
Full Council

21 March 2024

Director of Governance and Monitoring Officer
(Portfolio of the Executive Leader)

Proposed Changes to the Composition and Quorum of Staffing Matters and Urgency Committee

Summary

1. To agree the proposed addition of wording into Article 11 of the Constitution.

Background

2. Recent difficulties in organising a meeting of the Staffing Matters and Urgency Committee (“SMUC”) have highlighted a significant flaw in the Council’s Constitution insofar as it relates to the Committee and its quoracy.
3. Presently, the committee is comprised of four members (which, in and of itself, is not ideal as it is preferable for committees to be comprised of odd numbers of members, to minimise the need for Chair’s casting votes). Unfortunately, however, the Constitution presently states, at Paragraph 4.1 d) of Appendix 6, that *“Any other Committee of the Council, including Planning Committee A and Planning Committee B will not transact any business unless at least four Members are present”*.
4. Since SMUC is not one of the committees referenced in paragraphs 4.1 a) to c), and Article 11 of the Constitution is silent on the issue of quorum, the provisions of Paragraph 4.1 d) apply. This means that the quorum for SMUC is its entire membership. This stands wholly contrary the ordinary concept of a “quorum”, i.e., one quarter of the members, or the common proportion for a quorum of one third of the members.
5. This position has led to significant challenges in arranging urgent SMUC meetings, due to lack of member availability, impacting on the ability of the Council to conduct its business in a lawful and timely manner.

6. In order to remedy this, it is proposed that Article 11 be further amended by the introduction of the following paragraph:

“1.3 The Committee shall comprise five members and shall have a quorum of three members.”

7. This proposal was considered by the Audit and Governance Committee on 20 March 2024; their endorsement or non-endorsement of the proposed amendment will be reported to the meeting.

Implications

- 8.

Financial – None directly arising from this report.

Human Resources (HR) – None directly arising from this report.

Equalities – None directly arising from this report.

Legal – The amendment proposed by this report will ensure that the Council is able to lawfully and expeditiously discharge its decision-making obligations, and will remedy an error in the current Constitution which has left the SMUC in a position where its quorum is the same as its membership, which is sub-optimal and highly unusual.

Crime and Disorder, Information Technology and Property – None directly arising from this report.

Recommendations

9. Subject to endorsement by Audit and Governance Committee, Council is recommended to approve the amendment to the Constitution through the inclusion in Article 11 of the proposed additional wording as set out in paragraph 6 above.

Reason: In order to remedy an error in the Constitution, to ensure that the Council can lawfully and expeditiously carry on its business.

Options

10. Members may choose to approve or not approve the proposed amendment to the Constitution.

Author and Chief Officer responsible for the report: Bryn Roberts, Director of Governance and Monitoring Officer

Report Approved **Date** 11 March 2024

Specialist Implications Officer(s):
None

Wards Affected: *List wards or tick box to indicate all* **All**

For further information please contact the author of the report

Background Papers:

- None.

Annexes:

Annex 1: Revised Political Balance Calculations