

Recommendations of the Constitution Working Group: Rules of Debate

Introduction

The Constitution Working Group has given consideration to a number of key provisions of the Council's Rules of Debate, including the rules relating to Notices of Motion, time allowed for Members to speak, amendments proposed during debate, points of order, points of personal explanation etc.

In general, the Working Group was content with the Council's existing rules, but did wish to see changes in respect of some specific matters:

- Notices of Motion
- Amendments
- Closure motions

This report brings forward the Constitution Working Group's recommendations upon the above matters.

Notices of Motion

The Working Group took the view that, in the majority of cases, Notices of Motion should not be introduced by the proposer and seconder at Council meetings, but that Notices of Motion should simply appear on the Council agenda with a supporting written submission. In the view of the Working Group, the Council's existing arrangements, which allow the proposer and seconder to speak for two minutes, do not provide for the best use of Council time.

The Working Group also held the view that, when the Mayor determines whether a Notice of Motion should be debated in full at a Council meeting, he or she should consult the Monitoring Officer before making that determination.

The Constitution Working Group therefore recommends the following amendments to the existing Council Procedure Rules 1.31&1.37:

"Notice of every motion (other than a motion which may be moved without notice) including such supporting information as might be necessary to enable the Mayor to support the reference of the notice of motion to the appropriate committee, or to enable the Mayor to determine that it should be debated in full and determined at the Council meeting, shall be given in writing, signed by the Member(s) of the Council giving the notice, and delivered, at least 7 clear working days before the next meeting of the Council, to the Monitoring Officer or the Head of Governance and Democratic Services by whom it shall be dated, in the order in which it is received.

“When a Motion has been moved and seconded the mover and seconder shall not be permitted to speak in support of the Motion, nor shall there be any debate or vote upon it. The Mayor may then decide that the motion shall stand referred without discussion to ~~such of those bodies as the Mayor may determine~~ the appropriate committee, for determination. However, if the Mayor, having consulted the Monitoring Officer, considers it conducive to the despatch of business, the motion may be dealt with at the meeting at which it is initially considered.”

Amendments

The Working Group formed the view that, except where exceptional, amendments proposed at Council meetings should be submitted in advance of the meeting, in writing, to the Monitoring Officer.

The Constitution Working Group therefore recommends that the existing Council Procedure Rule 1.41 be replaced as follows:

“Motions and Amendments

~~*“1.41 No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Mayor, motions or amendments shall be put in writing and handed to the Mayor before they are further discussed or put to the meeting. The Mayor may, at his/her discretion, allow a motion or amendment to be put which is not in writing, provided that the Mayor has concluded that the wording of the motion or amendment is understood by all members of the body concerned*~~

“1.41 No motion or amendment shall be discussed unless it has been proposed and seconded. Except where the Mayor determines that a proposed amendment is exceptional (for example, where the proposer of the amendment could not reasonably have foreseen that they would wish to propose the amendment until after the deadline set for submission), motions or amendments shall be put in writing and submitted to the Monitoring Officer not less than three clear working days before the Council meeting. The Monitoring Officer will be responsible for validating the amendment as lawful, in which case the amendment may be proposed and seconded as part of the debate upon the agenda item in question. The Monitoring Officer may only disallow an amendment on the grounds that it is unlawful.

“Where the Mayor determines that a proposed amendment is exceptional, it may be proposed at the Council meeting and, if seconded, will be debated and voted upon at the Council meeting. The Mayor may require the amendment to be submitted in writing to him or her during the meeting unless the Mayor has concluded that the wording of the amendment is understood by all members of the meeting.”

Motions which may be moved during debate

Rule 1.52 (c), as currently drafted, creates uncertainty, as it simply states that a Member may propose a motion to adjourn a debate. This could leave the matter unresolved, with no prospect of resolution. The Working Group took the view that this should be amended to read:

1.52 When a motion is under debate no other motion shall be moved except the following; (C) A Member may propose a motion to adjourn the debate or motion to a future date, the proposer of the motion to provide a reasoned explanation to Council as to why the matter should be adjourned

Closure motions

Closure motions are motions which may be proposed by any Member following which, if they succeed, the debate on the substantive matter will be brought to an end. The current rules anticipate three scenarios:

- That the meeting should proceed to the next item of business on the agenda (1.53 (a) below)
- That the meeting should immediately vote upon the substantive matter (1.53 (b) below-that the question be now put)
- That the debate or the meeting be adjourned (1.53 (c) below)

The Constitution Working Group took the view that the Rules should be amended to make it clear that there would be no debate upon any of the closure motions unless the Mayor determined that the matter had been insufficiently discussed. The Working Group also concluded that some additional clarification should be added to the Rules and therefore recommends the following amendments to Council Procedure Rule 1.53:

“1.53 A Councillor may move, without comment, at the conclusion of a speech of another Member, “That the Council proceed to the next business”, “That the question be now put”, “That the debate be now adjourned”, or “That the Council do now adjourn”. When one of these Motions has been seconded the Mayor shall proceed as follows:

“(a) on a motion to proceed to next business - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion the right of reply. ~~There shall be no debate., and then put to the vote~~ The motion to proceed to next business will then be put to the vote and if passed, there shall be no further debate nor vote on the original motion and it shall lie undetermined.

“(b) on a motion that the question be now put - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put. ~~There shall be no debate. If the motion-and, if it~~

is passed, *the Mayor shall* give the mover of the original motion the right of reply before putting the *original* motion to the vote

“(c) on a motion to adjourn the debate or the meeting — *unless* if in his/her opinion the matter before the meeting has been insufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion. *There shall be no debate and the adjourned matter will then normally be considered at the next Council meeting*”