

Proposed Amendments for Procedures for Motions

Report of Cllr Jane Lawrence, Chairman of General Purposes Committee
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Purpose of this report

The proposed amendments to the procedures for dealing with motions at full Council were considered by the General Purposes Committee on 7 December 2017. The purpose of this report is to submit the Committee's recommendation arising out of its consideration of the proposed amendments to full Council for approval.

RECOMMENDATION

The Council is asked to:

approve and adopt the proposed amendments to the procedures for dealing with motions at Council in that Rule 17 of Part 4A of the Constitution be amended, as set out at Appendix A to this report, to require proposals for amendments to motions to be provided in writing to the Monitoring Officer prior to a meeting of the Council for authorisation by him and that, on receiving such authorisation, the proposed amendment be circulated in writing to the meeting.

Overview and Scrutiny Comments/Recommendations

1. This matter has not been taken through the overview and scrutiny function as it falls within the General Purposes Committee's remit.

Background

2. On 7 December 2017 the General Purposes Committee considered an urgent report setting out proposed amendments to the procedures for dealing with motions at full Council.

The Chairman had accepted the Item on the grounds of urgency because of the issues relating to the submission of motions which had arisen at the previous meeting of full Council and which the Monitoring Officer felt needed to be rectified as quickly as possible. The aim of the amendments was, therefore, to provide greater clarity for both Members and the public in relation to the procedures for debating motions thereby resulting in better decision making.

3. The Committee noted that Part 4A of the Constitution detailed the procedures for dealing with motions at full Council. These Rules of Procedure could be followed by the Executive and by other committees if considered appropriate.
4. Members were aware that Procedure Rule 17 detailed the procedure for giving notice of a motion, Rule 18 detailed motions that may be moved without notice and Rule 19 provided the rules of debate on motions including minor alterations. The Procedure Rules did not currently require proposals for amendments to motions to be in writing or to be provided prior to a meeting.
5. The Assistant Director Legal Services (Monitoring Officer) suggested, however, that written notice of proposed amendments would improve the quality of decision making as members would be able to fully understand and appreciate the full effect of the proposed amendments on the original motion. To this end he recommended that Rule 17 of Part 4A be amended to require proposals for amendments to motions to be provided in writing to him (as Monitoring Officer) at least one clear working day prior to a meeting and that Rule 18 be amended to remove the ability to amend a motion without notice as minor alterations could still be made under Rule 19.9. These and ancillary amendments together with the correction of a typographical error were set out at a track changed appendix for Members' consideration.
6. In response, however, it was pointed out that proposed amendments were discussed at Group meetings which were held close to the start of a Council. It would be more suitable, therefore to require such amendments to be submitted to the Monitoring Officer prior to the start of a Council for approval rather than 1 clear working day in advance.
7. Discussion also took place on the submission of minor amendments and whether it should be a requirement that they should also be submitted in written form. Debate followed on the definition of a minor amendment given that a few words could have a major impact on the meaning of a motion.
8. The Committee was advised that should a proposed unwritten amendment arise during the course of a debate the amendment could still be considered should the Council Procedure Rules be suspended under Rule 27 of Part 4A of the Constitution.

Council Priorities

9. The effectiveness of the Council's governance arrangements contributes to the achievement of the Council's priorities. Having clearer procedures will assist with this.

Corporate Implications

Legal Implications

10. None except as detailed in the report above.

Financial and Risk Implications

11. There are no direct financial implications arising from this report or the attached proposed amendments to the procedures.

Equalities Implications

12. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. A clearer Constitution will assist with access by the public in general.

Conclusion and next Steps

13. Council is asked to approve and adopt the attached proposed amendments for dealing with motions at Council as set out at Appendix A. If approved the Constitution will be amended to incorporate any changes that have been agreed.

Appendices

Appendix A – Amended Extract – Tracked Changes (Part 4A Notices of Motion etc)

Background Papers

None