

Report

Council



Part 1

Date: 18 July 2023

Subject Council Standing Orders

Purpose For Council to formally approve and adopt amended Standing Orders in place under Part 4: Rules of Procedure of the Constitution regarding Questions at Council to the Leader of the Council.

Author Head of Law & Standards

Ward City wide

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.

The Democratic Services Committee considered the Standing Orders on 27th April 2023 and proposed changes as per the recommendations included in this report. It was resolved by the Committee that the recommendations be referred to full Council to vote on proposals as per Part 3 of the Council's Constitution relating to Terms of Reference, in particular 1.1(a) of paragraph 1.

Council is requested to approve and adopt the amended Standing Orders under Part 4: Rules of Procedure of the Constitution.

Proposal To approve and adopt amended Standing Orders under Part 4: Rules of Procedure of the Constitution

Action by Head of Law & Standards and Democratic and Electoral Services Manager

Timetable To be applied to the Constitution following Council.

This report was prepared after consultation with:

Democratic Services Committee
Head of Finance
Head of People Policy & Transformation

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.
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.
6. The Democratic Services Committee debated potential options and proposed that the Standing Orders make provision for the Deputy Leader to make Leader announcements as part of their deputisation duties at Council. The Committee also recommended that the deputisation role for the Deputy Leader at Council does not require answering Leader's questions at Council, citing the existing provision in the Standing Orders for submitting questions to be answered by the Leader outside of the Council meeting; for example through Standing Order 4.8 Formal Questions at any other time. Further details regarding the Formal Questions at any other time process, known as Questions At Any Time, are set out in paragraph 10 of this report.

Standing Orders: Questions to the Leader

7. Newport City Council currently takes a unique approach to Leader's questions at Council meetings 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.
8. 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.

9. The current 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.
10. 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.
11. Democratic Services Committee considered the current Standing Orders and their observations and experience of the Standing Orders relating to questions asked at Council. The Committee recommended that some elements of Questions to the Leader remain the same; questions can still be asked of the Leader at Council without submitting the full question in writing beforehand, and the total time for Leader's questions will remain at 15 minutes. The Committee recommended that the Standing Orders be amended to state that supplementary questions to the Leader should be submitted in writing following Council, instead of being asked verbally at the meeting as a follow-up. The Committee considered that this would provide a fairer opportunity for more Councillors to submit questions that would be addressed by the Leader in Council.

Summary

12. The Committee is asked to consider the recommendations from the Democratic Services Committee concerning Standing Orders.

Financial Summary

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

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
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.	Medium	High	Following democratic process concerning the referrals received will ensure that they are given due consideration and meet the governance and legislative requirements of the Constitution.	Head of Law & Standards.

*Taking account of proposed mitigation measures.

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 options available to Council:

1. To approve and endorse the amended Standing Orders as recommended by Democratic Services Committee
2. To not approve and endorse the amended Standing Orders as recommended by Democratic Services Committee

Preferred Option and Why

Option 1 is preferred, as this will enable the Council to comply with the legislative requirements.

Comments of Chief Financial Officer

There are no financial implications to consider.

Comments of Monitoring Officer

As set out in report.

Comments of Head of People Policy and Transformation

As part of the Council's democratic framework which supports transparency and accountability, Standing Orders make provisions through which elected members can ask questions and receive answers from, the Leader, Cabinet Members and Committee Chairs. This provision allows for questions to be submitted and answered at any time.

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 Questions at Council to the Leader of the Council, and Leader's announcements. In addition the Democratic Services Committee wished to debate the time limit for Leader's questions under the same Standing Order as they felt that the time allotted did not afford a sufficient opportunity for Opposition members to ask questions of the Leader in Council. With regards to these matters, Democratic Services Committee recommended amending the relevant standing orders and this report requests that Council approves and adopts the amendments.

There are no human resources implications arising from this report.

Local Issues

Not applicable.

Equalities Impact Assessment and the Equalities Act 2010

Not 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.

Supporting all members of the Council to participate in decision making through clear Standing Orders supports the principle of Involvement as one of the Five Ways of Working.

Taking action to address items requiring clarity under the Standing Orders supports the principle of Prevention under the Five Ways of Working.

Background Papers

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

Dated 11 July 2023