

Report to Cabinet – 16 May 2018

**ITEM Proposed amendment to the Council's Constitution**

Report of the Corporate Portfolio Holder

**Recommended:**

1. That the Council's Constitution be amended as set out in this report.
2. That the Head of Legal and Democratic Services be authorised to amend the Constitution accordingly.

**Recommendation to Council**

SUMMARY:

- To consider an amendment to the Council's Constitution enabling a vote to be taken on suspending Council Procedure Rules relating to the duration of Committee and Sub-Committee meetings. This would enable meetings to be extended where appropriate to conclude all listed items of business.

**1 Introduction**

- 1.1 Under the Council Procedure Rules it is not possible to extend the duration of a Committee or Sub-Committee meeting to cater for items unfinished by the deadline currently imposed by the Rules. This means that unfinished business must be carried over either to the next ordinary meeting of the Committee or Sub-Committee or a specially convened meeting.

**2 Background**

- 2.1 The Council's Rules of Procedure are set out in the Constitution. The Rules apply to all meetings of the Council, its Committees and Sub-Committees (save for some exceptions which do not apply to the provisions with which we concern ourselves for these purposes).

- 2.2 Paragraph 9 of the Council Procedure Rules deals with the duration of meetings. That paragraph reads:

*9. DURATION OF MEETINGS*

*9.1 Interruption of the meeting*

- (a) If the business of the meeting has not been concluded within four hours or by 10.00pm, whichever is the sooner, the Chairman must interrupt the meeting and if he/she is satisfied that the matter under discussion has been*

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	<p><i>sufficiently debated call for the vote immediately, otherwise Rule 9.2(b) will apply.</i></p>
(b)	<p><i>Any remaining business shall stand referred to the next ordinary meeting or until a special meeting on a date to be fixed.</i></p>
9.2	<p><b>Motions and recommendations not dealt with</b></p>
(a)	<p><i>Prior to 10.00pm or the expiration of four hours, whichever occurs the sooner, a majority of members present may vote for the meeting to continue by one half-hour.</i></p>
(b)	<p><i>Debate on a motion that has been proposed and seconded before the time limit as defined in 9.1 (a) or 9.2 (b) shall continue beyond the time limit until a vote on that motion is taken unless the meeting is adjourned.</i></p>
(c)	<p><i>Any remaining business shall stand referred to the next ordinary meeting or until a special meeting on a date to be fixed.</i></p>
9.3	<p><b>Recorded vote (*see Rule 24)</b></p> <p><i>If a recorded vote is called for during this process, it will be taken immediately.</i></p>
9.4	<p><b>Motions which may be moved</b></p> <p><i>During the process set out in Rules 9.1-9.3 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated, deferred or referred to an appropriate body or individual for decision or report.</i></p>

- 2.3 Rule 23 allows for suspension or amendment of the Council Procedure Rules. However, the Rules specifically provide that Committees and Sub-Committees shall not be empowered to suspend Rule 9 relating to the duration of a meeting. Rule 23.1 reads:

23.1	<p><i>All of these Council Procedure Rules except Rule 17.6 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council/Committee are present and shall not be carried unless supported by two thirds of the Members present at the meeting. Suspension can only be for the duration of the meeting.</i></p> <p><i>A Committee or Sub-Committee shall not be empowered to suspend Rule 9 – Duration of Meeting.</i></p>
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- 2.4 In order to give Members of Committees and Sub-Committees the ability to move and vote on a motion to suspend Council Procedure Rules to enable a meeting to proceed past the current ‘cut off’ time it is proposed that the Council Procedure Rules are amended as follows:-
- 2.5 That the words “A Committee or Sub-Committee shall not be empowered to suspend Rule 9 – Duration of Meeting” are removed from Rule 23.1

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**2.6 Options:**

- (i) To recommend amendment of the Council Procedure Rules to Council.
- (ii) Not to recommend the proposed amendment.

**3 Option Appraisal.**

If the Council Procedure Rules remain unchanged then there will be no scope to suspend Council Procedure Rules for Committee and Sub-committee meetings and therefore unfinished items on an Agenda will need to be deferred to a further meeting.

**4 Resource Implications**

None

**5 Legal Implications.**

A resolution of Full Council is required to amend the Council Procedure Rules.

**6. Conclusion and reasons for recommendation**

Facilitating the suspension of Council Procedure Rules in order to extend meetings will enable business to be concluded in one sitting, maximising efficiency in decision-making and minimising disruption to the public, Members and officers in having to attend reconvened meetings.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	0	File Ref:	N/A
(Portfolio: Corporate) Councillor Flood			
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