

SUBJECT:	Council Procedure Rules
REPORT OF:	Monitoring Officer
RESPONSIBLE OFFICER	Jim Burness, Director of Resources
REPORT AUTHOR	Joanna Swift, Head of Legal and Democratic Services and Monitoring Officer
WARD/S AFFECTED	Not ward specific

1. Purpose of Report

Full Council are asked to agree the proposed changes to the Council Procedure Rules following consideration by the Governance & Electoral Arrangements Committee meeting on 27 June. The proposed changes would enable the current practice of minuting committee meetings to continue, and provide an exemption to members with a medical need from having to stand when speaking at Full Council, a suggestion made at the Governance & Electoral Arrangements Committee.

RECOMMENDATION

That Council Procedure Rule 28.2 and 20.2, be amended to as follows:

28.2 Application to Committees and Sub-Committees

(1) All of the Council rules of procedure apply to meetings of Full Council. Only Rules 4 to 8, 13, 14 (but not 14.4, 14.5 or 14.9), 16, 17 (but not 17.3), 18 to 23 and 27.2 of these Procedural Rules apply to meetings of committees and sub-committees including the Overview Committees. Rule 9 also applies save that the quorum for any Committee or Sub Committee shall be determined by the relevant Terms of Reference set out in this Constitution.

20.2 Standing when speaking

When a Member speaks at full Council he must stand and address the meeting through the Chairman, except where the Chairman has agreed prior to the meeting that a Member is not required to stand when they speak due to a disability which restricts their mobility. If more than one member stands, the Chairman will ask one to speak and the other must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

2. Reasons for Recommendation

To ensure the format of committee minutes complies with all relevant provisions of the Council Procedure Rules, and to facilitate the participation of members at Full Council with a medial which makes it hard for them to stand when speaking.

3. 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) in Part 4 Section A were last reviewed in detail by Governance and Electoral Arrangements Committee in January 2017 and approved by Full Council in May 2017.
- 3.2 A discrepancy in the current practice of minuting committee meetings was brought to the Head of Legal and Democratic Services' attention as a result of a complaint about the minutes of 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 practice 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. However, 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 the minutes of Full Council meetings. It is therefore a matter of discretion and good practice 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 practice 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
- 3.6 To continue the current practice 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 this was considered and supported by Governance and Electoral Arrangements Committee at their meeting on 27 June 2018.
- 3.7 The Committee also considered a suggestion that Council Procedure Rule 20.2 be amended to enable members with a medical need to be granted an exemption from the requirement to stand when speaking at Full Council. During the discussion it was felt that it was important to ensure that the exemption only applied where there was a true medical need, and that agreement be sought from the Chairman in advance of a meeting. Accordingly a proposed revision to CPR 20.2 is recommended to Full Council.

4. Consultation

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

5. Options

The Council can decide whether to agree the proposed revisions or suggest alternative wording.

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.

8. Next Steps

If agreed the recommended amendments will be incorporated into the Council's Procedure Rules and an updated version of the Constitution published on the Council's website.

Background Papers:	None except those referred to in the report
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