

GOVERNANCE COMMITTEE

1 July 2015

Subject Heading:

**Proposed amendment to the Council
Procedure Rules for the scope of
Motions to Full Council**

CMT Lead:

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Policy context:

Council Procedure Rules, Council
Constitution.

Financial summary:

There are no costs associated with this
report

The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for	<input type="checkbox"/>
People will be safe, in their homes and in the community	<input type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

SUMMARY

In light of recent events, the Committee is invited to consider proposed amendments to the procedure rules for the scope of motions submitted for consideration at meetings of Full Council. In drafting the proposed revised wording, account has been taken of the existing provision within the Council's Constitution and that of all other London Boroughs (except for Enfield and the City which were not available at time of reporting).

RECOMMENDATIONS

It is recommended to Council:

1. That Council Procedure Rule 11.4 of the Council's Constitution be revised the read the following:

11.4 Scope

(a) Motions must be relevant to a matter in which the Council has powers or duties or which affects the borough.

(b) The Monitoring Officer may reject a Motion if it:

i. is not about a matter for which the local authority has a responsibility or which affects the borough;

ii. is defamatory, derogatory, vexatious, scurrilous, frivolous or offensive;

iii. is substantially the same as a motion which has been put at a meeting of Full Council in the past six months;

iv. requires the disclosure of confidential or exempt information;

v. seeks to pursue or further a complaint against a Councillor or an Officer of the Council, where other channels already exist for the determination of complaints.

c). Where it would assist the proper or efficient conduct of the Council's business, the Mayor may direct that two or more motions relating to the same matter shall be debated together, with a separate vote on each one at the conclusion of the debate.

(d) The Monitoring Officer shall be entitled to clarify the wording of motions and amendments with the proposer before committing the motion or amendment to the agenda and shall be entitled to amend the wording of a motion or amendment in consultation with the proposer prior to the meeting to clarify, correct, or make sense of the particular wording. The Monitoring Officer shall consult the Mayor if agreement on such clarification cannot be reached and the Mayor may direct that the motion or amendment shall not be included in the summons.

2. That the Council's Monitoring Officer be authorised to make the necessary change to the Council's Constitution, should the proposal be agreed by Council.

REPORT DETAIL

In accordance with the Local Governance Act 1972, the rules concerning the submission of motions for consideration at meetings of Full Council are set out in Part 4, Sections 11, 12 and 14 (Council Procedure Rules) of the Council's Constitution. Council Procedure Rule 11.4 sets out specifically the scope for which the wording of motions can be accepted or rejected.

Following events at a recent meeting of Full Council, it is recommended that Council Procedure Rule 11.4 be amended to ensure that complaints which are made against a Councillor or a Council Officer and which are therefore subject to separate procedures, are rejected as a matter of course. The revised wording recommended in this report seeks to do that. In addition, it is proposed that the authority to reject such motions be delegated to the Council's Monitoring Officer.

To assist Members, attached at Appendix A is a detailed breakdown of the associated procedure rules from other London Boroughs. Members will note that the revised wording proposed in the report provides consistency with that of some other London Boroughs.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no immediate financial implications arising from this report.

Legal implications and risks:

There are no legislative requirements in respect of motions and the Council has the discretion to make whatever rules it wishes in the interests of good governance. There are no immediate legal implications arising from this report.

Human Resources implications and risks:

There are no immediate human resources implications arising from this report other than for the Monitoring Officer to make the revisions to the Council's Constitution should the recommendations be adopted.

Equalities implications and risks:

There are no immediate equalities implications arising from this report.

BACKGROUND PAPERS

None