

Report to: Governance Committee

Date of meeting: 23 January 2018

By: Assistant Chief Executive

Title: Amendments to the Constitution – motions

Purpose: To consider a minor amendment to the Constitution relating to the referral of motions.

RECOMMENDATIONS

The Governance Committee is recommended to recommend the County Council to agree to the Constitution being amended as set out in the report.

1 Background

1.1 Standing Orders 36.12 – 37.2 deal with Motions referred to a Committee and Members' rights in relation to those motions.

1.2 Section 36.12 permits the Chairman to direct that, under certain circumstances (namely where a motion is not to be included on the agenda for the next meeting of the Council as set out in sections 36.9 and 36.11), the "motion is referred to a Committee".

1.3 The custom and practice of the Council is to interpret "Committee" in this context to mean either an individual Lead Member or a Committee. For the avoidance of doubt, it is proposed to amend the Constitution to expressly state this.

2 Proposed amendments to the Constitution Part 4 – Rules of Procedure

Motions referred to a Committee or a Lead Cabinet Member

- 36.12 (1) If Standing Orders 36.9 or 36.11 do not apply, the Chairman shall direct that each motion is referred to a Committee **or a Lead Member**.
- (2) **Where a Committee or Lead Member which** has considered a motion referred to it by the Chairman **they** shall report thereon to the Council at the earliest practicable meeting. A Sub-Committee shall report to the Council through its parent Committee.
- (3) When such a motion is considered by the Council one signatory shall have a right of reply immediately before the Chair of the Committee or the relevant Cabinet member (if nominated by the Chair of the Cabinet).

Members' rights in relation to motions

37.1 Where the member or members who signed a motion are not present at a meeting at which it is to be considered, another member authorised by him or her may move the motion on behalf of a signatory.

37.2 A member or, if more than one, the first member signing a motion which is referred to a Committee **or a Lead Member**, shall have notice of each meeting of the Committee **or Lead Member** at which the motion is to be considered. He or she shall

be entitled to attend any meeting at which it is considered and to speak but not vote unless already a member of the Committee.

3. Conclusion

3.1 The Committee is asked to agree to the changes to the Constitution as set out in this report.

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