

**Chiltern District Council**  
**Governance & Electoral Arrangements Committee**

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<b>SUBJECT:</b>	Council Procedure Rules
<b>REPORT OF:</b>	Monitoring Officer
<b>RESPONSIBLE OFFICER</b>	Jim Burness, Director of Resources
<b>REPORT AUTHOR</b>	Joanna Swift, Head of Legal and Democratic Services and Monitoring Officer
<b>WARD/S AFFECTED</b>	None

### **1. Purpose of Report**

To highlight a discrepancy between the current practice of minuting committee meetings and relevant provisions in the Council Procedure Rules and to propose a revision.

### **RECOMMENDATION**

**That the Committee consider and agree a proposed revision to Council Procedure Rule 28.2 as shown in Appendix 1.**

### **2. Reasons for Recommendation**

To ensure the format of committee minutes complies with all relevant provisions of the Council Procedure Rules.

#### **Content of Report**

- 3.1 The Council's Constitution sets out the rules for the conduct of council meetings, including the minuting of those meetings. The relevant Council Procedure Rules (CPR) are attached at Appendix 1 and were last reviewed in detail by the Committee in January 2017 and approved by Full Council in May 2017.
- 3.2 A discrepancy in our current practice of minuting committee meetings has been brought to the Head of Legal and Democratic Services' attention as a result of a recent complaint about the minutes of the Planning Committee. CPR 17.3 on the form of minutes provides that "Minutes will contain all motions and amendments in the exact form and order in which the Chairman put them". This rule has always been applied to minutes of Full Council meetings, but not for meetings of committees, where the practise has been to record just the decision itself.
- 3.3 Whilst all the CPRs apply to meeting of Full Council, some rules are not relevant to committee meetings e.g. motions on notice or restrictions on the length of speeches. CPR 28.2 specifies which rules apply to committees as well as Full Council and therefore which do not. CPR 17.3 is stated as applying to committees as well as to Full Council.
- 3.4 There is no statutory requirement for the minutes of committee meetings to contain the same level of detail about motions and amendments as would be expected to be included in

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the minutes of Full Council meetings. It is therefore a matter of discretion and good practise for each Council and the approach varies quite considerably. However, the overriding purpose of minutes is to accurately record the outcome of the debate on a particular item of business, i.e. the final decision taken by the committee, and the reasons for that decision where this is not apparent from the accompanying report; rather than to provide a blow by blow account of the debate in reaching that decision. This is considered to be best practise in terms of ensuring minutes do not become voluminous or open to challenge.

- 3.5 The committees meetings to which CPR 17.3 currently applies are Audit and Standards Committee, Governance and Electoral Arrangements Committee, Licensing Committee, the Overview Committees and Planning Committee. An example of the minutes from a recent meeting of the Planning Committee is attached at Appendix 2, incorporating the changes necessary to ensure compliance with CPR 17.3.
- 3.6 To continue with the current practise of minuting the final decision, as opposed to previous motions and amendments, CPR 28.2 can be amended to remove the application of CPR 17.3 to committees and a proposed revision to this effect is shown at Appendix 1 for the Committee's consideration.

### **3 Consultation**

There is no statutory requirement to consult on revision to procedure rules in the Constitution. Any proposed change will require approval by Full Council and therefore be brought to the attention of all members of the Council.

### **4 Options**

The Committee can decide whether to agree the proposed revision as set out in the Appendix and suggest alternatives.

### **6. Corporate Implications**

Financial – There are no financial implications arising directly from this report

Legal – As set out in the report

Risks issues – Failure to comply with Procedure Rules puts Council decision at risk of legal challenge

Equalities - None specific

### **7. Links to Council Policy Objectives**

There are no direct links to the policy objectives. But the Council has a statutory duty to maintain an up to date Constitution and publish this on the website.

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**8. Next Steps**

Any amendments proposed by the Committee would be recommended to Full Council for approval.

<b>Background</b> <b>Papers:</b>	None except those referred to in the report
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