

REPORT OF THE CITY AND COUNTY SOLICITOR AGENDA ITEM:

AMENDMENT TO COUNCIL PROCEDURE RULES - NOTICES OF MOTION

Reason for this Report

1. To provide Members with the opportunity to further consider a proposed amendment to the Council Meeting Procedure Rules, arising from discussions at the last meeting of the Committee.

Background

2. In July 2005 the Constitution, and subsequently Council, approved the following procedure for the right of reply for Motions/Amendments:
 - At the end of a debate about a motion which is not amended, the Member who first proposed it at the meeting has right to reply to the points raised in the debate.
 - Once all amendments have either been declared, 'carried' or 'lost', the meeting returns to debating the original or 'substantive' motion (in its amended form). If a carried amendment was accepted by the mover of the original motion, then the mover of the original motion has the right of reply.
 - When any amendments have not been accepted by the original mover of the motion, the Member who proposed an amendment, which was subsequently carried on a vote, has a right of reply to the points raised in debate. No new matters may be introduced.
 - Members may not speak after the owner of a motion has exercised a right of reply, except to seek clarification of a particular matter before the owner of the motion concludes his or her speech. A Member may not speak after a proposition has been voted on except on a point of order relating to it.

3. At its last meeting on 12 March 2010, the Committee considered an anomaly in the Constitution relating to notices of motion, which had been identified by a Member subsequent to the change made in July 2005. Whilst debates on Motions at Council since 2005 have been carried out in accordance with the spirit of the above decision, the Constitution had not been correctly amended at that time to reflect all of these changes. Consequently an anomaly exists, in regard of the right of reply at the end of a debate that needs to be corrected. The current procedure rules incorrectly infer, in paragraph 14.9(a) (ii), that the mover of a Motion has the right of reply at the close of the debate on an amendment. As this is not consistent with the practice for debates on Notices of Motions that has been followed since 2005, the Committee gave consideration as to whether to amend the rules to rectify this anomaly.
4. The Committee discussed the matter and considered that it would be appropriate for the mover of a motion to have one opportunity, after the conclusion of the debate, to respond to amendments prior to any such amendments being voted upon. The Committee resolved that a draft revised Council procedural rule, relating to paragraph 14(a) - the right of reply at the close of a debate, be brought back for consideration by the Committee.

Issues

5. As requested at last meeting, a draft amended procedure rule 14.9 (a) has been prepared for consideration by Members as set out below (***proposed changes highlighted in bold italics***).

14.9 (a) The rights of reply at the close of a debate are as follows:

- (i) ***Prior to the vote on any amendment, the mover of the motion has a right to reply at the end of the debate on the motion and (any) amendment(s)***
- (ii) Except where a motion has been amended following a debate and a vote, and where the motion is to move disapproval under Rule 13(e) above, the mover of a motion has a right to reply at the end of the debate on the motion, immediately before ***the substantive motion*** is put to the vote.
- (iii) The mover of the amendment has no right of reply to the debate on his or amendment
- (iv) In relation to a motion which has been amended where the amendment has been altered or accepted by the mover, the mover of the original motion has the right of reply.
- (v) In relation to a motion which has been amended following debate and a vote, the mover of the amendment has the right to reply to the debate.

Legal Implications

6. The Local Government Act 2000 requires the Council to keep its Constitution under review and up to date, and Article 14 of the Constitution provides for review and revision of the Constitution.

Financial Implications

7. There are no financial implications arising from this report.

Recommendation

To give consideration to the proposed amendment to the Council Procedure Rules as set out in this report.

Kate Berry
City and County Solicitor

Dated: 7 June 2010