

Committee: Council

Date:

Title: Procedure for moving amendments at Council Meetings

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Report Author: Simon Pugh, Assistant Director - Governance and Legal
spugh@uttlesford.gov.uk

Summary

1. A report on this subject has been considered by Governance, Audit and Performance Committee on 8 February and on 17 May 2018. At both meetings the report provoked much debate. Some members expressed concern that the proposals might go too far and limit flexibility in decision-making. However there was also recognition of the merits of the changes proposed.
2. After consideration at the meeting on 17 May, the Committee recommended the changes proposed in this report for adoption by the Council.
3. The change proposed is that notice of amendments to motions and recommendations must be given by 10.00 AM two working days preceding the meeting, subject to exceptions. This is to allow adequate time for members to consider the implications of proposed amendments and for officers to give professional advice.

Recommendations

4. That Council adopts the changes to the Council Procedure Rules set out in the Appendix to this report.

Financial Implications

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

Background Papers

6. Reports to Governance and Audit Committee meetings on 8 February and 17 May 2018, and the minutes of those meetings. These are available on the Council's website.

Impact

- 7.

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| Communication/Consultation | The proposals have been considered on |
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| | two occasions by Governance, Audit and Performance Committee and have also been discussed with Group Leaders. |
| 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

8. 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.
9. 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.
 - 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.
10. 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 risk legal challenge or undermine the strength of local plan or development plan document proposals and the prospect of confirmation following the inspection in public.
11. 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.
 - 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.
 - It would aid good conduct of the meeting.
12. It is important that care is taken to ensure that rules requiring notice to be given of amendments do not undermine the right of members to offer alternatives to Cabinet or other proposals or undermine the effectiveness of opposition groups.
 13. There is a high degree of visibility of Cabinet recommendations to Council. Reports to Cabinet will have been published in advance and Cabinet will have met to deliberate. There is opportunity for non-Cabinet members to make their views known at this stage and to seek to influence debate. There is significant time to identify a case for amendment, to seek officer advice and to draft the amendment.
 14. Cabinet recommendations to Council almost always relate to significant budget or policy decisions. If the Council is to consider adopting a different course, then it needs time for consideration and it needs appropriate professional advice. It will not have these if amendments are produced on the night. Officer advice is that it is good practice to require notice of amendments to Cabinet recommendations to Council.
 15. The considerations identified above apply equally to recommendations made by regulatory committees and amendments to motions brought before the Council.
 16. Officers suggest that, if these proposals are adopted, their effectiveness is reviewed after a period of, say, twelve months. If it is apparent that there are problems within that period, an earlier review can be undertaken.
 17. Appendix 1 sets out a proposed amendment to the Council Procedure Rules, requiring notice to be given of amendments to Cabinet recommendation. It 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, or to allow a response to an amendment.
 18. There is also the safeguard that, if the Council is of the view that it makes sense to consider an amendment despite these rules, it can do so by majority agreement.

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

Risk Analysis

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| Risk | Likelihood | Impact | Mitigating actions |
|---|------------|--------|---|
| That the current rules for moving amendments at Council allow for their consideration without opportunity for 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 and recommendations

12.6.1 An amendment to a motion **or recommendation** must be relevant to the motion **or recommendation** 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 **or recommendation**.

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 or recommendation 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 or recommendation 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 motions or recommendations 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 10 am on the day which is two working days preceding the meeting. Amendments submitted shall then be circulated to all members of the Council.

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. Further amendments are permitted that directly respond to amendments submitted in accordance with these rules. Notice of such further amendments should be given as soon as reasonably practical.

3. 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.

4. The Leader of the Council may amend a Cabinet recommendation in the light of discussion.