

BABERGH DISTRICT COUNCIL

From: Head of Corporate Organisation	Report Number: P108
To: Council	Date of meeting: 24 February 2015

RECOMMENDATIONS ON CONSTITUTIONAL CHANGE

1. Purpose of Report

- 1.1 To consider the report of the Joint Constitution Working Group (JCWG) on the suggested rewording to Council Procedure Rule (CPR) 17 regarding Motions on Notice.

2. Recommendations

- 2.1 That Council Procedure Rule (CPR) 29.2 whereby any motion to add to, vary or revoke the CPRs shall stand adjourned without discussion to the next meeting be suspended for the duration of the meeting in accordance with CPR 29.1. (See paragraph 8.3).
- 2.2 That the wording of CPR 17 be amended, with immediate effect to that shown in Appendix A to this report.

3. Financial Implications

- 3.1 None.

4. Risk Management

- 4.1 This report is most closely linked with the Council's Corporate / Significant Business Risk No. SIT1.

5. Consultations

- 5.1 The original review was part of a widespread Member and Officer consultation on the proposals. Members of the JCWG have continued with their work and specific officers have been consulted in their areas of expertise.

6. Equality Analysis

- 6.1 There are no equality issues.

7. Shared Service / Partnership Implications

- 7.1 The JCWG has been involved in discussing the new Constitution and has worked on the basis that the Constitution, procedures etc should be aligned as far as possible.

8. Key Information

- 8.1 The Council meeting on 25 March 2014 agreed the majority of the new Constitution (Paper N123 refers) and at later meetings agreed the Budget and Policy Framework, Financial Regulations, Contract Procedure Rules and the Planning Protocol.
- 8.2 Following the receipt of a Notice of Motion in October 2014 and a subsequent query over the interpretation of CPR 17, it was agreed that the wording of the Rule be looked at again by the Joint Constitution Working Group. The Group held a meeting on 22 January and recommend that the wording of CPR 17 be amended to that shown in Appendix A attached. The suggested changes are shown in bold.
- 8.3 Council Procedure Rule (CPR) 29.2 states that any matters to add to, vary or revoke the CPRs shall stand adjourned without discussion to the next meeting of the Council. It is suggested that this be suspended to enable discussion of the proposed changes to take place at this meeting, and introduced with immediate effect. It will be necessary to approve Recommendation 2.1 after the officer presentation and before the debate commences.
- 8.4 Members of JCWG are:-

BDC

Tony Bavington
Richard Cave
Kathy Pollard
Rex Thake

MSDC

Rachel Eburne
Wendy Marchant
Sara Michell
John Whitehead

9. Appendices

	Title	Location
A	Revised CPR 17	Attached

10. Background Documents

None.

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17 MOTIONS ON NOTICE

17.1 Notice

Except for motions which can be moved without notice under Rule 18, written notice of every motion, signed by at least 1 Member must be delivered to the Strategic Director (Corporate) not later than 7 clear working days (that is not counting the day of the meeting **and** the day of receipt) before the date of the meeting. **Motions (except for those rejected under the provisions of 17.2 below) will be entered in a book open to public inspection.**

17.2 Motion set out in Agenda

Motions for which notice has been given will be listed on the Agenda in the order in which notice was received, unless the Member giving notice states, in writing, that he/she proposes to move it to a later meeting or withdraw it **save that the Strategic Director (Corporate) may reject any motion if she/he considers that it:-**

- A) Does not relate to the business of the Council or affects the District;**
- B) Is defamatory, frivolous or offensive; or**
- C) A Motion which the Council has no power to pass or which contravenes any provision in these Rules of Procedures.**

17.3 If the subject matter of any motion in respect of which notice has been duly given falls within the terms of reference of any Committee it shall, upon being moved and seconded, stand referred to that Committee or to such other Committee or Committees as the Council may determine without discussion for **initial** consideration, **investigation** and **further** report **back to the Council as soon as practical.**

The Chairman may **use** discretion **and** allow the motion to be dealt with at the meeting at which it is brought forward. If the Member is not on the Committee then she/he should be invited to the relevant meeting.

17.4 Scope

Motions should be about matters for which the Council has a responsibility or which affect the District.