

<b>General Purposes Committee</b>	
<b>Meeting Date</b>	17 March 2021
<b>Report Title</b>	<b>Constitution amends: Council procedure rules on motions and amendments</b>
<b>Cabinet Member</b>	Cllr Mike Baldock Deputy Leader and Cabinet Member for Planning
<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>	General purposes committee is asked to:  1. Endorse the changes to the council procedure rules set out in the appendices and recommend these to full council for adoption.

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

- 1.1 This report recommends changes to the council procedure rules on motions with notice (Rule 15) and amendments to motions (Rule 17). The main intentions of the changes are to:
- Prevent decisions being taken by means of motions that ought to be taken based on a properly evidenced proposal.
  - Provide that notice has to be given of amendments, with a facility for the mayor to waive this rule.
  - Provide that statutory chief officers can append a note on implications to motions and amendments where necessary.
  - Simplify the readability of Rule 15 by putting the text into a more logical order and splitting it up into sections.

## **2 Background**

- 2.1 Recent council meetings have given rise to some concerns regarding the rules on motions and amendments. The range of subject matter of motions has expanded in recent years, and there have been examples of motions apparently trying to set policy without the benefit of properly considered evidence.
- 2.2 The same issue potentially arises in respect of amendments to motions and amendments to recommendations in reports. Amendments ordinarily have to be

notified in advance of meetings in many councils, in order to give officers time to consider any implications. While this is a sensible rule, it does carry the risk that council meetings could struggle to agree a form of words that would in principle command broad support in the chamber if there was a blanket ban on amendments being proposed during the meeting.

- 2.3 Some amendments to Rule 15 were proposed to GPC during 2019 in an attempt to deal proactively with what were recognised to be potential problems with the increasing use of motions looking to make policy. At that time, the committee took the view that the changes overcomplicated the rules. The proposals in this report are simplified from those considered in 2019.

### 3 Proposals

- 3.1 Appendix I shows a ‘clean’ version of the current rules. Appendix II shows this marked up with tracked changes, where red text is new or newly deleted and green text is unaltered but relocated. Appendix III shows a ‘clean’ version of the proposed rules. General purposes committee is asked to recommend the revised wording at Appendix III to council for incorporation into the constitution.

### 4 Alternative Options

- 4.1 As can be seen from Appendix I, the procedure rules already include 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 adequately to safeguard the council from motions or amendments which, inadvertently or otherwise, would have the effect of circumventing constitutional decision-making processes.

### 5 Consultation Undertaken or Proposed

- 5.1 The council procedure rules are largely an internal matter for the council and no external consultation has been undertaken or is proposed regarding this report.

### 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 III has been agreed with the corporate governance team.
Crime and Disorder	No specific implications identified at this stage.
Environment and Climate/Ecological Emergency	No specific implications identified at this stage.
Health and Wellbeing	No specific implications identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	No specific implications identified at this stage.
Risk Management and Health and Safety	No specific implications identified at this stage.
Equality and Diversity	At a time in which council meetings are held remotely via skype, it has become customary for the text of amendments proposed during the meeting to be pasted into the instant messenger facility. This is not a format which is easy to read, and it does cause issues for some people, whether due to impairments of sight or of reading. Requiring amendments to be notified in advance will remove the need for this.
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: 'Clean' version of current wording
- Appendix II: Current wording marked up with proposed amendments
- Appendix III: 'Clean' version of proposed new wording

## 8 Background Papers

8.1 The full council procedure rules can be accessed [here](#).

## **APPENDIX I: CURRENT WORDING**

### **15. Notices of motion**

#### **(i) Motions submitted by Members**

With the exception of motions which can be moved without notice, written notice of every motion, signed by a proposer and seconder (or appropriate number of Members if the motion is submitted pursuant to Council procedure rule 21) must be given to the proper officer not later than 4.30pm on the Friday before the agenda is despatched. These will be recorded and open to public inspection.

Each motion will be set out on the agenda, in the order of receipt, and dealt with on a first-come-first-served basis, unless the Member giving the notice states in writing that they wish to withdraw the motion or move it to a later meeting.

Motions submitted by Members will be limited to a maximum of 30 minutes debate for each motion, and no more than two motions will be accepted and debated per meeting. No motions to be accepted, subject to the Mayor's discretion in respect of urgent matters, at key budget decision meetings. The latter are defined as the budget setting meeting and the meeting setting the Council's fees and charges.

Amendments to the budget are to be made in writing and delivered to the proper officer by 5pm on the Monday before the meeting. In proposing any changes to the budget, any amendment must ensure that the proposal achieves a balanced budget.

The Mayor may agree to late motions, in addition to the maximum of two that have been accepted for debate, being added to the agenda where she/he is of the opinion they are urgent.

If a motion set out on the agenda is not moved at the meeting, either by the Member that gave the notice or another Member, it shall, unless postponed by the consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

If the subject falls within the terms of reference of another meeting it shall, upon being moved and seconded, be referred without discussion to the meeting as the Council determines, for consideration and report. Alternatively, the Mayor can decide that the motion can be considered at the Council meeting.

Motions must be about matters which the Council has responsibilities for or which affect the borough.

No Member can have more than two notices of motion on the agenda; any submitted in excess of two will be referred to the subsequent meeting where the same rule applies (i.e. no more than two motions).

If notice is given of any motion which the proper officer considers to be out of order, illegal, irregular or improper, she/he will advise the Mayor that the notice should not be accepted. The Mayor shall determine whether it can be considered, taking this advice into consideration. If the motion is not accepted, the proper officer will let the

Member concerned know the reasons for the rejection and a report of the action will be submitted to the next Council meeting.

[...]

## **16. Motions without notice**

The following motions and amendments may be moved without notice:

[...]

(7) Amendments to motions.

[...]

(19) A Member may move, without comment, the following motions at the conclusion of a speech of another Member:

- (a) to proceed to the next business;
- (b) that the question be now put;
- (c) to adjourn a debate;
- (d) to adjourn a meeting.

[...]

When a motion in any of the terms in rule 17.8 has been moved, no further motion in any of those terms shall be allowed in the course of the debate on the same matter within fifteen minutes unless in the opinion of the Mayor the circumstances have materially altered.

[...]

## **17.4 Amendments to motions**

An amendment shall be relevant to the motion and will either be:

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration,
- (b) to leave out words,
- (c) to leave out words and insert or add others,
- (d) to insert or add words,

as long as the effect of (b) to (d) is not to negate the motion.

Only one amendment may be moved and discussed at a time, and no further amendment shall be moved until the amendment under discussion has been disposed.

If an amendment is lost, other amendments may be moved on the original motion.

If an amendment is carried, the motion as amended shall take the place of the original motion. This becomes the substantive motion upon which any further

amendments are moved, except such as would have the effect of reviving the original motion.

Amendments to recommendations contained in Cabinet or officer reports to be considered by Council will be debated in the same way as amendments to motions; however, there is no restriction on what the amendment to the recommendation may be.

### **17.5 Alteration of motion**

A Member may alter a motion of which she/he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

A Member may alter a motion which she/he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

Only alterations which could be made as an amendment may be made.

[...]

## APPENDIX II: PROPOSED WORDING SHOWING MARKUP

### 15. ~~Notices of motion~~Motions with notice

~~(i) Motions submitted by Members~~

#### 15.1 Notice of motions

With the exception of motions which can be moved without notice, written notice of every motion, signed or forwarded by email by a proposer and seconder (or appropriate number of Members if the motion is submitted pursuant to Council procedure rule ~~2420~~), must be given to the proper officer not later than 4.30pm on the Friday before the agenda is despatched. These will be recorded and open to public inspection.

No more than two motions submitted by Members will be listed on the agenda for debate per meeting. Motions will be listed on the agenda in order of receipt. If notice of more than two motions is received by the proper officer for any meeting, those received after the first two will be added to the agenda for subsequent meetings in the order that they were received. Motions will remain on agendas unless the Member giving notice states in writing the she/he wishes to withdraw the motion or move it to a later meeting.

The Mayor may agree to late motions, in addition to the maximum of two that have been accepted for debate, being added to the agenda where she/he is of the opinion they are urgent.

~~Each motion will be set out on the agenda, in the order of receipt, and dealt with on a first-come-first-served basis, unless the Member giving the notice states in writing that they wish to withdraw the motion or move it to a later meeting.~~

~~Motions submitted by Members will be limited to a maximum of 30 minutes debate for each motion, and no more than two motions will be accepted and debated per meeting. No motions ~~to~~will be accepted, subject to the Mayor's discretion in respect of urgent matters, at key budget decision meetings. The latter are defined as the budget setting meeting and the meeting setting the Council's fees and charges.~~

~~Amendments to the budget are to be made in writing and delivered to the proper officer by 5pm on the Monday before the meeting. In proposing any changes to the budget, any amendment must ensure that the proposal achieves a balanced budget.~~

~~The Mayor may agree to late motions, in addition to the maximum of two that have been accepted for debate, being added to the agenda where she/he is of the opinion they are urgent.~~

#### **15.2 Treatment of motions**

Motions submitted by Members will be limited to a maximum of 30 minutes' debate for each motion.

If a motion set out on the agenda is not moved at the meeting, either by the Member that gave the notice or another Member, it shall, unless postponed by the consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

If the subject falls within the terms of reference of another meeting it ~~shall~~may, upon being moved and seconded, be referred without discussion to the meeting as the Council determines, for consideration and report. Alternatively, the Mayor can decide that the motion can be considered at the Council meeting.

~~Motions submitted by Members will be limited to a maximum of 30 minutes debate for each motion, and no more than two motions will be accepted and debated per meeting.~~

### **15.3 Subject of motions**

Motions must be about matters which the Council has responsibilities for or which affect the borough.

Motions may seek to set a tone or general direction for future more detailed policy development work by the appropriate Council committees, or to provide an initial stimulus to that work, but the wording of a motion or an amendment must not be such that it could be interpreted as circumventing or seeking to circumvent the Council's constitutional decision-making processes.

Motions about policy areas which are an executive matter should request Cabinet or Cabinet members to undertake the necessary work to enable an executive decision to be taken. Motions about non-executive matters with the potential for budgetary or significant policy implications should request the relevant committee or the Cabinet to undertake the work necessary for a properly evidenced decision to be taken.

The monitoring officer will review the wording of all motions submitted and, in consultation with the Mayor, may if necessary reject a motion on the basis that its wording is in breach of this rule or that it is otherwise out of order, illegal, irregular or improper.

The monitoring officer will work with the Member who wishes to propose the motion to bring the wording into compliance with this rule in a way which is acceptable both to the Member and to the Mayor and monitoring officer, provided this can be completed before the deadline for the submission of motions. Where the Mayor is of the view that it would be helpful, any of the Council's statutory chief officers may append a concise note to a motion or amendment setting out any budgetary or other significant implications.

In the event that no agreement on wording can be reached and the motion is formally rejected by the monitoring officer in consultation with the Mayor, the monitoring officer will advise the member in writing of the reasons for this decision and submit a report of the decision to the next council meeting. This report will be noted without discussion.

In the event that a motion seeking to set a tone or general direction for, or to provide initial stimulus to, future policy development work is moved and seconded but not carried when put to the vote, this will in no way prevent the executive or any relevant committee from working to develop policy along the lines proposed in the motion. In general the rejection of a motion at full council will have no bearing on the future work of the council, the executive or any committee (but refer to Rule 20.2 for the bearing it can have on future motions).

~~No Member can have more than two notices of motion on the agenda; any submitted in excess of two will be referred to the subsequent meeting where the same rule applies (i.e. no more than two motions).~~

~~If notice is given of any motion which the proper officer considers to be out of order, illegal, irregular or improper, she/he will advise the Mayor that the notice should not be accepted. The Mayor shall determine whether it can be considered, taking this advice into consideration. If the motion is not accepted, the proper officer will let the Member concerned know the reasons for the rejection and a report of the action will be submitted to the next Council meeting.~~

[...]

## **16. Motions without notice**

The following motions and amendments may be moved without notice:

[...]

~~(7) Amendments to motions.~~

[...]

(19) A Member may move, without comment, the following motions at the conclusion of a speech of another Member:

- (a) to proceed to the next business;
- (b) that the question be now put;
- (c) to adjourn a debate;
- (d) to adjourn a meeting.

[...]

When a motion in any of the terms in rule ~~17.8~~16(19) has been moved, no further motion in any of those terms shall be allowed in the course of the debate on the same matter within fifteen minutes unless in the opinion of the Mayor the circumstances have materially altered.

[...]

## **17.4 Amendments to motions**

Written notice of every amendment to a motion which has been published in a Council agenda or to a recommendation in a report on a Council agenda, signed or forwarded by email by a proposer and seconder, must be given to the proper officer not later than 4.30pm on the Monday preceding the Council meeting. These will be recorded and open to public inspection.

The Mayor may waive this rule during a Council meeting where it appears to her/him that allowing an amendment to be proposed and seconded without notice having been given would be conducive to enabling the meeting to articulate a common position on the matter under debate.

An amendment shall be relevant to the motion and will either be:

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration,
- (b) to leave out words,
- (c) to leave out words and insert or add others,
- (d) to insert or add words,

as long as the effect of (b) to (d) is not to negate the motion. This paragraph applies only to amendments to motions, and not to amendments to recommendations contained in reports.

The wording of an amendment must not be such that it could be interpreted as circumventing or seeking to circumvent the Council's constitutional decision-making processes. This rule is described more fully in Council procedure rule 15.3.

Amendments to the budget are to be given made in writing and delivered to the proper officer by 5pm on the Monday before the meeting in the same way as notice of other amendments. The rules on the wording of amendments set out in Council procedure rule 15.3 do not apply to budget amendments, but in proposing any changes to the budget, any amendment must ensure that the proposal achieves a balanced budget.

Amendments will be debated and voted on in the order in which notice was received. The Mayor may waive this rule during the meeting if she/he believes there are good reasons to do so.

Only one amendment may be moved and ~~discussed~~ debated at a time, and no further amendment shall be moved until the amendment under discussion has been disposed.

If an amendment is lost, other amendments may be moved on the original motion.

If an amendment is carried, the motion as amended shall take the place of the original motion. This becomes the substantive motion upon which any further amendments are moved, except such as would have the effect of reviving the original motion.

Amendments to recommendations contained in Cabinet or officer reports to be considered by Council will be debated in the same way as amendments to motions;

~~however, there is no restriction on what the amendment to the recommendation may be.~~

### **17.5 Alteration of motion**

A Member may alter a motion of which she/he has given notice with the consent of the meeting. The meeting's consent will generally be signified without discussion. Where it appears to the Mayor that there is significant dissent, she/he may allow the dissent to be voiced and hold a vote on whether to accept the alteration.

A Member may alter a motion which she/he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will generally be signified without discussion. Where it appears to the Mayor that there is significant dissent, she/he may allow the dissent to be voiced and hold a vote on whether to accept the alteration.

Only alterations which could be made as an amendment may be made.

[...]

## **APPENDIX III: PROPOSED WORDING – CLEAN VERSION**

### **15. Motions with notice**

#### ***15.1 Notice of motions***

With the exception of motions which can be moved without notice, written notice of every motion, signed or forwarded by email by a proposer and seconder (or appropriate number of Members if the motion is submitted pursuant to Council procedure rule 20), must be given to the proper officer not later than 4.30pm on the Friday before the agenda is despatched. These will be recorded and open to public inspection.

No more than two motions submitted by Members will be listed on the agenda for debate per meeting. Motions will be listed on the agenda in order of receipt. If notice of more than two motions is received by the proper officer for any meeting, those received after the first two will be added to the agenda for subsequent meetings in the order that they were received. Motions will remain on agendas unless the Member giving notice states in writing she/he wishes to withdraw the motion or move it to a later meeting.

The Mayor may agree to late motions being added to the agenda, in addition to the maximum of two that have been accepted for debate, where she/he is of the opinion they are urgent.

No motions will be accepted, subject to the Mayor's discretion in respect of urgent matters, at key budget decision meetings. The latter are defined as the budget setting meeting and the meeting setting the Council's fees and charges.

#### ***15.2 Treatment of motions***

Motions submitted by Members will be limited to a maximum of 30 minutes' debate for each motion.

If a motion set out on the agenda is not moved at the meeting, either by the Member that gave the notice or another Member, it shall, unless postponed by the consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

If the subject falls within the terms of reference of another meeting it may, upon being moved and seconded, be referred without discussion to the meeting as the Council determines, for consideration and report. Alternatively, the Mayor can decide that the motion can be considered at the Council meeting.

#### ***15.3 Subject of motions***

Motions must be about matters which the Council has responsibilities for or which affect the borough.

Motions may seek to set a tone or general direction for future more detailed policy development work by the appropriate Council committees, or to provide an initial

stimulus to that work, but the wording of a motion or an amendment must not be such that it could be interpreted as circumventing or seeking to circumvent the Council's constitutional decision-making processes.

Motions about policy areas which are an executive matter should request Cabinet or Cabinet members to undertake the necessary work to enable an executive decision to be taken. Motions about non-executive matters with the potential for budgetary or significant policy implications should request the relevant committee or the Cabinet to undertake the work necessary for a properly evidenced decision to be taken.

The monitoring officer will review the wording of all motions submitted and, in consultation with the Mayor, may if necessary reject a motion on the basis that its wording is in breach of this rule or that it is otherwise out of order, illegal, irregular or improper.

The monitoring officer will work with the Member who wishes to propose the motion to bring the wording into compliance with this rule in a way which is acceptable both to the Member and to the Mayor and monitoring officer, provided this can be completed before the deadline for the submission of motions. Where the Mayor is of the view that it would be helpful, any of the Council's statutory chief officers may append a concise note to a motion or amendment setting out any budgetary or other significant implications.

In the event that no agreement on wording can be reached and the motion is formally rejected by the monitoring officer in consultation with the Mayor, the monitoring officer will advise the member in writing of the reasons for this decision and submit a report of the decision to the next council meeting. This report will be noted without discussion.

In the event that a motion seeking to set a tone or general direction for, or to provide initial stimulus to, future policy development work is moved and seconded but not carried when put to the vote, this will in no way prevent the Cabinet or any relevant committee from working to develop policy along the lines proposed in the motion. In general the rejection of a motion at full Council will have no bearing on the future work of the Council, the Cabinet or any committee (but refer to Rule 20.2 for the bearing it can have on future motions).

[...]

## **16. Motions without notice**

The following motions and amendments may be moved without notice:

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(19) A Member may move, without comment, the following motions at the conclusion of a speech of another Member:

- (a) to proceed to the next business;
- (b) that the question be now put;
- (c) to adjourn a debate;

(d) to adjourn a meeting.

[...]

When a motion in any of the terms in rule 16(19) has been moved, no further motion in any of those terms shall be allowed in the course of the debate on the same matter within fifteen minutes unless in the opinion of the Mayor the circumstances have materially altered.

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#### **17.4 Amendments to motions**

Written notice of every amendment to a motion which has been published in a Council agenda or to a recommendation in a report on a Council agenda, signed or forwarded by email by a proposer and seconder, must be given to the proper officer not later than 4.30pm on the Monday preceding the Council meeting. These will be recorded and open to public inspection.

The Mayor may waive this rule during a Council meeting where it appears to her/him that allowing an amendment to be proposed and seconded without notice having been given would be conducive to enabling the meeting to articulate a common position on the matter under debate.

An amendment shall be relevant to the motion and will either be:

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration,
- (b) to leave out words,
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as long as the effect of (b) to (d) is not to negate the motion. This paragraph applies only to amendments to motions, and not to amendments to recommendations contained in reports.

The wording of an amendment must not be such that it could be interpreted as circumventing or seeking to circumvent the Council's constitutional decision-making processes. This rule is described more fully in Council procedure rule 15.3.

Notice of amendments to the budget is to be given in the same way as notice of other amendments. The rules on the wording of amendments set out in Council procedure rule 15.3 do not apply to budget amendments, but in proposing any changes to the budget, any amendment must ensure that the proposal achieves a balanced budget.

Amendments will be debated and voted on in the order in which notice was received. The Mayor may waive this rule during the meeting if she/he believes there are good reasons to do so.

Only one amendment may be moved and debated at a time, and no further amendment shall be moved until the amendment under discussion has been disposed.

If an amendment is lost, other amendments may be moved on the original motion.

If an amendment is carried, the motion as amended shall take the place of the original motion. This becomes the substantive motion upon which any further amendments are moved, except such as would have the effect of reviving the original motion.

Amendments to recommendations contained in Cabinet or officer reports to be considered by Council will be debated in the same way as amendments to motions.

### **17.5 Alteration of motion**

A Member may alter a motion of which she/he has given notice with the consent of the meeting. The meeting's consent will generally be signified without discussion. Where it appears to the Mayor that there is significant dissent, she/he may allow the dissent to be voiced and hold a vote on whether to accept the alteration.

A Member may alter a motion which she/he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will generally be signified without discussion. Where it appears to the Mayor that there is significant dissent, she/he may allow the dissent to be voiced and hold a vote on whether to accept the alteration.

Only alterations which could be made as an amendment may be made.

[...]