

**A.2 - APPENDIX A3**

**OUTCOME OF GROUP LEADER CONSULTATION ON THE  
PROPOSED CHANGES TO COUNCIL PROCEDURE RULES**

COUNCIL PROCEDURE RULE	GROUP LEADER CONSULTATION RESPONSE	PFH COMMENTS & RECOMMENDATIONS
<p><b>2. Budget and Council Tax Setting</b></p> <p>The following new paragraph is proposed</p> <p>Any amendment proposed to be made to the Cabinet's budget proposals must have been submitted to the Council's Section 151 Officer at least two working days before the Budget Full Council meeting(s) to enable them to consider the implications for the budget.</p>	<p><b><u>Cllr M J Talbot (Independent Group)</u></b></p> <p><i>Objects as the converse of this is that an amendment not submitted in advance would be ruled out of order. This would remove from an 'opposition' group the right to move an amendment for a political purpose that they want to achieve, by drawing attention to a particular feature of the budget and making a political case for their view by way of an amendment.</i></p> <p><i>Suggests removing the words "must have been" and substituting the words "may be".</i></p> <p><b><u>Cllr I J Henderson (Labour Group)</u></b></p> <p><i>Does not support Cllr Talbot's comments on amendments to the budget – feels that</i></p>	<p><b><u>Comments</u></b></p> <p><i>I thank Councillors Talbot, Henderson and Broderick for their comments. This proposal was fully discussed and debated by the Constitution Review Working Party and it was agreed that it was important, if the Council was to pass a sound and lawful Budget, that the Section 151 Officer have an early sight of any proposed amendments to the Cabinet's budget proposals in order that they can fully consider the implications of the amendment. The Section 151 Officer's professional opinion and advice would be submitted to Council in order to enable Members to make an informed decision on the amendment.</i></p> <p><i>As Councillor Henderson states this proposal would not prevent the amendment from being considered by Council.</i></p> <p><b><u>Recommendation(s)</u></b></p> <p><b>That the proposed new paragraph be approved without amendment.</b></p>

	<p><i>what is being proposed is exactly what happens at Essex County Council. The Section 151 officer does need to study amendments in advance and make comments on that amendment.</i></p> <p><i>And this should not prevent the amendment being put to full Council.</i></p> <p><b><u>Councillor J A Broderick (Holland-on-Sea Group)</u></b></p> <p><i>Does not see the necessity of this amendment. Feels that the present system has worked well and has never adversely affected past budgets.</i></p>	
<p><b>12.4 Consideration of Motion</b></p> <p>The following new paragraphs are proposed:-</p> <p><i>The mover of the motion will be permitted to explain the purpose of the motion and, if they so wish, give reasons why they feel it would be appropriate for the motion to be dealt with at the meeting. They will have a maximum of five minutes to do so.</i></p> <p><i>The Leader of the Council or the relevant Portfolio Holder or the relevant Chairman of a</i></p>	<p><b><u>Cllr M J Talbot (Independent Group)</u></b></p> <p><i>Believes that this is a bit 'one sided' given that a mover speaks to introduce their motion. The Leader or a Portfolio Holder or Committee Chairman may then move that the matter be referred elsewhere for reasons they set out. There appears to be no opportunity in his view for the motion mover to challenge the</i></p>	<p><b><u>Comments</u></b></p> <p><i>I thank Councillors Talbot, Henderson and Newton for their comments. This proposal reflects the decision taken by Full Council on 22 January to agree, in principle, the alternative procedure for dealing with Motions on Notice that I outlined at both the Cabinet meeting on 18 January and the Full Council. It gives the Chairman of the Council much more flexibility than before and I recall that there were no objections raised to the alternative procedure at either meeting. However, I have considered allowing the Secunder of the Motion to also speak and I am suggesting that both the Mover and the Secunder of the Motion each have three minutes to put the case forward for the motion to be dealt with at the meeting.</i></p> <p><b><u>Recommendation(s)</u></b></p>

<p>Committee will then be permitted to respond and they will either agree with the motion being dealt with at the meeting or they will put forward reasons why it would be more appropriate for the motion to stand referred to the appropriate body for further consideration. They will have a maximum of three minutes to do so.</p> <p>After hearing the representations referred to above together with any necessary professional advice from the Chief Executive and/or the Monitoring Officer and/or the Section 151 Officer, the Chairman will then make a ruling on whether the motion should be dealt with at the meeting or stand referred to the appropriate body.</p> <p>In making their ruling the Chairman must have regard to the principles of decision making set out in Article 13.02 of the Council's Constitution and the provisions of the Executive Function Regulations. The Chairman must also provide to the meeting a short oral explanation of the reasons for their decision.</p> <p>If the Chairman decides to refer the motion to the appropriate body then the provisions of Rule 12.5 will apply.</p> <p>If the Chairman decides to allow the motion to be</p>	<p><i>reasons set out by the Leader, Portfolio Holder or Committee Chairman that his motion is not dealt with on the night.</i></p> <p><i>In theory therefore it would be possible for an 'aggressive' administration to prevent any motions being discussed on the night.</i></p> <p><i>Does not have a solution to this, but if the Chairman has professional advice beforehand, which he assumes has been given to the Leader, Portfolio Holder or Committee Chairman, then certainly the mover of the motion should be advised of that professional opinion in advance.</i></p> <p><b><u>Cllr I J Henderson (Labour Group)</u></b></p> <p><i>Has some sympathy with Cllr Talbot's comments.</i></p> <p><b><u>Cllr M C Newton (UKIP Group)</u></b></p> <p><i>Concurs with Cllr Talbot's comments.</i></p>	<p><b>That the proposed new paragraphs in Appendix A1 be approved.</b></p>
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<p>dealt with at the meeting, then in considering the motion the provisions, as applicable, of Rules 16, 19, 23, 24, 25, 28 and 29 will apply.</p> <p>All speakers on the motion will be allowed three minutes.</p> <p>A maximum of 30 minutes for debate will be allowed for each motion.</p>		
<p><b>36. Attendance at Meetings</b></p> <p>Proposed wording for this Rule is:</p> <p>Except as otherwise provided in this Constitution and in particular having regard to the provisions of the Access to Information Procedure Rules:-</p> <p><b>35-136.1</b> Every Member of the Council shall be entitled to attend all meetings of Committees and Sub-Committees. A Member of the Council shall not take part in any discussion at a meeting of a Committee or Sub-Committee of which he is not a Member, unless specifically invited to do so by the Chairman of that meeting, or unless he is attending the meeting of the Committee under the provisions of Rule 44.512.6, and he shall in no case be entitled to vote. The Member shall obtain the permission of the appropriate</p>	<p><b><u>Cllr M J Talbot (Independent Group)</u></b></p> <p><i>Feels that a new second sentence should be added into 36.1 as follows:-</i></p> <p><i>“This does not include attendance at Portfolio Holder Working Parties.”</i></p> <p><i>Refers specifically to Portfolio Holders’ working parties and observes that there have been ‘battles’ in the past when other Members have attempted to sit in at Portfolio Holder Working Parties.</i></p> <p><b><u>Councillor J A Broderick (Holland-on-Sea Group)</u></b></p> <p><i>Does not agree with Cllr Talbot’s comments. Feels that all meetings should be open to all councillors in particular portfolio holder working parties that allocate funding to outside groups.</i></p>	<p><b><u>Comments</u></b></p> <p><i>I thank Councillors Talbot and Broderick for their comments. Having considered those comments I find that I am in agreement with Councillor Talbot.</i></p> <p><b><u>Recommendation(s)</u></b></p> <p><b>That Council Procedure Rule 36.1 be further amended by the inclusion of a new second sentence which will read as follows:-</b></p> <p><i>“This does not include attendance at Portfolio Holder Working Parties.”</i></p>

<p>Chairman prior to the relevant meeting if he wishes to speak at that meeting. Where a Member has, pursuant to notice duly given under Rule 11.5 12.6, moved a motion which has been referred to a Committee, he shall be given an opportunity of explaining that motion.</p> <p>Where the public speaking scheme (Rule 39.40) applies to a particular application or matter before the Planning Committee, no Member shall be entitled to address or speak to the Planning Committee under Rule 35.1 this Rule. This does not detract from any rights the Member has under the public speaking scheme.</p>	<p><i>That all Members should be required to report on issues surrounding funding to groups in their wards and that only elected Members are allowed to attend and with permission from the Chairman speak. Feels that this suggestion would be welcomed cross party as well as enhance the reputation of the Council. Terms of reference of Portfolio Holder meetings should be set by the Constitution.</i></p>	
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