

Committee:	Governance, Audit and Performance	Date:	8 February 2018
Title:	Procedure for Moving Amendments at Council Meetings		
Report Author:	Simon Pugh, Interim Head of Legal Services	Item for decision:	Yes

Summary

1. The Council Procedure Rules allow for amendments to be moved at Council meetings without notice. This carries a risk that amendments may be considered and approved without proper deliberation and appropriate professional advice. This report proposes a change to the Rules to provide for notice of amendments to be given by noon on the day preceding the meeting, subject to exceptions. This would allow members the opportunity to consider the merits of amendments in advance of the meeting and would allow for professional advice to be given.

Recommendations

2. That the Committee recommends to Council that it adopt the changes to the Council Procedure Rules set out in the Appendix to this report.

Financial Implications

3. Notice of amendments will allow for advance consideration of any financial implications.

Background Papers

4. No background papers were referred to by the author in the preparation of this report.

Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	Notice of amendments will allow for advance consideration of any legal implications.

Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. Under the Council Procedure Rules, it is possible at present to move an amendment at Council without notice and with no prior discussion with officers. This can cause difficulties with major items, such as the Local Plan and the budget.

7. Particular risks associated with budget amendments moved without notice include:
 - There is little time to consider their merit and whether they stack up, for instance whether proposed revenue allocations are adequate for the purpose intended.
 - The wording of amendments may be unclear and, if carried, may lead to difficulties in their implementation.
 - One budget change may have knock-on implications for the remainder of the budget and it is difficult to assess this without notice of an amendment.
 - It is difficult for officers, especially the s151 officer, to provide professional advice in these circumstances.

8. There are also risks associated with planning policy amendments moved without notice. It is difficult for officers to provide advice on the impact or legality of local or other plan amendments moved without advance notice. There is a risk that changes made without proper consideration or advice could undermine the strength of the local plan proposals and the prospect of confirmation following the inspection in public.

9. The benefits of providing for notice to be given of amendments include:
 - Officers would have opportunity to assess the impact of amendments and to provide advice.
 - Officers can ensure that amendments are worded clearly in a way that, if carried, they can be implemented.
 - Members would have opportunity to give careful consideration to the merits of amendments, to ask questions and to seek advice.
 - Where it considers that amendments have merit, the Cabinet or majority group could indicate support, which would promote consensus, or could

negotiate a compromise amendment likely to have support across the Council.

- Notice of amendments helps to ensure effective management of meetings, including assisting the Chairman in presiding over business and in giving clear guidance to the public and members on the procedure being followed.
- It will also help to ensure that meetings are run in a professional manner, showing the Council in a good light to the public.

10. It is important that care is taken to ensure that that rules requiring notice to be given of amendments do not undermine the right of members to offer alternatives to Cabinet proposals or undermine the effectiveness of opposition groups.

11. Appendix 1 sets out a proposed amendment to the Council Procedure Rules, requiring notice to be given of amendments by 12 noon on the day preceding the meeting. It also allows for some flexibility where, for instance, the need for an amendment became apparent late in the day, or where amendments improve, rather than materially alter, a recommendation.

12. These proposals relate only to Council meetings, and not to Committee or Working Group Meetings.

Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions
That the current rules for moving amendments at Council without proper advice or consideration.	3	3	The action proposed in this report of providing for notice to be given of amendments, subject to exceptions to provide for flexibility.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1.

Notice of amendments at Council (proposed additional text in bold)

12.6 Amendments to motions

12.6.1 An amendment to a motion must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words as long as the effect of the amendment is not to negate the motion.

12.6.2 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

12.6.3 If an amendment is not carried, other amendments to the original motion may be moved.

12.6.4 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

12.6.5 After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

12.6.6 Subject to the exceptions in Rule 12.6.7, amendments to recommendations or motions set out in the Council Agenda for a meeting shall only be considered if they have been delivered in writing to the Democratic and Electoral Services Manager or to a Democratic Services Officer by noon on the day preceding the meeting. Amendments submitted shall then be circulated to all members of the Council. (This rule does not apply to meetings of the Cabinet or to meetings of committees.)

12.6.7 The exceptions to Rule 12.6.6 are:

- 1. The Chairman shall have discretion to permit amendments from members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Chairman should also be satisfied that advance notice of such amendments was given as soon as**

reasonably practical, and not left to the day of the meeting unless this was unavoidable.

2. The Chairman may permit amendments if satisfied that they are necessary to improve the wording or to correct factual inaccuracies and do not make substantive changes to motions or recommendations, or to amendments of which notice has been given in accordance with rule 12.6.6. The Chairman shall give reasons for permitting such amendments to the meeting.