

NEWARK & SHERWOOD DISTRICT COUNCIL

CONSTITUTION
MAY 2022Part D – Council Procedure Rules
Page D2**3. Business to be Conducted****3.1 Petitions**

- 3.1.1 In accordance with the Council's published Petition Scheme (attached at Part B Section 1 of this Constitution) petitions with less than 1,000 valid signatures can be presented to the Council, and will be received but not debated. Petitions with more than 1,000 valid signatures can be presented to the Council for debate, ~~without presentation~~ as set out below.
- 3.1.2 A petition must be signed by persons other than members of the Council, and be relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or the inhabitants of that area, or some of them.
- 3.1.3 A Member wishing to present a petition shall satisfy himself/herself that the petition is proper to be received. The Member shall give notice of his/her intention to present to the Chief Executive at least six clear working days before meeting at which he/she wishes to present it.
- 3.1.4 Petitions shall be presented in the order in which notice of them is received by the Chief Executive.
- 3.1.5 The presentation of any petition ~~of less than 1,000 signatures~~ shall be limited to not more than one minute, and shall be confined to reading out or summarising the purpose of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the Member presenting it shall think fit. ~~There will be no debate.~~
- 3.1.6 The Council will limit debate on any petition of more than 1,000 signatures to a maximum of 15 minutes and will close the debate with an agreed course of action, which will normally be to refer the matter to Cabinet or the relevant Portfolio Holder for further consideration, or to note the petition.
- 3.1.7 A report back to Council noting the outcome of any consideration by Cabinet, the relevant Portfolio Holder or Committee will be brought to the next appropriate meeting.

3.4 Motions**3.4.1 Motions on Notice****Scope**

- (a) Motions must be about matters for which the Council has a direct responsibility or duty, or that directly impact on the Council's residents where the Council may have the ability to influence.

(b) It shall be the duty of the Monitoring Officer, after consultation with the Chair, to refuse to accept any motion or amendment to a motion which they deem to be illegal, improper, vexatious or out of order.

(c) A valid motion must:

- a. Not seek to alter or reverse any Executive decision unless it is contrary to the Policy Framework or contrary to or not wholly consistent with the budget
- b. Not be substantially the same (in terms of subject matter or scope) as a motion already submitted, or a substantive item already on the meeting's agenda, or one that has been put to a meeting of the Full Council (whether passed or not) in the past 6 months
- c. Not relate to a planning application or any other quasi-judicial matter
- d. Not require disclosure of confidential or exempt information
- a-e. be in accordance with any guidance issued by the Monitoring Officer and/or the Section 151 Officer

3.4.2 Motions to Reverse Decisions

- (a) Council decisions are final and should normally not be altered or amended for 6 months. However, where a decision proves to be unworkable or not in the best interests of the Council and its communities for whatever reason a further report on the issue can be brought back to Full Council for further consideration with the agreement of the Council's Chair and Vice Chair.
- (b) Alternatively, a notice of motion may be submitted in writing endorsed by at least twelve Councillors. This must be submitted to the Chief Executive not later than noon 8 days before the meeting at which it is intended to be moved. The Chief Executive will determine to what extent the decision has already been implemented and whether it would be practicable for the decision to be reversed or rescinded. When any such motion or amendment has been dealt with, no similar motion or amendment may be proposed within a further period of 6 months.

3.4.3 Notice

- (a) Except for motions which can be moved without notice under Rule 4.11 below or during debate under Rule 4.10 below, written notice of every motion, must be delivered by hand or e-mail, using the motions template available from Democratic Services to the Chief Executive **not later than noon 5 clear working days** before the Council meeting at which it is to be considered. It is recommended that early advice is sought from Democratic Services on the validity of motions.

- (b) Written notice of a motion to move an amendment of the Cabinet's proposals for the Council's General Fund Budget and Precept or Housing Revenue Account Budget and Rent Setting, must be delivered to Democratic Services **not later than midday 3 working days before the Council meeting at which it is to be considered** for financial comments to be added. The Section 151 Officer will comment whether the alternative proposals are reasonably calculated and sufficiently deliverable as to be robust and sustainable in the medium term and continue to ensure that reserves are maintained at an adequate level which protects the Council's financial standing. Once financial comments have been added, the amendment will be circulated at the earliest opportunity for all Members of full Council and where possible published on the Council's website. Motions received after the deadline will only be considered in exceptional circumstances and with the approval of the Chair, Section 151 Officer and Monitoring Officer. Motions under this Rule will be dealt with in the order in which they were received unless this proves unworkable for any reason, in which case the Chair has discretion on how to deal with Motions.

3.4.4 Motion Set Out in Agenda

- (a) Motions for which notice has been given will be listed on the agenda in the order in which they were received.
- (b) Where notice of a motion has been given for any meeting and it is not moved and seconded either by the members who gave the notice or by some other members on their behalf it shall, unless postponed by consent of the meeting, be treated as withdrawn and shall not be moved without fresh notice

3.4.5 Motions Without Notice

Some motions may be moved without notice to facilitate the business of the meeting, or during debate. See 4.11 and 4.10 below.

4.6 Amendments to Motions

- 4.6.1 An amendment to a motion must be relevant to the motion and will either be:-
- a. to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - b. to leave out words;
 - c. to leave out words and insert or add others; or
 - d. to insert or add words

as long as the effect of b. to d above is not to negate the motion or to introduce a new motion.

- 4.6.2 Except for minor amendments that arise during the meeting and are designed to correct a factual error, or to make the motion more acceptable to Councillors, notice of an amendment must be given in writing using the amendment template available from Democratic Services, as early as practicable before the Full Council meeting. It is recommended that early advice is sought from Democratic Services on the validity of amendments. If accepted as valid, and subject to the relevant Member's consent, the amendment will be circulated to all members as soon as practicable.

4.6.2a At the request of two members of Council or the Chair, an amendment proposed during the meeting may be required to be put in writing and circulated to all members at the meeting before it is discussed.

- 4.6.3 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.

- 4.6.4 If an amendment is not carried, other amendments to the original motion may be moved.

- 4.6.5 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.

- 4.6.6 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

