

MEETING:	AUDIT AND GOVERNANCE COMMITTEE
DATE:	21 SEPTEMBER 2012
TITLE OF REPORT:	THE ANNUAL COUNCIL MEETING
REPORT BY:	MONITORING OFFICER

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To consider amending the business to be discussed at the Annual Council meeting.

Recommendation(s)

THAT:

- (a) **the business to be discussed at the Annual Council meeting in May be amended as shown in appendix 1; and**
- (b) **the Monitoring Officer be authorised to make any consequential amendments to the Constitution.**

Key Points Summary

- The current arrangements for the Annual Council meeting provide for it to consider a mix of ceremonial and normal business.
- There is a concern that this approach means that justice is not done to the civic and ceremonial role of the Annual Council meeting and that there is the potential for the consideration of normal business to be adversely affected.
- It is proposed that the annual reports from Committees and the Leader of the Council; and questions from members of the public and from Councillors are no longer considered at the annual meeting but instead are considered at a subsequent meeting of Council.

Alternative Options

1 The principal alternative options considered were:

- to maintain the existing arrangement, or
- to hold an annual Council meeting where the focus is primarily ceremonial and then to hold an additional Council meeting within two weeks of the annual meeting to consider formal business that would previously have been considered at the annual meeting.

Reasons for Recommendations

- 2 The recommendations propose changes to the way in which Council operates to place a greater emphasis on Council's civic and ceremonial roles and to ensure appropriate consideration of the Council's normal business.

Introduction and Background

- 3 The current arrangements for the Annual Council meeting provide for it to consider a mix of ceremonial and normal business.
- 4 The Chairman considers that this approach means that justice is not done to the civic and ceremonial role of the Annual Council meeting and that there is the potential for the consideration of normal business to be adversely affected
- 5 At the Council meeting in May 2012 the need to accommodate ceremonial considerations meant that some significant matters forming part of the normal business were agreed without the level of debate to which they would otherwise have been subject.

Key Considerations

- 6 Paragraph 4.1.5.2 of the Constitution specifies what is to be considered at the Council's Annual meeting. This is attached at Appendix A showing the proposed revisions to the business to be conducted at that meeting.
- 7 The changes proposed are that the following business should no longer be considered at the annual meeting of the Council but should be considered at the next scheduled ordinary meeting of Council following the Annual Meeting:
 - the annual reports from Committees and the Leader of the Council; and
 - questions from members of the public and from Councillors.

Community Impact

- 8 The proposed change would raise the profile of Council. It would also assist in ensuring that Council can give its undivided attention to the normal business put before it.

Equality and Human Rights

- 9 The proposal does not have an impact on the way in which the Council discharges its equality and human rights duty.

Financial Implications

- 10 The proposal entails no additional cost. Additional cost would be incurred if it was decided to schedule an additional council meeting.

Legal Implications

11. The Local Government Act 1972 requires the Council to hold an annual meeting and to conduct certain specified business at that meeting. The proposal meets the legal requirements.

Risk Management

12. There is a risk if the proposals are not agreed that the business considered at the Annual Council will continue to be difficult to manage. Further discussions would have to take place to consider how to address this risk

.Appendices

Proposed amendments to the business to be considered at the Annual Meeting of Council

Background Papers

- None identified.

Proposed amendments to the business to be considered at the Annual Meeting of Council

Paragraph 4.5.5.2 of the Constitution (with proposed amendments)

The Annual Meeting will:

- a elect a person to preside if the Chairman or Vice-Chairman of the Council is not present
- b elect the Chairman of the Council
- c appoint the Vice Chairman of the Council
- d receive any declarations of interest
- e approve the minutes of the last meeting
- f receive any announcements from the Chairman and/or the Chief Executive
- g elect the Leader of the Council
- h appoint the Chairmen (and Vice-Chairmen) of Committees and other bodies
- i appoint at least one Scrutiny Committee, ~~a Standards Committee~~ and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet Functions
- j decide the size and terms of reference of those Committees
- k decide the allocation of seats to political or other groups in accordance with the political balance rules
- l receive nominations of Councillors and co-opted members to serve on each Committee and outside body or in the absence of nominations agree that the Chief Executive may make such appointments on receipt of nominations from the Political Group Leaders in accordance with its decision to allocate seats to political or other groups; and
- m appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet
- n agree the functions of those committees set out in Part 3 of this Constitution
- o approve a programme of Ordinary Meetings of the Council for the year (if not already agreed)
- p instruct the Monitoring Officer to make the necessary consequential amendments to the Constitution to give effect to these decisions.
- ~~q receive annual reports from Committees to Council except in the year of election when reports will be made to the March meeting~~
- ~~r receive an annual report from the Leader of the Council except in the year of election when reports will be made to the March meeting~~
- ~~s receive any questions from, and provide answers to, the public; [See 4.1.15.11]~~
- ~~t receive any questions from and provide answers to Members of the Council [See 4.1.15.11]~~
- u consider any other business specified in the summons to the meeting