

Meeting of the Full Council
Meeting to be held on Thursday, 23 May 2019

Report submitted by: Head of Legal and Democratic Services

Part A

Electoral Division affected:
None;

Constitution of the County Council 2019/20
(Appendices 'A' - 'D' refer)

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Executive Summary

Full Council is required to approve the constitution on an annual basis. This report seeks the council's approval of the Constitution for the year ahead, noting changes made in the last 12 months and considering proposals for amendments in relation to Notices of Motion, and language and behaviour.

Recommendation

That Full Council be asked to:

- (i) Approve the proposals of the Political Governance Working Group meeting on 7 May as set out in the report and Appendices 'B' and 'C'.
- (ii) Approve a revised "Protocol for Members and Co-opted Members on Language and Behaviour", as set out at Appendix 'D', and that it be moved from Appendix M of the constitution to become an appendix to the Code of Conduct.
- (iii) Consider any other changes Full Council might wish to make to the constitution to enable the efficient and effective running of the county council.
- (iv) Authorise the Director of Corporate Services to make any consequential changes to other parts of the Constitution arising from these changes.
- (v) Approve the Constitution of the County Council for the year 2019/20.

Background and Advice

Full Council is required to approve the council's constitution on an annual basis. Appendix 'A' lists the changes that have been made in the last municipal year for information.

The full constitution of the Council is available on the county council's website via the following link (alternatively by searching under "C" or typing in "Constitution" to the search field).

<http://council.lancashire.gov.uk/ieListDocuments.aspx?CId=914&MId=2916&Ver=4&info=1&bcr=1>

In addition to noting the changes already made, Full Council is asked to consider the following further changes.

Proposals from the Political Governance Working Group

The Political Governance Working Group met on 7 May 2019 to consider the current approach to Notices of Motion.

The Working Group agreed Full Council be asked to approve the following amendments to the current rules:

1. A maximum of four Notices of Motion be permitted at Full Council
2. Each Notice of Motion may be debated for up to 30 minutes.
3. The mover of a motion may speak for up to 5 minutes.
4. All subsequent speakers, including movers of amendments, may speak for up to 3 minutes.

The changes to the speaking limits would only apply to Notices of Motion and not to any other debates, where the 5 minute rule would remain.

The Working Group also agreed changes to the rules on admissible and inadmissible Motions and Amendments, for consideration by Full Council. These Rules, set out at Appendix 'B', are intended to provide transparency and clarity on when and why motions and amendments may be ruled out of order.

Finally, the Working Group agreed a number of minor changes to the constitution. These introduce no new material or changes to procedures, but instead help ensure that the Standing Orders are clear and logical. These changes are attached at Appendix 'C'.

Proposals from the "Does Local Government Work for Women?" Overview and Scrutiny Task Group

At its meeting on Friday 17 May, the Internal Scrutiny Committee will consider the Leader's response to the findings of the Task Group. The Task Group made a number of recommendations on a range of issues.

One of the recommendations was to replace the existing Appendix M of the Constitution – Protocol for Members and Co-Opted Members on Language and Behaviour with a rewritten protocol. The original protocol referred only to race and gender, whilst the new protocol takes into account a much broader range of potentially discriminatory behaviour, as well as providing clearer examples of the types of behaviour that would not be acceptable. The rewritten Protocol is attached at Appendix 'D', and, subject to the outcome of the meeting on 17 May, it is proposed that this be adopted.

It is also proposed that, rather than a standalone appendix to the Constitution, the protocol would fit better as an Appendix to the Code of Conduct.

The Task Group also made recommendations relevant to the Full Council, although not requiring Full Council approval, including that political groups take into account the gender balance on committees when making appointments, and that protocols be approved for supporting councillors with disabilities, and for supporting councillors whilst they are pregnant and after the birth or adoption of a child. A further recommendation on carer's allowance will be presented to the Independent Remuneration Panel before being brought to Full Council.

Consultations

Views of councillors have been sought as set out above.

Implications:

This item has the following implications, as indicated:

Risk management

The county council is required to have a constitution, setting out the various roles and functions of different parts of the council, and how decisions are made. Parts of the constitution are governed by statute, which require particular arrangements to be included, for example on meetings to be held in public, establishment of committees or who can make certain decisions. In most areas, within the statutory framework, the council has some freedom to make its own arrangements. The changes proposed to the constitution in this report ensure that the council continues to meet its statutory obligations

Local Government (Access to Information) Act 1985 List of Background Papers

Paper

Date

Contact/Tel

None

Reason for inclusion in Part II, if appropriate

N/A