

TRAFFORD COUNCIL

Report to: Annual Meeting of the Council
Date: 24 May 2023
Report for: Decision
Report of: Monitoring Officer / Director of Legal and Governance

Report Title

PROTOCOL FOR AMENDMENT TO MOTIONS

Summary

This report seeks the approval to amend the Council's constitution to replace the current protocol for Amendments to Motions, as set out in Appendix 1, with the new formal protocol for Amendments to Motions, as set out in Appendix 2.

Recommendation(s)

- 1) That the proposed formal protocol for Amendments to Motions as set out in Appendix 2, be approved.
- 2) That the Director of Legal and Governance be authorised, if necessary, to amend the Constitution of the Council in accordance with and as a consequence of this report.

Contact person for access to background papers and further information:

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Background Papers:

Constitution of the Council

1. Background

- 1.1 It is the duty of the Council's Monitoring Officer to review the Constitution from time to time and to propose amendments to the Council. Generally, amendments are put forward at the Council's Annual Meeting to reflect any changes which are proposed to the schemes of delegation for both Members and Officers, together with any further amendments which are necessary for the efficient and effective management of the Council and Council services.

2. Amendment Protocol

- 2.1 The Council's constitution, Part 4, details the protocol which must be followed to amend a motion. The current protocol is set out below at Appendix 1.

- 2.2 The current protocol contains the following provision in relation to amendments and in particular amendments made to the Executive's recommendations for the Council's Budget:

It is recommended that any amendments put forward to the Executive's recommendations for the Council's budget must be costed and that the Director of Finance and Systems should confirm that the proposals in the amendment are robust.

- 2.3 In previous Council meetings there have been some occasions where issues arising from the proposal of amendments to motions have, for various reasons, made it difficult to fully consider the implications of the proposed amendment before the motion is considered by Council.

- 2.4 The current protocol in the Council's constitution provides some guidance in respect of the procedure for dealing with amendments but it could be clearer in terms of practical expectations. To add clarity to how amendments, particularly those relating to the Executive's recommended budget, are administered and managed, an informal 'Protocol' was proposed.

- 2.5 The Group Leaders agreed the informal protocol to facilitate more efficient debate at Council meetings and minimise delays and unnecessarily prevent proper consideration of items.

- 2.6 In practice, the informal protocol has been largely successful to date.

- 2.7 In January 2023, and in preparation for the upcoming Budget Council meeting, feedback from previous Council meetings was collated with a view to updating the current amendment protocol to include the principles adopted in the informal protocol.

- 2.8 Following consultation with the Corporate Leadership Team and the Leader, the formal protocol was then circulated to all Group leaders and the Chairs of the Standards Committee and Scrutiny Committee on the 11th January 2023 in. The proposed changes were highlighted and feedback was sought.

- 2.9 During the consultation exercise, Members were made aware of the proposal for the protocol to be adopted for the upcoming Budget meeting 2023 by agreement before being formally adopted into the constitution at Annual Council.

- 2.10 Following discussions and feedback regarding practical implementation of the new protocol for budget amendments, the protocol was further amended to

allow for sufficient time for any budget proposals to be properly costed out in advance of the meeting, in particular:

- the s151 officer commitment to schedule meetings with group leaders at the earliest opportunity following publication of the budget papers was embedded into the protocol;
- the date of the budget meeting itself has been amended so that the meeting will now be scheduled a week later than it usually is;
- the date of agenda publication will remain the same as usual which, given that the meeting will now take place a week later than normal, will result in agenda publication 10 working days prior to the budget meeting and will provide more time between the agenda publication and the meeting for members to consider the Executive's budget proposals and to take advice on possible amendments;
- amendments to be submitted by 4.00 pm, 5 clear working days prior to the date of the budget meeting to allow consideration, costing review and response.

2.11 The final protocol was circulated again to group leaders and the Chairs of the Standards Committee and Scrutiny Committee on 19 January and once again, it was proposed that the new protocol be taken forward and applied for the next budget meeting informally. This proposal was agreed by members by email and was utilised for the 2023 budget meeting.

2.12 At the same time that the new formal protocol was circulated for adoption at the 2023 budget meeting, it was also proposed that the protocol would, by agreement, be formally adopted into the Council's constitution for future years. This proposal was agreed by members.

2.13 The new formal protocol is detailed below at Appendix 2.

2.14 This report seeks the approval to amend the Council's constitution to replace the current protocol, as set out in Appendix 1, with the new formal protocol, as set out in Appendix 2.

Appendix 1 CURRENT AMENDMENT PROTOCOL

Part 4: Constitution

13.4 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) It is recommended that any amendments put forward to the Executive's recommendations for the Council's budget must be costed and that the Director of Finance and Systems should confirm that the proposals in the amendment are robust.
- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the Chair may, for the purpose of clarity, read out the amended motion before accepting any further amendments, or if there are none, putting it to the vote.

APPENDIX 2 PROPOSED AMENDMENT PROTOCOL

Part 4 - Constitution

Amendments

13.4 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) To provide Members with sufficient time to read and comprehend the proposed amendments:

- i. Amendments should be submitted to the Director of Legal & Governance via email to the Governance Team by 4.00 p.m. one clear day before the date of the Council meeting;
 - ii. Amendments proposed during the meeting should only be minor textual changes and must detail clearly what is being proposed;
 - iii. Amendments received on time must be circulated at the start of the meeting with all deletions and/or additions shown, for example displayed in 'tracked changes' format. Where possible, amendments will also be distributed via email prior to start of the meeting.
- (c) It is acknowledged that there are times when a situation is fast-changing and a motion needs to be amended at short notice but these occasions should be a rarity.
 - (d) The Chair will have discretion to allow an amendment at shorter notice than prescribed above if there is a compelling and justified reason for doing so.
 - (e) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
 - (f) If an amendment is not carried, other amendments to the original motion may be moved.
 - (g) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
 - (h) After an amendment has been carried, the Chair may, for the purpose of clarity, read out the amended motion before accepting any further amendments, or if there are none, putting it to the vote.

13.4.1 Amendments to the Executive's Recommendations for the Council's Budget

- (a) It is required that any amendments put forward to the Executive's recommendations for the Council's budget must be considered by the Section 151 Officer and that any such budget amendment should be submitted with a statement from the Section 151 Officer to confirm that the proposals in the budget amendment are prudent.
- (b) Where possible, the Council summons, together with agenda and budget reports, will be published at least 10 working days prior to the date of the budget meeting.
- (c) The onus should be on the proposer of the budget amendment to ensure the prudence of the budget amendments by scheduling a meeting with Section 151 Officer to discuss the budget amendment and the Section 151 Officer will offer these opportunities to Group Leaders at the earliest opportunity following the publication of the Council Summons and reports for the budget meeting.
- (d) Budget amendments must be submitted to the Director of Legal & Governance via email to the Governance Team by 4.00 p.m. at least 5 clear working days prior to the date of the budget meeting.
- (e) Budget amendments must be accompanied by a statement as to the robustness and prudence of the proposed amendment from the section 151 officer.
- (f) Where a budget amendment is not submitted in accordance with the constitutional requirements, the amendment may be rejected. Where an amendment is rejected, it will not appear on the agenda.

- (g) It is acknowledged that there are times when a situation is fast-changing and a motion needs to be amended at short notice but these occasions should be a rarity.
- (h) The Chair will have discretion to allow a budget amendment at shorter notice than prescribed above if there is a compelling and justified reason for doing so.
- (i) Only one budget amendment may be moved and discussed at any one time. No further budget amendment may be moved until the amendment under discussion has been disposed of.
- (j) If a budget amendment is not carried, other budget amendments to the original motion may be moved.
- (k) If a budget amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further budget amendments are moved.
- (l) After a budget amendment has been carried, the Chair may, for the purpose of clarity, read out the amended motion before accepting any further budget amendments, or if there are none, putting it to the vote.