

Council

26 November 2020

Report of the Director of Corporate and Customer Services

Proposed Amendment to the Constitution – Extraordinary Meetings of the Council

PURPOSE OF REPORT

To consider a proposal to amend the provisions of the Council Procedure Rules in respect of items of business at Extraordinary Meetings of the Council.

RECOMMENDATION

1. That Council Procedure Rule 7, in respect of Extraordinary Meetings of the Council, be amended to read:

The summons to the Extraordinary Meeting shall set out the business to be considered and no business other than set out in the summons shall be considered at that meeting, other than Question Time on any item on that agenda.

WARDS AFFECTED

District-wide

STRATEGIC LINK

Good governance lies at the heart of all of the Council's strategic priorities and the proposal within this report is made to enable the discharge of Council functions.

1 BACKGROUND

- 1.1 The Council's Constitution underpins all of the Council's areas of activity and therefore ensuring it reflects current legislation and working practices is important. The document was reviewed ahead of the Annual Meeting held in July 2020, but the amount of business requiring consideration by the Council has increased exponentially since that time.
- 1.2 This report is concerned specifically with recommending an amendment to the Council Procedure Rules in respect of the business that can be transacted at Extraordinary Meetings of the Council.

2 REPORT

- 2.1 The Council Procedure Rules govern the way in which the Council will discharge its functions in meetings. These rules are based on the provisions of the Modular

Constitutions that were published at the time of the Local Government Act 2000. Since that time, local authorities have modelled the provisions of these rules to reflect legislative changes, local circumstances or working practices.

2.2 Since the Annual Meeting in July 2020, there have already been seven meetings of the Council. Of these, five meetings were Extraordinary Meetings of the Council called either by Members or officers to deal with single issues or to consider business that was not transacted at the previous ordinary meeting of the Council that could not reasonably wait until the next meeting. To put this into context, many Councils would hold seven meetings of the Council in a twelve month period.

2.3 Following the most recent ordinary meeting of the Council on 8 October 2020, there has been a need to organise two Extraordinary meetings of the Council, as well as an additional meeting of both the Community and Environment Committee and the Governance and Resources Committee. To spell this out plainly, five meetings were held to deal with all of the business originally listed for consideration. This is not a sustainable way of working given that the resource requirement available to support Council meetings is not structured with sufficient officers to maintain this workload.

2.4 Council Procedure Rule 7 details the provision for Extraordinary Meetings:

In addition to Ordinary Meetings of the Council, those listed below may request the Director of Corporate and Customer Services to call a meeting of the Council:-

(a) The Council by resolution

(b) The Chairman of the Council

(c) The Monitoring Officer

(d) Any five councillors if they have signed a requisition. The requisition must specify the reasons for calling a meeting

The order of business at Extraordinary Meetings will be restricted to a single item of debate identified in the summons, plus Question Time on that issue.

2.5 In view of the length of Council agendas and the amount of questioning and debate amongst Members, it is becoming increasingly clear that there is little chance of completing all of the business set out on agendas for ordinary meetings. At this stage, it is not recommended that additional meetings be inserted into the Calendar of Meetings. This may need to be considered, as part of a wider review of capacity to support increased meeting frequency, but the preferred approach would be to amend the provisions for Extraordinary Meetings to enable consideration of more than one item of business.

2.6 The Council Procedure Rules also set out provisions for special meetings of committees (Council Procedure Rule 8), which does not limit the amount of business to be considered in the same way as the existing provisions in Council Procedure Rule 7. It is recommended that the removal of the limit on business at Extraordinary Meetings would be the best way forward presently.

2.7 If Council were minded to support the recommended approach, Council Procedure Rule 7 would be worded as follows:

In addition to Ordinary Meetings of the Council, those listed below may request the Director of Corporate and Customer Services to call a meeting of the Council:-

- (a) *The Council by resolution*
- (b) *The Chairman of the Council*
- (c) *The Monitoring Officer*
- (d) *Any five councillors if they have signed a requisition. The requisition must specify the reasons for calling a meeting*

The summons to the Extraordinary Meeting shall set out the business to be considered and no business other than set out in the summons shall be considered at that meeting, other than Question Time on any item on that agenda.

3 RISK ASSESSMENT

Legal

- 3.1 The proposed changes comply with the requirements of local government legislation such as the Local Government Act 1972 and the Local Government Act 2000. The legal risk associated with this report is assessed as low.

Financial

- 3.2 This report has been prepared to enable the Council to discharge its functions in a more efficient way. If the Council did not amend the Constitution, more frequent meetings would need to be scheduled and there would be financial implications associated with resourcing officer support for governance and committee administration. The recommended approach is therefore considered to reduce the financial risk to the Council and is assessed as low risk.

4 OTHER CONSIDERATIONS

- 4.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

- 5.1 James McLaughlin, Director of Corporate & Customer Services & Monitoring Officer
01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

- 6.1 Constitution of the Council