

| ISLE OF ANGLESEY COUNTY COUNCIL | |
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| Report to: | Executive and Council |
| Date: | EXECUTIVE 8TH SEPTEMBER 2014 COUNCIL 9TH OCTOBER 2014 |
| Subject: | Council Procedure Rules and Appointment of the Chair of the Democratic Services Committee |
| Portfolio Holder(s): | Councillor Alwyn Rowlands |
| Head of Service: | Lynn Ball – Head of Function (Council Business)/Monitoring Officer |
| Report Author: Tel: E-mail: | Awena Walkden – Solicitor (Corporate Governance) Ext. 2563 apxce@anglesey.gov.uk |
| Local Members: | N/A |

| A –Recommendation/s and reason/s |
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| <p>RECOMMENDATIONS</p> <p>The Executive recommends to full Council that Council approve the changes to the Constitution outlined in “Appendix 1” hereto.</p> <p>REASONS</p> <ol style="list-style-type: none"> 1. In the Commissioners’ changes to the Council Procedure Rules, the description of the annual meeting focuses on the meeting held in an election year, and disregards some of the issues which apply equally in non-election years. 2. This emphasis causes confusion in the interpretation of the Council Procedure Rules and would benefit from clarification. 3. During this year’s Annual Meeting, in relation to the election of the Chair of the Democratic Services Committee, issues arose in connection with the need for a secret ballot, despite the fact there was just one candidate. The secret ballot is not a statutory requirement and was an innovation of the Commissioners, introduced because, at the time, there was concern about undue influence tainting the appointment. <p>The election of the Chair of the Democratic Services Committee must remain a Council function, but does not require a secret ballot. We recommend that the need for a secret ballot be removed.</p> <ol style="list-style-type: none"> 4. Additionally, the Constitutional requirements for the Council and the Executive to review every 12 months, the list of outside bodies to which appointments are made, has not been documented within the Constitution. Accordingly, this has now been introduced as |

a standard item to be dealt with in the annual meeting of the Council to ensure that it happens automatically as set out in section 5.8.4.2 of the Constitution.

FINANCIAL IMPLICATIONS

There are no financial implications to this Report.

B – What other options did you consider and why did you reject them and/or opt for this option?

The status quo, while not detrimental, is considered undesirable for the reasons described above.

C – Why is this a decision for the Executive?

Because the implementation of the recommendations will result in constitutional changes which can only be approved by the full Council after consideration by the Executive.

CH – Is this decision consistent with policy approved by the full Council?

Yes.

D – Is this decision within the budget approved by the Council?

Yes.

| DD – Who did you consult? | | What did they say? |
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| 1 | Chief Executive / Strategic Leadership Team (SLT) (mandatory) | n/a |
| 2 | Finance / Section 151 (mandatory) | |
| 3 | Legal / Monitoring Officer (mandatory) | Joint author of Report so comments are included. |
| 4 | Human Resources (HR) | n/a |
| 5 | Property | n/a |
| 6 | Information Communication Technology (ICT) | n/a |
| 7 | Scrutiny | n/a |
| 8 | Local Members | n/a |
| 9 | Any external bodies / other/s | n/a |

E – Risks and any mitigation (if relevant)

| | | |
|---|---------------------------|--|
| 1 | Economic | |
| 2 | Anti-poverty | |
| 3 | Crime and Disorder | |

| | | |
|---|--------------------|--|
| 4 | Environmental | |
| 5 | Equalities | |
| 6 | Outcome Agreements | |
| 7 | Other | |

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| F - Appendices: |
| Amended Constitution. |

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| FF - Background papers (please contact the author of the Report for any further information): |
| None |

3.4.12.2.4 The Leader of the Council's Executive may not be a committee member.

3.4.12.3 Chairing the Committee

3.4.12.3.1 The Chair will be appointed by the full Council in accordance with rule of procedure 4.1.1.2.12 ~~at its second (adjourned) meeting of the Annual Meeting after the Leader has announced the Executive Members (and if necessary at other meetings) by secret ballot, and the Rule of Procedure 4.1.18.5 "Recorded Vote" will be suspended for this purpose.~~

3.4.12.3.2 The Chair must not be a member of a group represented on the Executive (save in authorities where all political groups were represented on the Authority's Executive in which case the Chair may not be a member of the Executive).

3.4.12.3.3 The Vice-chair will be elected by the Committee at its first meeting after the Council's Annual Meeting.

3.4.12.3.4 The chairs of any sub-committees will be appointed by the Committee.

3.4.12.4 Proceedings etc.

Provisions governing the proceedings of the Democratic Services Committees, include:

3.4.12.4.1 That the Committee (and a sub-committee) may call witnesses (who will be under a duty to attend if they are members or officers of the authority, but a witness of any description will not be obliged to answer any question which they would be entitled to refuse to answer in, or in connection with, court proceedings in England and Wales);

3.4.12.4.2 That committee (and sub-committee) meetings, papers and minutes will be subject to the requirements regarding access, publication and inspection as are set out in Part VA of the 1972 Act.

3.4.12.4.3 In accordance with legislation the Committee will designate an Officer of the Council to be the Head of Democratic Services, which excludes the Head of Paid Service, Chief Executive, Monitoring Officer and Section 151 Officer.

3.4.12.5 Reports and recommendations by Democratic Services Committees

3.4.12.5.1 If a Democratic Services Committee prepares any report or makes recommendations about the provision of staff, accommodation and other resources provided by the local authority for the discharge of democratic service functions, a copy must be sent to each member of the authority who is not a member of the committee, as soon as practicable. A meeting of the full council must be held to consider such reports or recommendations within three months of their being sent to authority members.

- 4.1.1 Annual Meeting of the Council
- 4.1.2 Ordinary Meetings
- 4.1.3 Extraordinary Meetings
- 4.1.4 Appointment of substitute Members of Committees and Subcommittees
- 4.1.5 Time and place of Meetings
- 4.1.6 Notice of and summons to Meetings
- 4.1.7 Chairing of Meeting
- 4.1.8 Attendance by Members
- 4.1.9 Quorum
- 4.1.10 Duration of Meeting
- 4.1.11 Presentation of Petitions
- 4.1.12 Questions by Members
- 4.1.13 Motions on notice
- 4.1.14 Motions without notice
- 4.1.15 Rules of debate
- 4.1.16 The Anglesey Leader's Annual Report
- 4.1.17 Previous decisions and motions
- 4.1.18 Voting
- 4.1.19 Minutes
- 4.1.20 Papers and Advice
- 4.1.21 Record of attendance
- 4.1.22 Exclusion of public
- 4.1.23 Failure to attend Meetings
- 4.1.24 Members' conduct
- 4.1.25 Disturbance by public
- 4.1.26 Canvassing
- 4.1.27 Suspension and amendment of Council Procedure Rules
- 4.1.28 Application to Committees and Subcommittees

4.1.1 Annual Meeting of the Council

4.1.1.1 timing and business of the Annual Meeting

4.1.1.1.1 In a year when there is an ordinary election of Councillors ["**Election Year**"], the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in March, April or May. ["**Ordinary Year**"]

4.1.1.1.2 ~~In an Election Year only, Normally~~ there will be two meetings of the first Annual Meeting ~~after the ordinary Local Government Elections~~. The first will take place not less than 10 working days (and no more than 14 working days) after the elections and the second (adjourned Annual Meeting), will take place 5 working days after the first meeting. ~~The first meeting will deal with all matters listed in 4.1.1.2.1 to 4.1.1.2.6, and the adjourned meeting will deal with the matters listed in 4.1.1.2.7 to 4.1.1.2.12. In any Ordinary Year, the Annual Meeting will deal with all matters listed in 4.1.1.2.1 to 4.1.1.2.12 unless otherwise stated.~~

~~4.1.1.1.3 The first meeting will deal with all matters listed in 4.1.1.2.1 to 4.1.1.2.6 inclusive.~~

~~4.1.1.1.4 The second meeting (adjourned Annual Meeting) will deal with matters listed in 4.1.1.2.7 to 4.1.1.2.12 inclusive.~~

4.1.1.2 the Annual Meeting will:

- 4.1.1.2.1 elect a person to preside if the Chairperson of Council is not present;
- 4.1.1.2.2 elect the Chairperson of Council, such person to continue in office until the election of the Chairperson at the next Annual Meeting unless he/she resigns, (**NB** the Chairperson may be eligible for re-election);
- 4.1.1.2.3 elect the Vice-Chairperson of Council, such person to continue in office until the election of the Vice-Chairperson at the next Annual Meeting unless he/she resigns, (NB the Vice-Chairperson may be eligible for re-election);
- 4.1.1.2.4 approve the minutes of the last Meeting;
- 4.1.1.2.5 receive any announcements from the Chairperson and/or Head of the Paid Service;
- 4.1.1.2.6 **In an Election Year only**, elect the Leader (subject to Article 7 and in particular 2.7.3); ~~and~~ after the election of the Leader, be told by the Leader the name of the Deputy Leader he/she has chosen;
- 4.1.1.2.7 be told by the Leader the names of the Councillors he/she has chosen/confirmed to be members at the Executive, or be advised of any changes to the Executive members.-**
- ~~4.1.1.2.7 be told by the Leader, at the second (adjourned Annual Meeting), of the names of Councillors he/she has chosen to be members of the Executive;~~
- 4.1.1.2.8 appoint or confirm the reappointment of Scrutiny Committees, 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 executive functions (as set out in Part 3 of this Constitution);
- 4.1.1.2.9 agree such part of the Scheme of Delegation as the Constitution determines it is for the Council to agree (as set out in Part 3.2 of this Constitution);
- 4.1.1.2.10 approve a programme of Ordinary Meetings of the Council for the year; and
- 4.1.1.2.11 consider any business set out in the notice convening the Meeting.
- 4.1.1.2.12 after the Leader has told the Council the names of the Councillors he/she has chosen/**confirmed** to be members of the Executive, **elect** ~~appoint~~ the Chair of the Democratic Services Committee, **subject to paragraph 3.4.12.3 of the Council's Constitution.** ~~in accordance with paragraph 3.4.12.3 of the Council's Constitution.~~