

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

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| 1. Meeting: | Cabinet |
| 2. Date: | 26 November 2014 |
| 3. Title: | Scrutiny Review of Standing Orders and Cabinet Response |
| 4. Directorate: | Resources |

5. Summary

The report sets out recommendations of the scrutiny review of Standing Orders, undertaken by the Self-Regulation Select Commission. The review was requested by Council on September 10th 2014.

6. Recommendations

That Cabinet:

- a) receives the report;**
- b) considers on the proposed amendments to the Council's Standing Orders and makes appropriate recommendations to Council;**
- c) refers the proposals regarding web-casting to the Cabinet for further consideration;**
- d) approves the recording and circulation of responses to written questions;**
- e) approves the further consideration of web-based models for recording executive decisions be explored; and**
- f) agrees that the Self-Regulation Select Commission conducts a further review of the Constitution, the Council's Scheme for Handling Petitions and the potential for web-based models for recording executive decisions and reports its findings to Cabinet after the 2015 summer recess.**

7. Proposals and Details

7.1 At the Council meeting of September 10th 2014, the following motion was agreed:

This Council resolves to ask the Self-Regulation Select Commission to consider as a matter of urgency whether RMBC should amend its Standing Orders to:

- 1) Remove from Section 7 (General Questions at Council Meetings) subsection 11 and 12 and replace it with "All questions correctly submitted before 12 noon on the Monday prior to the Council meeting shall be answered at the Council meeting by the appropriate Member".
- 2) And to consider the issues of petitions to this Council, arrangements for web casting of council meetings, and any other matters pertaining to public engagement in full council meetings as they see fit.
- 3) And to report back to this full Council within eleven weeks*

(*i.e. to the Council meeting scheduled for 10 December, 2014).

7.2 The Self-Regulation Select Committee set up a review group consisting of three members from the Labour Group; Cllrs Currie, Ellis and Watson (Chair) and one member from UKIP, Cllr Cutts. In addition, to ensure that there was cross-party representation, a member from the Conservative Group (Cllr Middleton) and an independent member Cllr Jepson were invited to attend.

7.3 The review group met on five separate occasions. Its first meeting set the scope of the review. The subsequent meetings examined the Standing Orders in detail; followed by webcasting and petitions. Information was sought from other councils to examine how they addressed general questions, questions to decision makers and representatives on other bodies and committees and questions from members of the public. The proposed amendments were discussed with the Monitoring Officer and Legal and Democratic Services Officers. The final meeting agreed the report for submission to Cabinet to inform its recommendations to Council.

7.4 A number of other issues arose during the review relating to the wider Constitution and procedural rules. However due to the time frame for reporting its findings, the review group were not able to give proper consideration to these issues. It is recommended therefore, that a further review be undertaken to report back to Cabinet early in the new Municipal Year.

7.5 Standing Orders

The proposed amendments to Appendix 4 of the Constitution (Standing Orders) are appended to the report (Appendix A).

In summary:

- The time limit in which to ask questions that have previously been asked and answered, be reduced from six months to three council meetings;
- The length of notice required for submission of general questions be extended; in effect all questions must be submitted in writing to the Chief Executive by

10.00am three working days before the day of the council meeting (usually the Friday preceding the Council meeting held on a Wednesday);

- If a member who has submitted a valid question, is unable to attend and has submitted apologies, a written answer be supplied;
- The guillotine on general question is removed;
- If submitted questions are ruled to duplicate other submitted questions and one is excluded; that the member who submitted the excluded question be allowed to ask a supplementary question on the subject of the excluded matter;
- A new provision to ask 'urgent' questions be introduced;
- In line with the amendment to submission of general questions; the length of notice required for questions from members of the public be extended to 10.00am three working days before the Council meeting (usually the Friday preceding the Council meeting held on a Wednesday)
- That paragraph 19 of the *Council's Scheme for Handling Petitions* is amended to 2000 signatures to trigger a debate of the Council, and
- The current threshold of 750 to ask for a senior council officer to give evidence at a public meeting is maintained and extended to include member(s) of Cabinet.

7.5.1 It is recommended that the proposed amendments are reviewed after six months to see if they are fit for purpose.

7.5.2 There are no changes proposed to Paragraph 9: Moving the minutes of the Cabinet, members of the Cabinet and committees and the Council's Standards Committee (commonly referred to as questions to the White Book).

7.6 Petitions

The review group was not able to undertake a full review of the *Council's Scheme for Handling Petitions* in the time allocated to the review. In the interim, the review group recommends that, with the proviso of the changes outlined above and with minor administrative amendments, the scheme remains in place pending the wider constitutional review.

7.7 Webcasting

In the interest of openness and transparency, the review group fully endorses the move towards regular webcasting of meetings. Given the resource implications attached to this it recommends

- Given the layout and existing audio system, that the Council Chamber is used for webcasting meetings;
- That consideration is given to the installation of 'fixed' microphones in the public galleries;
- Further consideration is given to how the staffing of webcast meetings is resourced to ensure that it is sustainable; and

- In principle, each meeting of full Council; Cabinet, Planning Board and Overview and Scrutiny Management Board is webcast. Other meetings of 'significant interest' may be webcast as an exception.

7.8 Recording of questions in Council Minutes

- That all questions and responses (including questions from public) should be recorded in the minutes;
- That written responses should be 'captured' and appended to minutes; and
- Written responses to questions to be circulated to all members within a defined timescale (which is administratively practical i.e. 7 working days)

7.9 Other issues

The review group explored web-based models for recording executive decisions. For example, based on the plan of key decisions; the 'Doncaster' model sets out the decision to be made, who will take it and when and what consultation has been undertaken.

As part of the wider constitutional review, it recommends that alternative models be explored to see if this is appropriate for adoption.

8. Finance

The cost of webcasting to RMBC is £15,000 per annum with an initial contract of 2 years.

Further consideration is to be given to the financial/resource implications of recording of minutes.

9. Risks and Uncertainties

The proposed amendments to the Standing Orders will be subject to early review to ensure that they are 'fit for purpose'.

Webcasting of meetings will add extra responsibility and increased workloads for Secretariat, Town Hall, ICT and Communications and Marketing staff at a time when headcount is reducing and there is no capacity to take on extra work. The detailed arrangements for day-to-day management of the webcasts is yet to be determined but it is envisaged that workload will be shared across the teams listed above.

10. Policy and Performance Agenda Implication,

Councils have a responsibility to ensure that decision-making is as effective as it can. The purpose of the review undertaken from the perspective of councillors, is to improve accountability and transparency and facilitate greater involvement of the public.

11. Background Papers and Consultation

Appendix 4: Standing Orders
 Yorkshire and Humber Democratic Services Network
 Corporate ICT, Information Governance & Web Strategy Board (13.11.2014)

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RESPONSE TO THE SCRUTINY REVIEW OF STANDING ORDERS

In accordance with the requirements for Scrutiny recommendations to be considered and responded to promptly, the report includes the advice of the Director of Legal and Democratic Services.

The recommendations have been considered and discussed with Cabinet. The comments upon the proposed amendment to Standing Orders and the Petitions Scheme are included in Appendix A.

Webcasting

The proposal to be considered by the Deputy Leader, with the outcome being reported back to Cabinet.

Recording of Questions in Council Minutes

Following consultation with Democratic Services Officers the proposals are considered to be feasible. However the additional minuting will add to the time required to prepare the minutes. The proposal regarding circulating with responses to questions will be adopted and monitored to establish an appropriate timescale for circulating the response.

Web-Based Model for Recording Executive Decisions

This is to be explored with the outcome being considered as part of the further Scrutiny review proposed in the report.

Jacqueline Collins,

Director, Legal and Democratic Services