
Meeting: General Purposes Committee
Date: 14 March 2013
Subject: Business at Council Meetings
Report of: The Monitoring Officer
Summary: The report proposes a review of certain arrangements for Council meetings.

Advising Officer: John Atkinson, Monitoring Officer
Contact Officer: Mel Peaston, Committee Services Manager
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Supporting the Council's priority of providing value for money, by having good administrative practices in place.

Financial:

1. Any additional meetings of Council have financial and resource implications in view of:
 - additional production and distribution of papers for all members of the Council
 - additional officer and Member briefings
 - refreshments for Members in advance of an evening meeting, including staffing arrangements for their provision
 - keeping the corporate building open in the evening, including staffing support.

Legal:

2. The Council's Constitution should provide for meetings of the Council to carry out necessary business.

Risk Management:

3. Not applicable

Staffing (including Trades Unions):

4. Not applicable.

Equalities/Human Rights:

5. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.
6. Public Authorities must ensure that decisions are made in a way which minimises unfairness, and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision. When decisions are made, decision makers must have the relevant data, including the results of equality impact assessment, and of consultation and involvement, to ensure they reach an informed decision.
7. Decisions taken at Council must be taken in a manner which allows equalities and human rights implications to be considered.

Public Health

8. Not applicable.

Community Safety:

9. Not Applicable.

Sustainability:

10. Not Applicable.

Procurement:

11. Not applicable.

Overview and Scrutiny:

12. This matter has not been considered by Overview and Scrutiny.

RECOMMENDATIONS:**General Purposes Committee is asked to:**

1. **consider amending the Constitution to include provision for up to one motion on notice at the budget setting meeting and up to one motion on notice at the annual meeting of Council, subject in each case to the Chairman's agreement after consultation with the Monitoring Officer;**
2. **consider amending the Constitution to remove the opportunity for ward presentations at the budget setting meeting of Council, in line with the annual meeting.**

Summary

13. The Committee is asked to review the provisions in the Constitution for written questions, motions on notice and ward presentations at the annual, budget setting and extraordinary meetings of the Council with a view to:
 - avoiding additional business at these meetings which might distract from

the main purpose of each meeting

- providing an opportunity for a motion on notice, requested by a Member, to be accepted under exceptional circumstances.

Prescribed business at Council meetings

14. A comment has been made by a Member that as the meeting which follows the budget setting Council meeting is the Annual Meeting, there is no Council meeting between February and April/May at which minority groups can raise issues through motions on notice and written questions.
15. The Constitution currently provides for ordinary meetings of Council to include written questions, notices of motion and ward presentations. However, the annual meeting of Council cannot include written questions, notices of motion or ward presentations; and the budget setting meeting of Council cannot include written questions or notices of motion, but can include ward presentations.

Opportunity for an urgent or significant item

16. While it is important that the agenda for the annual meeting and the budget setting meetings do not allow other business which would distract from the main purposes of each meeting, it might be felt appropriate to provide some opportunity on those agenda for consideration of urgent or significant items.

Possible means of considering urgent or significant items

(a) Calendar of meetings

17. In the past, attempts have been made to maintain the same number of Council meetings as at present but spaced through the year so that the budget setting Council meeting would be held in February, an ordinary Council meeting would follow in April, and the annual meeting would be held in May. Written questions, motions on notice and ward presentations could therefore be considered at an ordinary meeting, and the period during which they were disallowed would not be over long.
18. Unfortunately this approach has been found to be impractical as the Council meetings during the remainder of the year would have been far apart and, at times, not conducive to the cycle of Executive meetings which needs to mesh with overview and scrutiny committee meeting dates.
19. It is not appropriate to put in place an additional meeting of Council specifically to reduce the period during which minority groups would be without an opportunity to raise matters. An additional Council meeting would have resource implications which would not be proportionate to the possible benefits which might be gained.

(b) Ward Presentations

20. There is no pre-meeting notification of what a Member's ward presentation will cover. Ward presentations are used to provide information to the Council. There is no debate, no opportunity for questions or to check assumptions or accuracy, and ward presentations do not lead to motions for the Council to vote on.

(c) Written Questions

21. Written questions are a means of drawing something to Council's attention, and securing a reply from an Executive Member. This can also be achieved by:
- e-mailing the Executive Member, possibly copying in other Council members, and asking for a reply
 - speaking directly to the Executive Member.

(d) Motions on Notice

22. Paragraph B5 17.1.1 of the Constitution provides:

Except for motions which can be moved without notice under Rule 18, written notice of every motion, signed by the member of the Council, must be delivered to the Monitoring Officer not later than 7 clear working days before the date of the meeting. These will be entered into a book open to public inspection.

23. Motions on notice enable a debate at the meeting and a resolution to undertake specific action. Of the three opportunities for an individual Member to bring something to the Council's attention, it is motions on notice which could enable an urgent or significant matter to be addressed.
24. Provision could be made in the Constitution for motions on notice to be accepted onto the agenda for the annual and budget setting Council meetings subject to certain provisions.
25. These provisions could include:
- specifying that the agreement of the Chairman, after consultation with the Monitoring Officer, must be secured 7 clear working days before the meeting
 - that the Chairman must be satisfied that there are exceptional circumstances which justify exercising this discretionary power, by reason of urgency or significance
 - that the number of such motions on notice shall be restricted to one, on the basis of the first one approved by the Chairman being the one which is accepted.
26. In relation to the annual meeting, this amendment would be included under Part B5 Full Council Procedure Rules at paragraph 2.2.2.18 and for the budget setting meeting, at Part B5 paragraph 3.2.1.9.

27. Provision for ward presentations at the budget setting could be removed, to maintain a consistent approach in line with the annual meeting, as there would already be an opportunity for an urgent or significant item to be considered through a motion on notice.

Conclusion and Next Steps

28. This report sets out a proposal for consideration to amend the Constitution to enable, if requested, urgent or significant matters to be addressed through a notice of motion at the annual and the budget setting meetings of Council, subject to the agreement of the Chairman being secured at least seven clear working days in advance of the meeting. Subject to such provision for motions on notice, it also suggests removing the opportunity for ward presentations to be made to the budget setting meeting.

Appendices:

None

Background Papers: (open to public inspection)

None