question without notice to the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

#### ***Prioritisation and rotation by the political groups / independent members***

9. ***Questions to the Leader and Deputy Leader will either be listed in the order received or listed in the order of whip prioritisation and rotation by the political groups. Four working days before the meeting, each Chief Whip may list questions from members of their respective groups in an order of priority to be taken at the meeting. All remaining questions will be taken in the order of receipt.***
10. ***Questions to the Leader and Deputy Leader will be rotated in proportion to the number of places each group has on the Council, so that one is taken from each political group's list of priorities (and any independent councillors) for so long as there are questions remaining. For the first meeting following municipal elections or from the commencement of these arrangements, the Mayor will invite a representative of each political group (and any independent councillors) to draw lots to determine the order at the first meeting. At subsequent meetings, the order will be rotated.***

#### **Note:**

**A ratio of 4:4:1 for Liberal Democrats, Labour and Conservatives was proposed.**

#### ***Written answers to questions naming an individual Member***

***In the event that a Member of the Council is named in a response to another Member's question, the Borough Solicitor & Secretary, shall make the written response available to the individual Member(s) concerned prior to the day of the Council Assembly meeting. The individual Member shall make any representations to the Borough Solicitor & Secretary.***

**COUNCIL PROCEDURE RULES 3.9**

**SUBMISSION OF MOTIONS ON NOTICE**

**Amendments are shown in *bold/italics***

**3.9 SUBMISSION OF MEMBERS' MOTIONS ON NOTICE**

**Notice**

1. Except for motions which can be moved without notice under Rule 1.14, written notice of every motion (signed and seconded), must be delivered to the Borough Solicitor & Secretary not later than ***thirteen*** ~~fifteen~~ clear working days before the date of the meeting. ***A Member shall only move or second*** ~~No Member shall submit more than one such motion to a meeting.~~ These will be entered in a book open to public inspection.

Notice of every Member's amendment to a motion shall be given in writing, signed by the Member, and delivered at least one clear working day before the day of the meeting at which the motion is to be moved, at the office of the Borough Solicitor & Secretary. Amendments shall be placed on the agenda in order of receipt.

**Motion set out in agenda**

2. Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

**Motions to be debated at Council Assembly**

3. Unless the Members, when submitting the motion, request, in writing, that the motion is debated at the Council Assembly, the motion will stand referred to the Executive or to a committee or sub committee, as appropriate. Having considered the motion, the Executive, Committee or Sub-Committee, shall report on the outcome of their deliberations to the next meeting of the Council Assembly.

**Scope**

4. Motions must be about matters for which the Council has a responsibility or which affect Southwark.

***Prioritisation and rotation by the political groups / independent members***

5. ***Motions will be listed in the order of whip prioritisation and rotation by the political groups. Four working days before the meeting, each Chief Whip may list motions from members of their respective groups in an order of priority to be taken at the meeting. All remaining motions will be taken in the order of receipt.***
6. ***Motions will be rotated in proportion to the number of places each group***

*has on the Council, so that one is taken from each political group's list of priorities (and any independent councillors) for so long as there are motions remaining. For the first meeting following municipal elections or from the commencement of these arrangements, the Mayor will invite a representative of each group (and any independent councillors) to draw lots to determine the order of groups at the first meeting. At subsequent meetings, the order will be rotated.*

**Note: A ratio of 4:4:1 for Liberal Democrats, Labour and Conservatives was proposed.**

**APPENDIX 4**

**COUNCIL PROCEDURE RULES**  
**TECHNICAL CONSTITUTIONAL CHANGES**



**COUNCIL PROCEDURE RULES**

**Options for Guillotine considered by Standards Committee**

**1. The nature of the guillotine, including business to be considered after the guillotine has fallen**

Option 1

The guillotine shall take effect 3 hours after the beginning of question time. The time taken by announcements, presentations, adjournments and deputations, but not the time taken to consider recommendations on the agenda concerning the same subject matter as deputation(s), shall be excluded for the purposes of calculating when the guillotine shall take effect.

A bell will be rung once the guillotine is reached and the Member speaking must immediately sit down.

The following outstanding business shall be considered:

- Any business required by statute;
- Approval of Minutes of Council Assembly
- Each individual report with a recommendation, be it from the Executive, Committee or officer;
- Any other business accepted by the Mayor as late and urgent business.

Motions not debated shall be deemed to be withdrawn

Option 2

Same as Option 1 except after the guillotine is reached, all other business will fall.

Option 3

Similar to Option 1 except after the guillotine is reached only business required by statute or reports that cannot reasonably be delayed until the next meeting shall be considered.

Option 4

No change.

**2. The process for dealing with any outstanding business**

In respect of Option 1 and 3 there are alternative approaches to dealing with outstanding

business (note that under all these options it is assumed that motions not considered by the time the guillotine falls will be automatically withdrawn):

Option A - First is for a suspension of Council Procedure Rules to be moved, seconded and agreed to allow the meeting to go on until the business is finished

Option B – Second, the current position to continue. This allows for a vote is taken without debate on business remaining.

Option C – Third, a fifteen minute debate rule, which is that there is 15 minutes debate on each item of outstanding business.

**APPENDIX 6**

**CURRENT COUNCIL PROCEDURE RULES**

**(To be circulated separately)**