

**REPORT OF THE CITY AND COUNTY SOLICITOR AGENDA ITEM:3**

**COUNCIL PROCEDURE RULE: AMENDMENTS TO MOTIONS**

**Reason for this Report**

1. To clarify Council Procedure Rule 14.6 (b) Amendments to Motions following a point of information request at the Council Meeting on 16 December, 2010.

**Background**

2. The County Council at its meeting 28 January, 2010 (Minute No: 162) approved the changes to the Council Procedure Rule made by the Constitution Committee at its meeting on 15 January, 2010.
3. These included a change to Council Procedure Rule 14.6 (b) Amendments to Motions (changes appear in italics)
  - (b) Any amendments to motions of which notice has been given under Rule 12 will be called by the Lord Mayor in *an order determined by the Lord Mayor, in consultation with the Monitoring Officer, to facilitate coherent debate and to, wherever possible allow all amendments to have the opportunity to be voted upon.* Each amendment will be proposed and seconded and then put to the vote in the order *determined by the Lord Mayor.*

**Issues**

4. The change to the Council Procedure Rule 14.6 (b) was agreed to maximise the opportunity for all amendment to motions to be voted upon. Since the change was agreed by Council, this has been interpreted as requiring individual amendments to be voted upon, even when such an amendment has been accepted by the mover of the original motion.
5. A point of clarification was sought regarding this interpretation of the Council Procedure Rules at the Council meeting 16 December 2010, and this report seeks to clarify the position.

6. If the Constitution Committee agree, Council could be recommended to further amend the Council Procedure Rule 14.6 (b) as set out below (with proposed amendments set out in bold italics), to clarify the position.

Any amendments to motions of which notice has been given under Rule 12 will be called by the Lord Mayor in an order determined by the Lord Mayor, in consultation with the Monitoring Officer, to facilitate coherent debate and to, wherever possible allow ***each*** amendment to have the opportunity to be voted upon. Each amendment will be proposed and seconded and then put to the vote in the order determined by the Lord Mayor. ***For the avoidance of doubt this provision will apply even when the mover of the original motion indicates that he/she is prepared to accept the amendment, so that wherever possible all Council Members have opportunity to vote on the original motion and the amended motion.***

### **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**

This Committee considers the potential amendment to Council Procedure Rule 14.6(b) as set out in paragraph 5 of this report.

### **Kate Berry**

City and County Solicitor

Dated: 6 January 2011