

CONSTITUTION SUB-COMMITTEE – 29 SEPTEMBER 2020

POLICY AND RESOURCES COMMITTEE 30 SEPTEMBER 2020

EXTRAORDINARY COUNCIL – 6 OCTOBER 2020

PART I – NOT DELEGATED

**6. REVIEW OF RULE 11 NOTICES OF MOTION
(CED)**

1 Summary

- 1.1 To consider any revisions to Rule 11 based on the ideas discussed by the sub-committee at its meeting on the 9 September.

2 Details

2.1 *Revised Rule 11*

- 2.2 The sub-committee discussed ideas as to how Rule 11 might be amended at its meeting on the 9 September and came up with the following ideas:

- All motions must have a proposer and seconder in the interest of good practice.
- The motion deadline for receipt of motions should be brought forward to enable consideration to be given to any financial implications arising from the motion.
- To amend Rule 11(4) to state that if the motion includes a proposal for the Council to take any substantive action or incur any expenditure it shall be considered in principle by Full Council and as appropriate referred to the relevant Committee for consideration. Officers are suggesting that guidance on the application of this Rule could be set by the Policy and Resources Committee.
- It should be the responsibility of the Chief Executive and Solicitor to the Council to rule on whether a motion is to be included on the summons.

- 2.3 Appendix 1 of the report is Officers suggested amendments to Rule 11 shown as tracked changes and are based on the above. Appendix 2 is the suggested amended Rule 11 with the tracked changes accepted.

3 Options and Reasons for Recommendations

- 3.1 To improve discussion and debate at Council.
- 3.2 To consider the points raised in Paragraph 2.2 and put forward any recommendations.

4 Policy/Budget Reference and Implications

- 4.1 The recommendations in this report are within budgets. Council is asked to adopt the necessary changes to the Constitution and governance arrangements.

5 Financial, Legal, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

5.1 None specific.

6 Equal Opportunities Implications

6.1 Relevance Test

<p>Has a relevance test been completed for Equality Impact? (A relevance test assesses whether a service or policy has any effect on the Council's legal equalities duties for different minority groups. If no, please state reason why e.g. there is no proposed change to current policy / service).</p>	No
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7 Staffing Implications

7.1 There could be staffing implications in connection with providing details on the financial implications.

8 Communications and Website Implications

8.1 The Council Constitution is published on the Council website as a public document.

8.2 If the recommendations are agreed the website will be updated accordingly.

9 Risk and Health & Safety Implications

9.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

9.2 The subject of this report is covered by the Committee service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
No change to Rule 11	None	Not applicable	-	-

9.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ▼ Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
Impact Low -----► Unacceptable				

Impact Score

Likelihood Score

4 (Catastrophic)

4 (Very Likely (≥80%))

3 (Critical)

3 (Likely (21-79%))

2 (Significant)

2 (Unlikely (6-20%))

1 (Marginal)

1 (Remote (≤5%))

9.4 In the officers’ opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

10 Recommendation

To Policy and Resources Committee and To Council:

10.1 To consider amendments to Rule 11 as outlined in Paragraph 2.2 of the report and as amended in Appendix 2.

10.2 To delegate to the Chief Executive in consultation with the Group Leaders any amendments required to Rule 16 – Rules of Debate which arise as a result of any amendments to Rule 11.

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Data Quality

Data sources:

Other Council Constitutions

Data checked by:

James Baldwin, Deputy Monitoring Officer

Data rating:

1	Poor	
2	Sufficient	√
3	High	

Background Papers

None

APPENDICES / ATTACHMENTS

Appendix 1 – Suggested tracked changes to Rule 11.

Appendix 2 – Tracked changes accepted to Rule 11