

DERBYSHIRE COUNTY COUNCIL

19th September 2012

Report of the Director of Legal Services

The Order of Business at Council Meetings

1. Purpose of the Report

To invite the Council to agree to vary the order of business at Council meetings.

2. Information and Analysis

With the recent increase in the number of members of the public attending Council meetings, it has become apparent that the normal order of business could be improved.

The Council's Constitution provides that:-

"The order of business at the Council will be as follows:-

- (a) If necessary, the appointment of the Chairman
- (b) Chairman's announcements
- (c) Questions submitted by the public
- (d) Questions submitted by Members
- (e) Minutes of the previous meeting
- (f) Motions concerning the minutes of committees and the Cabinet
- (g) Motions of which notice has been given"

The items which are of particular interest to the public tend to be items (c) (Questions by the Public), (d) (Questions by Members) and (g) (Motions). It is, therefore, proposed that the consideration of motions should be brought forward on the standard agenda so that this follows on from public and members' questions. This would avoid the need for members of the public to be in attendance during the consideration of minutes, which can be protracted.

The amended Constitution would read as follows:-

"The order of business at the Council will be as follows:-

- (a) If necessary, the appointment of the Chairman
- (b) Chairman's announcements
- (c) Questions submitted by the public
- (d) Questions submitted by Members

- (e) Motions of which notice has been given
- (f) Minutes of the previous meeting
- (g) Motions concerning the minutes of committees and the Cabinet”

As a matter of law and practice, the Chairman has the discretion to vary the order of business at any meeting. However, it is considered that it would be less satisfactory to rely on that discretion since such decisions cannot be made in advance of meetings.

3. Legal Considerations

Changes to the Constitution may only be approved by the Council after consideration of the proposals by the Standards Committee. These proposals were considered by the Standards Committee on 24th August 2012 and were commended to the Council.

4. Other Considerations

In preparing this report the relevance of the following factors have also been considered: financial, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

5. Officer Recommendation

That the Council agrees to vary the order of business at Council meetings, as set out in the report.

John McElvaney
Director of Legal Services