

<b>General Purposes Committee Meeting</b>	
<b>Meeting Date</b>	30 October 2019
<b>Report Title</b>	<b>Amendments to council procedure rules on motions</b>
<b>Cabinet Member</b>	Cllr Roger Truelove – Council Leader
<b>SMT Lead</b>	David Clifford – as Monitoring Officer
<b>Head of Service</b>	
<b>Lead Officer</b>	
<b>Key Decision</b>	No
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. General purposes committee is asked to recommend the revised wording at Appendix II to council for incorporation into the constitution.

## **1 Purpose of Report and Executive Summary**

- 1.1 This report proposes improvements to the wording of the council procedure Rule 15 on motions. This has become necessary as a result of the more frequent moving of motions seeking to set a policy direction in recent months. The amendments seek to clarify the extent to which this is permissible, as well as to update and consolidate the wording of the whole rule.

## **2 Background**

- 2.1 Motions to full council are a long-standing means for members to be able to test the views of their fellow councillors and arrive at agreed positions on issues affecting the borough. With the election of a large number of new members in May, combined with the formation of a new administration, there has been a noticeable shift in the way in which motions are now being used, with members of the administration itself proposing motions intended to provide impetus to, or set the tone for, future policy development.
- 2.2 This is an entirely appropriate way to use motions, but care does need to be taken to ensure that their wording cannot be interpreted as circumventing, or seeking to circumvent, the council's constitutional decision-making processes. While the full council is of course the organisation's most 'senior' decision-making body, it cannot take decisions which in law are executive matters, and even in respect of the decisions which are its own to make, it should never do so without reference to a full report setting out the implications of the decision and any alternative options.

### 3 Proposals

- 3.1 Attached at Appendix I is the current wording of the relevant sections of the council procedure rules, marked up with 'track changes' to show proposed amendments. Appendix II provides a 'clean' version of the proposed new wording. General purposes committee is asked to recommend the revised wording at Appendix II to council for incorporation into the constitution.

### 4 Alternative Options

- 4.1 As can be seen from Appendix I, the procedure rules already includes some wording intended to deal with situations in which motions to council appear to raise issues about proper decision-making, and the wording could be retained in its present form. However, this option is not recommended, as the current wording fails to safeguard the council effectively from motions which would inadvertently or otherwise have the effect of circumventing constitutional decision-making processes.

### 5 Consultation Undertaken or Proposed

- 5.1 This issue has been raised in discussions with the leader, the deputy leader and the leader of the opposition. Colleagues from the legal team have reviewed the proposed wording.

### 6 Implications

Issue	Implications
Corporate Plan	Ensuring that the wording of the constitution is as robust as possible has the potential to contribute to all the priorities in the corporate plan.
Financial, Resource and Property	No specific implications identified at this stage.
Legal, Statutory and Procurement	There are significant legal risks for the council in being seen to make policy decisions by means of motions to full council. Inter alia these include blurring the lines between executive and non-executive functions, and failing to take decisions in an evidenced way with proper regard to the implications. The revised wording at Appendix II has been agreed with the corporate governance team.
Crime and Disorder	No specific implications identified at this stage.
Environment and Sustainability	No specific implications identified at this stage.
Health and Wellbeing	No specific implications identified at this stage.

Risk Management and Health and Safety	No specific implications identified at this stage.
Equality and Diversity	No specific implications identified at this stage.
Privacy and Data Protection	No specific implications identified at this stage.

## **7 Appendices**

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Current wording marked up with proposed amendments in 'track changes'
- Appendix II: 'Clean' version of proposed new wording

## **8 Background Papers**

8.1 There are no relevant background papers.