

COUNCIL

8 OCTOBER 2020

DURATION OF COUNCIL MEETINGS

Report from/Author: Perry Holmes, Chief Legal Officer

Summary

This report suggests amendments to the Constitution to limit the duration of Council meetings.

1. Budget and policy framework
 - 1.1. Amendments to the Constitution are a matter for Full Council to agree. The Constitution and arrangements for democratic services is within the delegation to the Portfolio for Business Management.
 - 1.2. Paragraph 16.2 (Amendment to Council Rules) of Part 1, Chapter 4 of the Constitution states that any motion to add to, change or withdraw these Council Rules, will when proposed and seconded, be taken forward without discussion to the next ordinary meeting of the Council.
2. Background
 - 2.1. The Council has a Constitution which governs the way meetings and other Council activity take place. The most recent version of the Constitution was agreed after a review on 28 April 2016 (Minute 974 refers).
 - 2.2. The Constitution does not currently include provisions to limit the duration of Council meetings or the timely conduct of all elements of Council business.

3. Duration of Council meetings

- 3.1. The Full Council meeting in July started at 7.00 pm and did not conclude until 2.02 am. That meant a meeting which was just over seven hours in length. This meeting is thought to be the longest Full Council meeting held in Medway Council's history. Commentary from both members of the public watching and Members both participating and observing was that the meeting was simply too long for it to be an efficient democratic process that could be accessed by those wishing to observe.
- 3.2. The Leader of the Council and Portfolio Holder for Business Management asked the Monitoring Officer to propose options for limiting the duration of Council meetings.
- 3.3. The following measures are considered options for limiting the length of Council meetings;
 - 3.3.1. A guillotine provision in the Constitution for bringing proceedings to a close at a given time.
 - 3.3.2. Re-arranging the agenda.
 - 3.3.3. Limiting reports that are for noting or limit speakers on such items.
 - 3.3.4. Limiting the number of reports for decision.
 - 3.3.5. Limiting the time of debating reports.
 - 3.3.6. Reducing the time for questions.
 - 3.3.7. Limiting the number of motions debated at a meeting.
 - 3.3.8. Limiting the time for motions to be debated.
- 3.4. The following other measure is considered as an option which does not limit the duration of meetings but might indirectly do so.
 - 3.4.1. Council meetings could start earlier than the current 7pm.

4. Analysis of the options

- 4.1. The rules for Council meetings, sometimes called "standing orders" are partly based on law and partly choice. Individual Councils therefore have some discretion as to how they run their meetings.
- 4.2. It is not easy to predict how long individual meetings will last. Experienced officers did not foresee the July Council meeting lasting until 2am. Part of the reason for the length of the Council meeting in July, may have been because of the arrangements in place for Covid-19. Each agenda item includes a request for every member to indicate their voting intention, for example.

- 4.3. Limiting the duration of meetings is arguably intrinsically good, as for example enabling efficient management of the agenda in a timely manner and to enhance the accessibility of meetings for observers.
- 4.4. Rules that are made for Full Council effectively apply to all other Council meetings, except where it is specifically made clear that they only apply to full Council meetings. This is the case, for example, with rules about public questions. It should be noted, that some of the recent Overview and Scrutiny Meetings have also lasted over five hours.
- 4.5. Other Councils use the guillotine approach, a version of which is attached at Appendix 1, which means that at a given time, say 10.30pm, steps come into force to bring a close of the meeting. Measures are required for what happens to agenda items that are outstanding.
- 4.6. If a guillotine approach is favoured, then the Council could consider re-arranging the order of the agenda to ensure important items are debated first. This would need to be balanced with enabling and promoting public access to meetings.
- 4.7. If the focus is to be on timely decision making, then consideration could be given to treating reports for noting differently. They could simply be presented for information without debate or with a time-limited debate.
- 4.8. A numerical limit could also be set to the number of reports requiring decision. These are reports that often generate debate.
- 4.9. Questions from the public and Members take up a significant part of the agenda. The time for these could be limited.
- 4.10. At the July meeting there were five Council motions. This was a factor in extending the length of the meeting. A numerical limit could be placed on the number of motions entered onto the agenda.
- 4.11. Although the change of starting time for a meeting would not of itself shorten the length of meetings, it might mean that business was concluded in the context of a recognised office/business working hours.

5. Analysis

- 5.1. A measure proven to reduce meetings is the use of a guillotine provision, but this would lead to the Mayor having to choose which remaining items to deal with and would be likely to lead to further Council meetings. Therefore, officers would not recommend that this additional provision is adopted.
- 5.2. The re-ordering of the agenda although considered possible would not necessarily impact on the length of meeting and is also not recommended. The amount of agenda items would impact on the length of meetings. However, this reflects the amount of business transacted by the Council and

fluctuates from time to time and therefore any control on this is not recommended, as it could prejudice the Council's decision making.

- 5.3. Reports for noting can be a useful means to give publicity to important issues. They could however, be presumed to be agreed, without any debate. Where a Member gives notice that they wish to debate a report for noting, the time allowed for this debate could be limited to 15 minutes. This change is recommended by officers.
- 5.4. The rules around public and Member questions were comprehensively reviewed in 2015 and so no change to the current position is recommended by officers.
- 5.5. It is recommended that the number of motions on any agenda is limited to a maximum of one from each political group. Where a political group submits two or more motions, the first one received by the deadline of midday the working day before the Council meeting, will be debated. The Full Council meeting in July included approximately 2 hours 30 minutes of debate on the five motions tabled. This was a significant reason for the length of the meeting.

6. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Lengthy meetings become the norm.	Access to "live" proceedings by the public is curtailed.	Limit the length of meetings with the measures proposed.	C2
Mistakes are made.	Longer meetings increase the likelihood of errors in process or decision making being made.	Limit the length of meetings with the measures proposed.	D2
The length of meetings is only as a result of Covid-19 arrangements and will reduce once the pandemic is over.	Changes to the Constitution could become unnecessary.	Council has the option to review, vary and revoke measures in due course.	D2

7. Consultation

- 7.1. There has not been sufficient time between the Council meeting in July and the October Council meeting to carry out Member consultation. In light of the Constitutional provision where amendments to the Council Rules stand

adjourned to the next Council meeting, it is proposed to carry out the consultation during that period. All Members of the Council will be able to contribute to the debate on this report when it is considered at the Council meeting on 21 January 2021.

8. Financial implications

8.1. There are no direct financial implications.

9. Legal implications

9.1. Section 99 of the Local Government Act 1972, and Schedule 12, paragraph 42 allows a Local Authority to make, vary or revoke standing orders for the regulation of the their proceedings and business (and those of their Committees).

9.2. In the case of *Armstrong-Braun, R (on the application of) v Flintshire County Council* [2001] EWCA Civ 345 (20 February 2001), the Court of Appeal quashed a standing order requiring a proposer and seconder for every motion before it could be added to a Council agenda. A single member, who is not in a political group, could explore other mechanisms of raising concerns such as a lobbying a colleague from a political group to raise a Member's item at an Overview & Scrutiny Committee, by lobbying a colleague from a political group to raise a motion at Council or corresponding directly for advice on an issue of concern, to the Chief Executive or the Monitoring Officer.

10. Recommendations

10.1. Council agrees to amend the Constitution to limit the duration of Council meetings, by presuming that reports for noting are agreed without debate or limited to 15 minutes where notice of a request to debate is given and to limit the number of motions per formally constituted political group to one per Council meeting, as set out in the tracked amendments to the Constitution at Appendix 2.

10.2. Council asks the Monitoring Officer to make the necessary amendments to the Constitution.

(Note: Once proposed and seconded these recommendations will be taken forward without discussion for debate at the next ordinary meeting of the Council as set out in paragraph 1.2 of this report).

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Appendices

Appendix 1 – example guillotine provision
Appendix 2 – tracked amended Constitution

Background papers

None