



**Agenda Item:
Full Council
16 October 2023**

Monitoring Officer Report

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Portfolio: Leader

Ward(s) Affected: All

Purpose of the Report:

The report reviews the standing orders for full council meetings and provides clarity over interpretation and outlines proposed administrative updates to the constitution.

The report also notes the current position with some Parish Councils and recognises the need for the Electoral Arrangements Review Committee to review the current position and explore options to look to resolve the issues.

Recommendations:

That Council agrees to:

1. The changes to the standing orders as set out in section 2 of the report.
2. The administrative updates to the constitution as set out in section 3 of the report.
3. The consequential changes to the constitution to be delegated to the Monitoring Officer.
4. That Council notes the allocation of work to the Electoral Arrangements Review Committee.

1. Summary

- 1.1 The report reviews the standing orders for full council meetings and provides clarity over interpretation and outlines proposed administrative updates to the constitution.
- 1.2 The report also notes the current position with some Parish Councils and recognises the need for the Electoral Arrangements Review Committee to review the current position and explore options to look to resolve the issues.

2. Standing Orders

- 2.1 Following the last Council meeting as a result of queries raised the standing orders have been reviewed with Group Leaders and the following is proposed to be amended to provide clarity over interpretation. All of the following sections can be found in Part 4 Rules of Procedure, the changes are shown in red font and the reason for the changes provided in bold font at the end of each section.

4.5 Standing Orders & Rights of Public at Meetings

D. Conduct of Meetings

D3. Notice of Motion

D3.1 Apart from those permitted by Standing Orders D1.14 and D2, the only motions permitted are those of which prior notice has been given in writing (signed by the proposer) to the Monitoring Officer 10 clear working days before the meeting at which they are to be considered. Motions must be clear and concise to encourage debate, and structured to firstly to state what “the Council notes” and secondly what “this Council resolves to”. The Monitoring Officer reserves the right to reject the motion if it is not deemed to be within this scope.

D3.2 The Democratic Services Manager must include in the agenda for each meeting of the Council all notices of motion received, unless the member giving such a notice has indicated in writing that he/she proposes to move it at some later meeting or has withdrawn it in writing.

D3.3 If a motion specified in the agenda is not moved by the person who has given it or by some other member, it should, unless postponed by the meeting, be treated as abandoned and not be moved again without fresh notice.

D3.4 At Council, any motion of which notice has been properly given which relates to the work of any Committee or Committees will, after being moved and seconded, **and being voted upon**, be referred without discussion to the Committee or Sub-Committee, or whatever Committee or Sub-Committee the Council decides, for consideration and report **back to Council**. The Chairman may, however, if he/she considers it reasonable and appropriate, allow the motion to be dealt with at the meeting at which it is raised.

D3.5 Every motion must relate to some matter for which the Council is responsible, or which affects the District.

The above text in red is added to confirm that for the above action to be taken i.e. referral to Committee a vote is still needed in the council chamber.

D4 Rules of Debate

D4.5 No speech may exceed five minutes except by consent of the meeting.

D4.6 A member who has spoken on any motion shall not speak again whilst it is the subject of debate except:

(a) to speak once on an amendment moved by another member

(b) if the motion has been amended since he last spoke, to move a further amendment;

(c) if his/her first speech was on an amendment moved by another member, to speak on the main topic, whether or not the amendment on which he spoke was carried;

(d) in exercise of a right of reply given by Standing Orders D4.12, D4.14, D4.15 or D4.16.

(e) on a Point of Order;

(f) by way of personal explanation.

The above is already included in the constitution but has not been enforced to date, it is important that all Members are aware of this and that the Chairman enforces this part of the constitution to enable a concise and efficient debate.

D13 Questions from Members of the Council

D13.1 There will be a period of question and answer, (for a time at the discretion of the chairman) to each portfolio holder, Chairmen of the Scrutiny, Planning and Licensing Committees.

D13.2 Where any information asked for or required by a questioner is contained in a convenient document (which is for the Chairman of the Council to decide) if the questioner is referred to that document, that will be deemed an adequate reply.

D13.3 Where the reply to any question cannot conveniently be given orally, it will be sufficient for the answer to be circulated to the members of the Council with, or in advance of, the minutes of the meeting at which the question is asked.

This has become a standing agenda item and it is recommended that this is added to the relevant part of the constitution, see below.

D1 Order of Business

D1.1 To receive apologies for absence. **At Committees, Sub-Committees and Working Groups, the names of substitutes should be announced and recorded when apologies are given.**

D1.2 To choose a person to preside if the Chairman and Vice-Chairman are both absent.

D1.3 To receive declarations of interest.

D1.4 To deal with any business required by statute to be done before any other business.

D1.5 To approve as a correct record and sign the minutes of the previous meeting.

D1.6 To dispose of any business remaining from the last meeting.

D1.7 To receive any communications the Chairman may wish to put before the Council.

D1.8 To receive any notification the Chairman may be required to give to the Council under Article 7 of the Constitution

D1.9 To answer questions asked by members of the Council and residents under Standing Order D13 and Rights of the Public at Meetings Section E.

D1.10 To receive petitions from residents of the District.

D1.11 To receive and consider reports and recommendations of Committees and standing Sub-Committees.

D1.12 To consider motions in the order in which notice has been received.

~~D1.13 To consider correspondence.~~

D1.14 To consider other business, if any, specified on the agenda, and to deal with any business required by statute to be done.

D1.15 Except at the Annual Meeting of the Council, to consider any items of business the Chairman decides should be dealt with as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

D1.16 Feedback from strategic outside bodies. The Council may at any meeting vary the order of its business from that set out on the Agenda, so as to give precedence to any business of special urgency.

D1.17 At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately two hours. ~~At Committees, Sub-Committees and Working Groups, the names of substitutes should be announced and recorded when apologies are given at D1.2 above.~~

D1.18 At Full Council (only) to receive questions to the Portfolio Holders, Chair of Scrutiny, Chair of Development Management Committee and Chair of Licensing Committees.

The end of the current section D1.17 is added to the apologies section above.

To consider correspondence is removed as any correspondence is received through questions from Members or questions from the public and dealt with at that part of the agenda.

Standing item re questions to Portfolio Holders and Chairs of relevant committees is added as a standing agenda item as this has become common practice in full council meetings.

3. Constitution – administrative updates

- 1.2 A number of elements within the Constitution have been reviewed and require amending for the following reason:

Council's Seal

The rule and procedure relating to attesting and witnessing the Council's Seal on official documents is outlined in Part 2 (articles of the Constitution) and in Part 4 (Standing Orders) of the Constitution. This duplication is unnecessary and may lead to misunderstandings. Therefore, to ensure that procedures are clear for attesting the Council's Seal, it is proposed that all reference to the seal is removed from Standing Orders (as stuck out below) and the wording within Article 14 of the Constitution is strengthened, with the wording added in bold font below.

~~B2. Sealing Documents~~

~~B2.1 A decision of the Council, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents, that, on advice of the Monitoring Officer or Birketts LLP, should be sealed.~~

~~B2.2 Otherwise a document can be sealed only if the Council, or a Committee or SubCommittee, has passed a resolution under statutory or delegated powers authorising the sealing.~~

~~B2.3 The Monitoring Officer, the Managing Director, Deputy Monitoring Officer, Director of Place, Director of Resources, Director of People and Communities, or other officers authorised by a resolution of the Council must witness and certify the sealing of the document.~~

~~B2.4 The Monitoring Officer must keep the Council's Seal in a safe place. Details of every deed or document to which the Seal is affixed must be recorded, and consecutively numbered, by the Monitoring Officer in a register kept for the purpose.~~

13.5 Common Seal of the Council

13.5.1 A decision of the Council, Cabinet or as delegated, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents, that, on advice of the Monitoring Officer or the legal provider(s), should be sealed.

13.5.2 The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. The affixing of the Common Seal will be attested by the

Managing Director, Monitoring Officer, or Deputy Monitoring Officer, or in their absence, Director of Place, Director of Resources, Director of People and Communities.

13.5.3 The Monitoring Officer must keep the Council's Seal in a safe place. Details of every deed or document to which the Seal is affixed must be recorded, and consecutively numbered, by the Monitoring Officer in a register kept for the purpose

Smoking

The Council's Standing Orders currently state the following:

D16.1 Smoking is not to be permitted at meetings of the Council, its Committees or Sub-Committees, or anywhere in our main office building/s.

It is proposed to remove this section from the Constitution as it is no longer required due to legislation in place that prohibits smoking in enclosed public spaces and places of work.

Standing in Council meetings

The Constitution requires the following in relation to etiquette at meetings of Council:

D4.2 At Council a member, when speaking, shall, unless infirmity or disability prevents him/her doing so, stand and address the Chairman.

Due to the positioning of the cameras in the Council Chamber, it is not possible to film members whilst they stand to address the Chairman when meetings are live streamed. It is therefore proposed to remove this requirement, which is quite outdated and would allow those watching remotely to fully access proceedings.

4. Electoral Arrangements Review Committee (EARC)

- 1.3 Since the May 2023 elections there have been a number of issues with Town and Parish Councils ranging from resignations from position, increased co-optation onto Councils and an ever increasing volume of code of conduct complaints, many of which actually indicate poor governance.
- 1.4 This has led to a substantial increase in workload for the Monitoring Officer and her deputies, and whilst the Monitoring Officer is there to receive and deal with genuine code of conduct complaints there is no jurisdiction over the governance of the Town and Parish Councils. Increasingly there is an expectation that the District Council can step in if a Town or Parish Council is not operating in line with their standing orders, this is not the case.
- 1.5 The Monitoring Officer is also increasingly seeing issues with the ability for Parish and Town Councils to appoint and keep good Parish Clerks.
- 1.6 It is with this in mind that the Electoral Arrangements Review Committee (EARC) will convene to consider a report on the current situation with a view to review the

town and parish councils in South Norfolk. The review will include, but not be limited to; the number of these and the area that they cover to ensure that this is operating in the most effective and efficient way and that the area covered has sufficient resource and budget to operate.

5. Issues and risks

1.7 **Resource Implications** – no implications.

1.8 **Legal Implications** – the recommendations contained within this report ensure that the Council remains compliant with legislation and that the constitution remains up to date and applicable to council procedure.

1.9 **Equality Implications** – no implications.

1.10 **Environmental Impact** – no implications.

1.11 **Crime and Disorder** – no implications.

1.12 **Risks** – no implications.

6. Recommendations

That Council agrees to:

1.13 The changes to the standing orders as set out in section 2 of the report.

1.14 The administrative updates to the constitution as set out in section 3 of the report.

1.15 The consequential changes to the constitution to be delegated to the Monitoring Officer.

And

6.4 That Council notes the allocation of work to the Electoral Arrangements Review Committee.