
**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

**COUNCIL 25 MAY 2017: REFERENCE BACK TO THE
CONSTITUTION COMMITTEE OF PROPOSED CHANGES TO THE
COUNCIL PROCEDURE RULES**

Reason for this Report

1. Annual Council on 25 May 2017 received the recommendations of the Constitution Committee 2 March 2017 on proposed amendments to the Council Procedure Rules (CPR). The report was referred back to this Committee in accordance with CPR 25 (a) (iv) to allow the new Committee and Councillors to make a decision on the proposed changes.
2. The Committee is asked to review the proposals included in report to Annual Council attached as Appendix 1, annexes A & B, and determine a way forward. Please note that any changes to the Council Procedure Rules have to be agreed by full Council. This Committee may therefore recommend the proposed changes back to full Council or may propose further amendments.

Background

3. Following the Local Election on 5 May 2017, and the Annual Council meeting on 25 May 2017 that established standing committees, their terms of reference and membership; the Council meeting concluded that it would be appropriate for the new Constitution Committee to consider the proposals of the previous Committee and the evidence collected to inform the proposed changes to the Council Procedure Rules.
4. Evidenced in the report to Annual Council 25 May 2017 were the outcomes from the Constitution Committee of November 2016 and March 2017; the results of a Members' Survey conducted in the autumn of 2016; and discussions with Party Group Leaders and Whips on options for refocusing and improving various aspects of the Council Meeting Procedure Rules. (See Annexes A & B).

Issues

5. All Members have had an opportunity to experience the Annual Meeting and two subsequent Full Council meetings to support an informative view on the

proposed Council Procedure Rule changes, which allows them to determine whether these changes should be adopted, amended or considered further.

Legal Implications

6. The Local Government Act 2000 requires the Council to keep its Constitution under review and up to date. Article 14 of the Constitution provides for its review and revision.
7. Under its Terms of Reference, the Constitution Committee is authorised by the Council to review the Council's Constitution, and to recommend to Council any changes.
8. Any changes to the Council Meeting Procedure Rules require the approval of full Council.
9. The Council is under a legal duty to comply with its standing orders, once duly adopted. Non-compliance may mean that the Council's decisions are open to challenge by judicial review, which if successful, may result in decisions being ruled as 'ultra vires' (outside of the Council's powers) and quashed.
10. Other relevant legal implications are set out in the body of the report.

Financial Implications

11. There are no direct financial implications arising from the recommendations of the report.

Recommendations

The Committee is recommended to consider the report and determine a way forward.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

21 August 2017

Appendices

Appendix 1 Constitution Amendments Recommended by Constitution Committee – Council Meeting Procedure Rules

Annex A The Table of Recommended Changes to Council Meeting Procedure Rules

Annex B Council Meeting Procedure Rules (draft) – marked up to show recommended amendments

Background papers

Constitution Committee Reports, Review of the Council Meeting Procedure Rules, November 2016 and March 2017

Members' Survey Results, November 2016