

WEST NORTHAMPTONSHIRE SHADOW AUTHORITY

SHADOW EXECUTIVE MEETING

22 September 2020

Report of the Monitoring Officer

Report Title	Motions referred to the Shadow Executive under Part 4D of the Constitution
Report Author	Susan Zeiss, Interim Monitoring Officer

1. Purpose

- 1.1 The purpose of the report is to advise the Shadow Executive of two motions that have been referred to the Shadow Executive in accordance with Appendix 2 of Part 4D of the Constitution (Meeting Procedure Rules).

2. Recommendations

- 2.1 It is recommended that the Shadow Executive:
- 1) Notes the motion submitted by Councillor Zoe Smith, set out as Item 10 a) on this agenda and resolves to either accept, amend or reject the motion.
 - 2) Notes the motion submitted by Councillor Jonathan Harris, set out as Item 10 b) on this agenda and resolves to either accept, amend or reject the motion.
 - 3) Notes that, following a recommendation of the Governance Task and Finish Group, the Shadow Authority will be asked to revoke the provisions of Appendix 2 to Part 4D of the Constitution.

3. Issues and Choices

3.1 Report Background

- 3.1.1 Appendix 2 to Part 4D of the Shadow Authority's Constitution sets out the procedure to be followed where the full Shadow Authority considers a motion submitted by a Shadow Councillor, the subject of which is solely a matter for

the Shadow Executive. The text of paragraph 6 and 7 of Appendix 2 is set out below, but in summary such motions stand referred to be determined by the Shadow Executive.

“Automatic reference to Shadow Executive Committee, Committee/Sub-Committee – Non-Shadow Executive Committee Function

If the subject of any motion (which does not relate solely to any Shadow Executive Committee function or part of a function) comes within the powers, duties and responsibilities of any Committee or Sub-Committee or the Shadow Executive Committee, it shall, when it has been moved and seconded, stand referred without discussion to such of those bodies as the Chair may determine, for consideration and report. However, if the Chair considers it conducive to the dispatch of business, the motion may be dealt with at the meeting at which it was brought forward. Unless the Chair has indicated that he/she proposes to deal with the motion at the meeting, the mover may formally move the motion and reserve the right to speak until the report on the motion comes before the Shadow Council.

Advice to the Shadow Council on any referred Notice of Motion under this section will be formulated by the Shadow Executive Committee and by such other bodies (Committees/Sub-Committees) as are deemed appropriate. The report to the Shadow Council will set out the views of all bodies consulted on the Notice of Motion. The Minutes of a Committee or Sub-Committee containing advice to the Shadow Council on any referred Notice of Motion shall be dealt with separately from the other Minutes of those bodies. Where any Committee or Sub-Committee advises on a Notice of Motion referred to it under this rule that Committee or Sub-Committee shall record such advice in an Appendix to its minutes. At its next meeting the Shadow Council shall, in addition to approving those minutes, consider the Appendix containing the advice on the Notice of Motion as a separate agenda item.”

“Automatic reference to the Shadow Executive Committee - Shadow Executive Committee Function

If the subject of any motion of which notice has been duly given comes solely within the powers, duties and responsibilities of the Shadow Executive Committee, it shall, when it has been moved and seconded, stand referred to the Shadow Executive Committee to determine, subject to the advice from any other body whose views are sought as determined by Shadow Council. The, on formally moving the motion, has the right to speak to the Motion. The seconder may also speak to the Motion. The Chair will allow a period of fifteen minutes for a debate on any such notices of motion. This period shall include any speeches made by the mover and seconder of the motion in question. At the end of the debate if sooner or upon the expiration of the fifteen minutes, the appropriate Shadow Executive Committee Members shall have the opportunity to respond. No speeches including the response shall exceed 3 minutes. No amendments to the motion may be moved. The motion will then stand referred to the Shadow Executive Committee.

There are no right of “call in” or “reference to the Shadow Council” where the Shadow Executive Committee has discharged a motion submitted under this Procedure Rule.”

- 3.1.2 At Shadow Authority meeting on 18th August 2020, several Councillors expressed their dissatisfaction with the wording of this part of the Constitution. A report has been submitted to the Shadow Authority by the Governance Task and Finish Group with a view to revoking this provision of the Constitution.

3.2 Issues and Choices

- 3.2.1 In accordance with the provisions of the Constitution at the time of the Shadow Authority Meeting, the Shadow Executive is required to consider the motions that stood referred as set out at 10 a) and 10 b) on the agenda.
- 3.2.2 Section 5 of Part 4B of the Constitution (Shadow Executive Committee Procedure Rules) requires the Shadow Executive to consider matters referred to it by the Shadow Council. The Shadow Executive may resolve to either accept, amend or reject each motion. This decision of the Shadow Executive is not subject to call-in.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 None directly arising from this report, although the outcome of the Shadow Executive’s decision in relation to each motion may have policy implications.

4.2 Resources and Risk

- 4.2.1 None directly arising from this report.

4.3 Legal

- 4.3.1 None directly arising from this report.

4.4 Equality and Health

- 4.4.1 None directly arising from this report.

Appendices

None.