

Item 4

DERBYSHIRE COUNTY COUNCIL

24 July 2013

The Conduct of Business at Council Meetings

Report of the Director of Legal Services

1. Purpose of the Report

To consider further the proposed changes to the business to be conducted at meetings of the County Council and changes to the order of business.

2. Information and Analysis

At the meeting of the Council on the 15th May 2013 it was proposed that, subject to consideration by the Standards Committee, the provisions of the Council's Rules of Procedure be amended to provide for:-

- (a) A report of the Leader of the Council to be included as an agenda item;
- (b) A report from Cabinet to be included as an agenda item;
- (c) Presentations to Council;
- (d) The order of business at Council meetings to be amended.

The proposed changes were considered by the Standards Committee on the 19th June 2013 and were commended to the Council.

The Council is invited to approve these changes which are set out in detail below. In anticipation of such approval, the agenda for this meeting of the Council has been drawn up accordingly.

(a) Report of the Leader of the Council

The agenda for this meeting and future meetings of the Council will provide an opportunity for the Leader of the Council to present a report on major and strategic issues.

(b) Report from the Cabinet

The Council will receive a report from Cabinet detailing, in summary, the decisions taken at Cabinet meetings. This will replace the Cabinet minutes which have previously been received by the Council. As the Standards Committee was informed, it is interesting to note that the receipt of Cabinet minutes is a matter of local custom and practice rather than a legal requirement or a requirement of the Council's Constitution and it is not common practice in other local authorities.

Members will be permitted to ask questions in writing on the items in the report. Questions would have to be submitted to the Director of Legal Services by 12 noon on the day before the Council meeting. Members would also have the opportunity at the meeting to ask one supplementary question arising directly out of the original question or the reply.

This procedure is provided for in the Model Constitution recently published by the Association of Council Secretaries and Solicitors and has been adopted in a number of other local authorities. It is considered that the procedure will assist communications between Cabinet and the Council and enable more considered responses to be provided by Cabinet Members in relation to issues arising.

(c) Presentations to Council

The Council agenda will allow for presentations by Council departments, voluntary and other organisations on matters of interest to the Council.

(d) Order of Business at Council Meetings

The changes described above will require a change in the order of business to be conducted at Council meetings, as detailed in the Council's Procedure Rules (Part 4 of the Constitution). Consideration of the order of business has provided the opportunity for the Constitution to more fully reflect the items considered by the Council. The proposed revised order of business would be as follows:-

- (a) If necessary, the appointment of the Chair
- (b) Apologies
- (c) Declarations of interests
- (d) Chair's announcements
- (e) Minutes of the previous meeting
- (f) Report of the Leader of the Council
- (g) Questions submitted by the public
- (h) Petitions
- (i) Reports of officers
- (j) Presentations
- (k) Report from the Cabinet and Members questions on the Report
- (l) Questions submitted by Members
- (m) Motions
- (n) Receive the minutes of committees, joint committees and the Fire Authority

3. Legal Considerations

The proposals contained in this report would require a change to the Rules of Procedure within the Constitution and, accordingly, the matter has been considered by the Standards Committee.

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. Background Papers

File held by the Director of Legal Services.

6. Officer Recommendation

That the provisions of the Council's Rules of Procedure be amended to provide for:-

- (a) a report of the Leader of the Council being included as an agenda item;
- (b) a report from Cabinet and Members' questions being included as an agenda item;

- (c) presentation to Council being included as an agenda item;
- (d) the order of business at Council meetings being amended as detailed in the report.

John McElvaney
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