



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE
9 JUNE 2022**

NOTICE OF MOTION – COUNCIL CONSTITUTION AND QUESTIONS TO THE LEADER

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to enable the Committee to consider and report to the Council on a proposed change to the Constitution.

2. RECOMMENDATION

That the Committee considers the proposed change to the Constitution and recommends accordingly to the Council.

3. SUMMARY OF KEY ISSUES

- 3.1 At the last meeting of the Council, a formal Motion submitted by Councillor A S Fluker, duly seconded and supported, under Procedure Rule 4 was received. In accordance with that Procedure Rule, as the subject matter of that Motion fell within the remit of this Committee it was agreed that it be referred to this Committee for consideration and report. The terms of the Motion as submitted were as follows:

With regards public interest, openness, democracy, and transparency that Part 4 of the Rules of Procedure, Rule 1, 3 (m) be amended from:

- (m) Questions (which may be made without notice) to the Leader of the Council (or in his absence the Deputy Leader) (other than at the Annual Meeting, and at the meetings referred to in (h) above) for a maximum of 15 minutes and not beyond 10.00pm unless such period is extended with the mutual agreement of the Chairman of the Council and the Leader (or Deputy Leader).

to:

- (m) Questions (which may be made without notice) to the Leader of the Council (or in his absence the Deputy Leader) (other than at the Annual Meeting, and at the meetings referred to in (h) above) for a maximum of 15 minutes allocated to the asking of questions. Where the Leader or (Deputy Leader in their absence) is unable to answer a question, the answer will be given by a written response from the Leader to all members within 5 working days.

- 3.2 The Motion seeks to vary the facility for Members to direct questions to the Leader (or Deputy), without notice, at ordinary meetings of the Council (except the statutory annual meeting and those meetings at which the Leader's Speech and Budget Speech are received). The main change would be to introduce the requirement for the Leader (or Deputy) to provide a written response to all Members within 5 working days when a question cannot be answered at the meeting. The proposed change

removes the restriction on the time allowed for questions if the meeting is likely to continue past 10pm during the course of that item.

- 3.3 For the sake of clarity, perhaps any revision to the Constitution to reflect this proposal, if approved, should refer to the 15 minutes period being allowed for the asking and answering of questions only. The revised paragraph (m) would therefore read:

- (m) Questions (which may be made without notice) to the Leader of the Council (or in his absence the Deputy Leader) (other than at the Annual Meeting, and at the meetings referred to in (h) above) for a maximum of 15 minutes allocated to the asking of **and responding to** questions **only**. Where the Leader or (Deputy Leader in their absence) is unable to answer a question, the answer will be given by a written response from the Leader to all members with 5 working days.

4. **IMPACT ON STRATEGIC THEMES**

- 4.1 No direct impact on the three Strategic Themes although the Constitution is a key component of good governance. It is important that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council's procedures are seen as open and transparent.

5. **IMPLICATIONS**

- (i) **Impact on Customers** – None directly but see the above impact on Strategic Themes.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers: None.

Enquiries to: Stuart Jennings, Corporate Governance Project Officer (email: stuart.jennings@maldon.gov.uk)