

Report To: Full Council

Date of Meeting: 20th March 2024

Report Title: Amendments to the Council's Constitution

Report By: Mary Kilner, Chief Legal Officer and Monitoring Officer

Key Decision: N

Classification: Open

Purpose of Report

To present proposed amendments to the Council's Constitution.

Recommendation(s)

1. That Full Council approves the proposed amendments to the Council's Constitution

Reasons for Recommendations

1. The Council's Constitution is the basis for the Council's corporate governance and is regularly reviewed to ensure effective operation and compliance with working practices and legislation.

1. The Constitution is the basis for the Council's corporate governance and decision-making. The Constitution is regularly reviewed to ensure it continues to meet its purposes and to reflect changes in legislation and working practices.
2. Amendments have been proposed to Parts 4 (Rules of Procedure) and 5 (Appendix 1 - Planning Protocol) of the Constitution. The proposed amendments are outlined below and shown as tracked changes in red in the attached appendices. These amendments are proposed following discussion at the Working Arrangements Group.
3. **Part 4 – Changes to the appointment of the Chair and Vice-Chair of the Overview and Scrutiny Committee**

An amendment is proposed to Rule 29.6 so that the Overview and Scrutiny Committee must be Chaired by a Councillor from an opposition group.

Existing Rule 29.6:

The Council will appoint the Chair and Vice Chair of the Overview and Scrutiny Committee. Chair and Vice Chair may be minority party members. The rules of political balance will apply to these posts.

Proposed amended version:

The Council will appoint the Chair and Vice Chair of the Overview and Scrutiny Committee which will be from members of an opposition group. The rules of political balance will apply to the rest of the Committee.

4. **Part 4 – Changes to Public Question Time**

An amendment is proposed to allow members of the public to give either a statement or ask a supplementary question in response to a written answer at Full Council.

Existing Rule 11.7 - Supplementary question.

A questioner who has submitted a question may also ask one supplementary question, without notice, to the Cabinet member who has replied to their original question. Questions shall be put and answered without debate. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 11.5 above.

Proposed amended version:

11.7 A questioner who has submitted a question may also ask one supplementary question or give a statement, without notice, to the Cabinet member who has replied to their original question. Questions and statements shall be put and answered without debate. A supplementary question or statement must arise directly out of the original question or the reply. The Mayor may reject a supplementary question or statement on any of the grounds in Rule 11.5 above.

5. Part 4 – Length of speeches

An amendment is proposed to sections 2, 3 and 4 of Rule 16.4 so that in addition to the Leader of the Council only opposition Group Leaders may speak for up to 15 minutes on a motion to approve the programme for the year; the revenue budget; or corporate plan.

The amendment also allows the Leader of the Council and opposition Group Leaders to nominate another Councillor to speak on their behalf for 15 minutes and clarifies that a political group can be constituted by two or more Councillors.

Existing wording:

2. on the motion to adopt a programme for the year when the time limit for speeches by the Leader of the Council and the Leader of each Political Group having three or more Councillors, shall be 15 minutes;

3. on the motion to approve the capital programme and revenue budget for the next financial year, when the time limit for speeches by the Leader of the Council and the Leader of each Political Group having three or more Councillors, shall be 15 minutes;

4. on a motion to adopt the Corporate Plan when the time limit for speeches by the Leader of the Council and the Leader of each Political Group having three or more Councillors, shall be 15 minutes;

Proposed amended version:

2. on the motion to adopt a programme for the year when the time limit for speeches by the Leader of the Council (or their nominee) and the Leader of each opposition Political Group (or their nominee) having two or more Councillors, shall be 15 minutes;

3. on the motion to approve the capital programme and revenue budget for the next financial year, when the time limit for speeches by the Leader of the Council (or their nominee) and the Leader of each opposition Political Group (or their nominee) having two or more Councillors shall be 15 minutes;

4. on a motion to adopt the Corporate Plan when the time limit for speeches by the Leader of the Council (or their nominee) and the Leader of each opposition Political Group (or their nominee) having two or more Councillors, shall be 15 minutes;

6. Part 5 – Ward Councillor’s addressing Planning Committee

An amendment is proposed to the Planning Protocol to clarify that when both Ward Councillors wish to address the Planning Committee about an application, they may each speak for up to 5 minutes. It is also proposed that the paragraph is separated into two to improve readability.

Existing wording of Rule 61:

If a Ward Councillor wishes to address the Planning Committee about a matter in their ward being considered at the Planning Committee they should advise the Chair (or Vice Chair in

their absence) and the Committee Administrator prior to the meeting itself and will be entitled to speak after the petitioner and applicant have addressed the Committee. Ward Councillors should comply with the procedure for declaration of interests if they speak at a Planning Committee meeting in the same way as members of the Committee. A Ward Councillor may address the Planning Committee for a maximum of five minutes but may not be asked questions by Members of the Planning Committee. County Councillors should direct any County related queries they have in respect of a planning application to East Sussex County Council. Where the Ward Councillor has a prejudicial interest they may only address the Planning Committee if they are the applicant or lead petitioner and must withdraw from the room (or virtual meeting where appropriate) once they have made their representations.

Proposed amended version:

If a Ward Councillor wishes to address the Planning Committee about a matter in their ward being considered at the Planning Committee they should advise the Chair (or Vice Chair in their absence) and the Committee Administrator prior to the meeting itself and will be entitled to speak after the petitioner and applicant have addressed the Committee. Ward Councillors should comply with the procedure for declaration of interests if they speak at a Planning Committee meeting in the same way as members of the Committee. A Ward Councillor may address the Planning Committee for a maximum of five minutes but may not be asked questions by Members of the Planning Committee. If both Ward Councillors wish to address the Planning Committee, they may speak for up to 5 minutes each.

County Councillors should direct any County related queries they have in respect of a planning application to East Sussex County Council. Where the Ward Councillor has a prejudicial interest they may only address the Planning Committee if they are the applicant or lead petitioner and must withdraw from the room (or virtual meeting where appropriate) once they have made their representations.

Wards Affected

n/a

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	N
Crime and Fear of Crime (Section 17)	N
Risk Management	N
Environmental Issues & Climate Change	N
Economic/Financial Implications	N
Human Rights Act	N
Organisational Consequences	N
Local People's Views	N
Anti-Poverty	N
Legal	N

Additional information

Appendix A – Draft Constitution – Part 4 Rules of Procedure

Appendix B – Draft Constitution – Part 5 (Appendix 1) Planning Protocol

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