

Agenda Item 8

For publication

Bedford Borough Council – General Purposes Committee

7 January 2025

Report by the Interim Monitoring Officer & Chief Officer for Assessment, Application & Business Support

Subject: CONSTITUTION REVIEW WORKING GROUP – INTERIM REPORT

1. EXECUTIVE SUMMARY

- 1.1 This report provides the Committee with an update regarding the work of the Constitution Review Working Group (CRWG).
- 1.2 The CRWG has, amongst other ongoing work, reviewed the Full Council Procedure Rules and the Overview and Scrutiny Committee Procedure rules. This has identified a number of relatively minor elements of the text of those Rules that would benefit from being amended to improve their clarity.
- 1.3 The Committee is requested to endorse these proposed changes to the wording of Constitution and to recommend to Full Council that it agrees the proposed changes.
- 1.4 The CRWG is continuing to meet and will provide a further report with additional recommendations in due course.

2. RECOMMENDATION(S)

- 2.1 **The Committee is requested to recommend to Full Council that the proposed changes to the Full Council Procedure Rules and Overview and Scrutiny Committee Procedure Rules as set out under item 5.3 below be approved.**

(Constitution Review Working Group – Interim Report)

3. REASONS FOR RECOMMENDATION(S)

- 3.1 To improve the clarity of the Procedure Rules.

4. THE CURRENT POSITION

- 4.1 The Full Council Procedure Rules and Overview and Scrutiny Committee Procedure Rules form part of the Council's Constitution. These Procedure Rules set out how meetings of the Full Council and the Overview and Scrutiny Committee should be conducted.

5. DETAILS

- 5.1 The Constitution Review Working Group has agreed that a recommendation should be made to the General Purposes Committee to approve some minor changes to the wording of the Full Council Procedure Rules and the Overview and Scrutiny Committee Procedure Rules. The Committee is asked to consider the recommendations, agree any further amendments it may wish to make and to recommend any final proposed changes for consideration by Full Council.

- 5.2 The current Procedure Rules are publicly available on the Council's website;

Full Council Procedure Rules

<https://councillorsupport.bedford.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13177&path=13019>

Overview and Scrutiny Committee Procedure Rules

<https://councillorsupport.bedford.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13178&path=13019>

5.3 The proposed changes together with the rationale for the recommendations are set out in the table below;

Section/Paragraph Reference	Proposed Amendment	Rationale
FC8.2 Recorded Vote:	Proposed amendment to the text is shown in bold font: Recorded Vote; if, before the vote is taken, seven or more Members stand indicate by standing or raising their hand and demand a recorded vote, the vote will be taken by a call of the names of the Members of the Council.	To ensure any Members who have difficulty in standing can make their intentions known.
FC12 Motions which may be moved without notice:	Add an additional motion to those which may be moved without notice: (18) Motions in response to a petition during the debate on the petition* *(if a motion was long and/or complex the Speaker may call a recess for a few minutes to allow for consideration of the motion and, if necessary, advice from officers).	To clarify the procedure for the Full Council to respond to petitions.
FC17 Rules of Debate:	Hyperlink be made to FC13.1-3 Questions.	To make it clear that paragraphs 13.1, 13.2 and 13.3 of the Full Council procedure rules apply to debates about petitions. These paragraphs relate to the procedure for Members to ask questions at Full Council.
FC17.19 Rules of Debate:	Add new paragraph (3) as follows “Where during a debate a Member wishes to ask a question as to fact to one of the three statutory	To clarify the procedure where a Member wishes to ask officers to advise on a question of fact during a debate.

	officers (Chief Executive, Section 151 Officer, Monitoring Officer), who can in turn refer the question to another Officer, the Member shall address the question through the Speaker. The Speaker, if satisfied that the question is a question of a matter of fact relevant to the debate, shall invite the appropriate statutory officer present at the meeting to respond to the question. The response must be confined to the facts requested. Asking a question of fact at the invitation of the Speaker shall not affect the rights of the person asking to speak in the debate in accordance with these rules of debate.”	
FC28 Questions from Members of the Public:	Paragraph FC28.5 Add a third bullet point with the text shown in bold font below; The Speaker is authorised to disallow any questions which s/he considers to be • scurrilous, improper, or offensive • the same or substantially the same as a question which has been asked earlier in the current meeting or at a previous meeting of the Council. • Or otherwise as advised by the Monitoring Officer.	To clarify that the Speaker may disallow a question acting on the advice of the Monitoring Officer.
FC30 Petitions Requiring Debate at a Council Meeting:	The word “ signatories ” be used throughout references to the Petitions Scheme rather than “signatures”.	To clarify the meaning.

	Additional text to be added to paragraph 30.1: “Where the petition in an e-petition via the Council’s website, the requirement for a debate shall be triggered when the number of signatories reaches 30.” Add new paragraph after FC30.2 as follows: Questions of fact to the person presenting the petition will be considered before a motion is moved. A motion may be moved in response to the petition. Member shall have the right to propose a motion in the following order or precedence; 1. Where the petition organiser is a Member of the Council, by that Member; 2. Where the petition relates predominantly to one locality only, by a Member for a ward in that locality; 3. Where the petition relates to an Executive function, the Mayor or the relevant Portfolio Holder; 4. Where the petition relates to a non-Executive function, the Chair of the Committee with responsibility for that function; 5. Any Member.	To enable prompt debate on petitions that have reached the requisite number of signatories. To clarify that matters of fact relating to the petition should be determined before the debate. To establish a procedure to enable motions to be proposed relating to petitions being debated.
FC34: Application of Full Council Procedure Rules to Committees	Additional text shown in bold font below to be added to paragraph 34.1;	To make it clear that the public may ask questions at extraordinary meetings.

	The Procedure Rules listed below shall, with any necessary modifications, apply to Committee and Sub-Committee meetings and to meetings of any other body to which Section 100E of the Local Government Act 1972 applies, or is deemed by the Council to apply, including extraordinary meetings of those Committees, Sub-Committees or bodies:	
--	--	--

Part 7 Overview and Scrutiny Procedure Rules

Section/Paragraph Reference	Proposed Amendment	Rationale
OSC1 Appointment of Overview and Scrutiny Committees	Add the text shown in bold font to paragraph 1.1: The Council will have the Overview and Scrutiny Committees set out in Article 6 of this Constitution and will appoint Members and substitute Members to serve on those Committees at each Annual Meeting of the Council. In selecting Committee Members, the Council will have due regard to the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities. Add new paragraph at 1.6 “In carrying out its function each Overview and Scrutiny Committee shall have due regard to the requirements of the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities.”	To ensure that the statutory guidance is followed.

OSC9 Work Programme	Add the text shown below in bold font to paragraph 9.1 Each Overview and Scrutiny Committee will each be responsible for setting their own work programme and in doing so shall take into account the wishes of all Members on that Committee. The work programme may include specifying a meeting of the Committee at which any particular decision is to be subject to a detailed review.	To enable the Committee to schedule work in respect of forthcoming decisions.
Schedule 2	Add the text shown below in bold font to Schedule 2 to the Procedure Rules; (2) The Committee will review the decisions included in the agenda. Where the Committee has not already agreed, as part of its work programme, to conduct a detailed review of a decision, any Member of the Committee may request that a decision be reviewed in greater detail and the Committee will determine, following debate, whether that review should be undertaken. (4) Having questioned the decision maker and any relevant Officers, and debated the issue, the Committee will determine whether to:- (a) request any further report on the issue for its next or other future meeting to assist its	In view of the recommended additional text above.

	evaluation of the ongoing effectiveness of the decision; or (b) recommend to the decision maker that they reconsider the decision (if the decision has not been implemented); or (c) report to the decision maker(s) on any issues relating to the decision which the scrutiny of the decision raises for the future; or (d) where the review is of a decision relating to a matter which has already been referred to Full Council (for example, approving the general fund budget), the Committee may submit comments to the meeting of the Full Council at which the matter is to be determined and the decision maker to be notified accordingly.	To enable to Committee to make a referral to Full Council where the decision has already been referred to Full Council by the decision maker.
--	--	--

6. **ALTERNATIVES CONSIDERED AND REJECTED**

6.1 The alternative of not recommending changes to the Constitution was considered and rejected.

7. **KEY IMPLICATIONS**

7.1 **Legal Issues – relevant legal power**

The Council's Constitution is made under Section 37 of the Local Government Act 2000. This requires the Council to publish the arrangements it has made to discharge its functions in a "Constitution" prepared in accordance with it.

(Constitution Review Working Group – Interim Report)

There are no direct legal implications arising from this report.

7.2 Policy Issues

The Full Council Procedure Rules and Overview and Scrutiny Committee Procedure Rules form part of the Council's Constitution and set out how meetings of the Full Council and the Overview and Scrutiny Committee should be conducted.

The Constitution Review Working Group has been established to review elements of the Constitution and to make recommendations to the General Purposes Committee.

The General Purposes Committee may, in turn, make recommendations to Full Council for amendments to be made to the Constitution. The Constitution may only be amended by agreement of the Full Council.

7.3 Resource Issues

There are no direct resource implications arising from the recommendations set out in this report.

7.4 Risks

Where the Procedure Rules set out in Constitution lack clarity or are ambiguous it can disrupt the effectiveness of meeting and lead to disputes regarding the correct process to be followed. It is considered that the proposed amendments will improve the clarity of the procedure rules and ensure that existing custom and practice is incorporated into the written procedure rules.

7.5 Environmental Implications

There are no environmental implications identified as arising from the recommendations in this report.

7.6 Equalities Impact

In preparing this report, due consideration has been given to the Borough Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.

A relevance test for quality has been completed. The equality test determined that the activity has no relevance to Bedford Borough Council's statutory duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. An equality analysis is not needed.

7.7 Impact on Families

There is no direct impact on families identified as arising from the recommendations in this report.

7.8 Community Safety and Resilience

There is no direct impact on community safety and resilience identified as arising from the recommendations in this report.

7.9 Impact on Health and Wellbeing

There is no direct impact on health and well-being identified as arising from the recommendations in this report.

8. SUMMARY OF CONSULTATIONS AND OUTCOME

8.1 The following Councillors, Council units, Officers and/or other organisations have been consulted in preparing this report:

Manager for Democratic Services

9. WARD COUNCILLOR VIEWS

9.1 Not applicable to this report. All Ward Councillors are members of the Full Council and, therefore, will have the opportunity to comment and vote on any recommendations referred to the Full Council.

10. CONTACTS AND REFERENCES

Report Contact Officer:	<i>Lee Phanco, Interim Monitoring Officer & Chief Officer Chief Officer for Assessment, Application & Business Support E-mail: lee.phanco@bedford.gov.uk</i>
Declarations of Interest by the Report Author:	None
File Reference:	
Previous Relevant Minutes:	<i>Minute 22 – General Purposes Committee – 5 November 2024</i>
Background Papers:	<i>Minutes of the Constitution Review Working Group</i>
Appendices:	<i>None</i>

11. REPORT SIGN-OFF

	Name & Job Title	Date report signed off
<u>Finance:</u>	n/a	
<u>Legal:</u>	Lee Phanco – Interim Monitoring Officer	27/12/2024