

CONSTITUTION COMMITTEE:

19 MARCH 2015

COUNCIL MEETING PROCEDURE RULES – REVIEW

REPORT OF THE COUNTY CLERK & MONITORING OFFICER

Reason for this Report

1. To enable the Committee to consider the effectiveness of the current rules at Council meetings.

Background

2. The Constitution Committee's Terms of Reference are:

To review the Council's Constitution, and to recommend to Council and/or Executive any changes, except that the Committee will have authority (subject to the Monitoring Officer's advice) to make the following changes on behalf of the Council:-

- (a) Drafting improvements to enhance clarity and remove minor anomalies.
 - (b) Updating to reflect legislative changes and matters of record.
 - (c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).
3. The current Council Meeting Procedure Rules were approved by Council on 27 March 2014, following the introduction of a pilot exercise in 2013 during which time various amendments were made. It was agreed that the operation of the new Rules should be monitored and reviewed.

Issues

4. The recent Extraordinary Council meeting and other meetings have revealed some potential anomalies in the current Council Meeting Procedure Rules. These Rules were adopted last April following a pilot period in which there was no Extraordinary Meeting.

Motions at Extraordinary meetings

5. The current Rules relating to items of business at Extraordinary Meetings, and the rules of debate in relation to amendments are appended at **Appendix A**. Extracts from the Wales Model Constitution are appended at **Appendix B for information** and comparison purposes.
6. It is recommended that it is made clear that Notices of Motion can be considered at Extraordinary meetings, and that the rules of debate for Ordinary Motions as set out in Rule 22 will apply as modified in relation to notice.

Amendments to Motions

7. There is no mechanism in the Cardiff Rules for the mover of an ordinary motion to accept friendly amendments moved on notice. This inevitably means that there has to be two votes if an amendment is moved and that the Amendment has to be proposed and seconded with the mover of the Amendment having the final right of reply if the Amendment is agreed. Members are asked to consider a possible revision to the Rules to allow the Mover of an Ordinary Motion with the consent of the Secunder to accept an Amendment. This would then potentially simplify the rules in relation to voting and rights of reply. However it would mean the Mover of the Amendment losing their right of reply should the amendment be approved.

Inappropriate Business

8. Inappropriate business is defined in Rule 35. The definition does not include any matter which is unlawful or ultra vires the Council. It is recommended that matters that are ultra vires the Council or unlawful be added to the definition.

Ordinary Motions

9. Occasionally Motions are submitted which are almost identical. The Committee is asked to consider whether there should be a new Rule allowing the Lord Mayor to rule which Motion to debate in the event both Proposers insist on their Motion being put.

Order Of Business

10. The Committee at its last meeting requested a review of the current Rules relating to Order of Business at council meetings. Rule 3 sets out an Order. Rule 1 gives the Lord Mayor authority to amend the Agenda and the order of business.

Legal Implications

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

Financial Implications

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

Recommendations

The Committee is recommended to:

1. Note the information set out in this report;
2. Consider whether to review the current Council Meeting Procedure Rules and
3. If a review is to be undertaken, to instruct the Monitoring Officer on the parameters and timescale for the review.

Marie Rosenthal
County Clerk and Monitoring Officer

12th March 2015

Appendices

Appendix A	Council Meeting Procedure Rules (Extract)
Appendix B	Model Constitution, Wales (Extract)