

Appendix 2

CONSTITUTION WORKING GROUP – proposed amendments to Constitution [Thursday 17th March 2016]

	RULE NUMBER & TITLE	CURRENT RULE (or part of)	PROPOSED CHANGE	RATIONALE FOR AMENDING
1.	4A, 35 – Motions	<i>A Member who moves a proposal may, with the agreement of the seconder, and on one occasion only in a debate on an item, accept a suggestion for a minor adjustment to the wording of the proposal.</i>	<i>A Member who moves a proposal may, with the agreement of the seconder, and on one occasion only in a debate on an item, accept a suggestion for a minor adjustment to the wording of the proposal.</i>	To facilitate a more free flowing debate. The decision to accept proposed words remains with the mover and seconder. If they don't accept, the proposed words can be put forward as a formal amendment.
2.	4A, 36 & 38 - Amendment	<p>Debating flow chart (step 7) – <i>Mover of original motion (1)</i></p> <p>Rule 38 – <i>“At the end of a debate about a motion, the Member who first proposed it at the meeting may exercise a right of reply to the points raised in the debate.”</i></p>	<p>See attached chart (appendix 3 a)</p> <p>Amend to <i>“At the end of a debate about a motion, the member who proposed the substantive motion may exercise a right of reply to the points raised in the debate.”</i></p>	Flowchart and rule needed clarifying to confirm rules for the right of reply, which is always to the mover of whatever is currently the substantive motion on the table (whether it is the original motion, or an amendment <u>which has become the substantive motion</u> following a vote).

3.	4A, 48 – Duration of Council meeting	3 rd para – <i>“If the meeting is unable to complete its business by 10pm, and does not agree to continue beyond that time, or fails to complete its business by the alternative end time it has agreed under this rule, the meeting will automatically stand adjourned. Any item of business being dealt with at the time of the adjournment will be put immediately to the vote. All uncompleted business will stand adjourned to be considered at the next meeting or to an adjourned session.”</i>	<i>“If the meeting is unable to complete its business by 10pm, and does not agree to continue beyond that time, or fails to complete its business by the alternative end time it has agreed under this rule, the meeting will automatically stand adjourned. For any item of business being dealt with at the time, the substantive motion will be put immediately to the vote without further debate. All uncompleted business will stand adjourned to be considered at the next meeting or to an adjourned session.”</i>	Was an issue at last Council so needed consideration.
4.	4A, 31, 32, 33, 34 – Statements/ Petitions/Questions from Public & Cllrs	<i>As soon as each submission has been made, the Chair shall invite the Leaders of Political Groups with at least 20% of Council seats to indicate if they require a 10 minute (maximum) debate on the particular submission. Only if all such Leaders agree, shall the Council then proceed immediately to the debate. Where there is no such agreement, no debate will be permitted.</i>	<i>As soon as each submission has been made, the Chair shall invite the Leaders of Political Groups with at least 20% of Council seats to indicate if they require a 10 minute (maximum) debate on the particular submission. Only if all such Leaders agree, shall the Council then proceed immediately to the debate. Where there is no such agreement, no debate will be permitted.</i>	This will allow the Chair discretion to decide when it is best to take the debate.
5.	4A, 34 – Petitions, Statements, Deputations etc	<i>Members of the public have the right to put forward petitions, statements and deputations at a Council meeting.</i>	<i>Members of the public have the right to put forward petitions, statements and deputations at a Council meeting. The submission must be relevant to the Council and/or the Bath & North East</i>	Not explicitly stated.

			Somerset area.	
6.	4A, 34 – Statements from public	<i>Once the submission has been made, the Chair will invite the Group Leaders to ask factual questions of the person making the submission.</i>	<i>Once the submission has been made, the Chair will invite each Group Leader once, if they require any clarification on the submission, to ask factual questions of the person making the submission.</i>	Current practice is not limited to factual information checking.
7.	4A, 34 – Statements from public	<i>Once the submission has been made, the Chair will invite the Group Leaders to ask factual questions of the person making the submission.</i>	<i>Once the submission has been made, the Chair will invite the Group Leaders to ask factual questions of the person making the submission. The Group Leader can defer this right to another member within the Group.</i>	Right to defer to other members not explicitly stated in the rules (as in rules 32 & 33) although the convention has been that GLs defer the right to ask factual questions to other members.
8.	4A, 34 (Council) 4D, 31 (Cabinet) 4E, 32 (Scrutiny)– Statements etc from public	Currently there is no limit on how many statements/petitions/deputations can be submitted per person at each meeting.	<i>Add – “There is a limit of one submission per item per individual member of the public.” Add – “There is a limit of one hour for items from the public, extended at the Chair’s discretion.”</i>	Multiple statements from the same individuals can take up excessive Council time.
9.	4A, 34 (Council) 4D, 31 (Cabinet) 4E, 32 (Scrutiny)– Statements etc from public	Currently there is no limit on how many questions can be submitted per person at each meeting (for public).	<i>Add – “2 questions will be accepted per member of the public (each question to have no more than 2 sub-sections)” If passed, remove the words “A question in multiple parts will be treated as a series of individual questions.”</i>	A limit will establish a sensible boundary in which officers are better able to work with Members to provide answers in advance of the meeting.
10.	4A 32, 33 (Council)	<i>“.. in which case, that written answer shall</i>	<i>“ .. in which case, that written answer</i>	Currently, there is no

	4D 29,30(Cabinet)	<p><i>be provided no later than 5 clear working days after the day of the meeting.”</i></p> <p>Add the words “where practicable”</p>	<p><i>shall be provided no later than 5 clear working days after the day of the meeting, where practicable.”</i></p> <p>Add the words “where practicable”</p>	<p>recognition of the difference in complexity of responses needed to questions submitted to Council & Cabinet & the varying amount of time a response might need.</p>
11.	4D, 5 - Exception to call-in	<ul style="list-style-type: none"> • <i>“The effect of the call-in alone would be to cause the Council to miss a statutory deadline.”</i> 	<p><i>“The effect of the call-in alone would be to cause the Council to miss, or fail to comply with or fulfil, a statutory deadline or duty”.</i></p>	<p>Example - neighbourhood plans. Once a referendum has been held, Cabinet does not have the option to not approve, so therefore call-in would not be valid.</p>
12.	4A, 4 - Chair & Vice-Chair of the Council	<p>Final paragraph <i>The Council shall at its January meeting in each year other than a Council election year etc..</i></p>	<p>Amend to <i>The Council shall, at its first meeting in any calendar year, other than a Council election year etc..</i></p>	<p>Council (21 May 2015) agreed to dispense with a January Council meeting, but instead hold a March meeting. Identifying the Chair designate in advance allows for forward planning of the Chairman’s calendar.</p>