

WEST NORTHAMPTONSHIRE COUNCIL
DEMOCRACY AND STANDARDS COMMITTEE

28 JULY 2022

Report Title	CARRIED MOTIONS ON NOTICE – PREDECESSOR COUNCILS
Report Author	Tracy Tiff, Deputy Democratic Services Manager, tracy.tiff@westnorthants.gov.uk

Contributors/Checkers/Approvers		
MO	Catherine Whitehead	15 July 2022
Legal Services	Gina Clarke Governance Lawyer	8 July 2022
S151	Martin Henry	9 July 2022

List of Appendices

None

1. Purpose of Report

- 1.1 The report provides details of the carried motions on notice from the predecessor councils of the West Northamptonshire area for the previous six years that were considered by the relevant Overview and Scrutiny Committee: Corporate, Place or People at their respective Committee meetings in the autumn 2021.

2. Executive Summary

- 2.1 Under transition regulations the motions of predecessor Councils do not transfer to the successor council. Members were concerned that the motions passed by previous councils eg in relation to Climate etc would be lost and therefore a motion was tabled and carried as follows at the meeting of full Council held on 15 July 2021:

“This council recognises:

The importance of motions passed within the previous four authorities in the West Northamptonshire catchment area.

That it is crucial to ensure any democratic decisions are retained and flow through into the present day thinking of WNC.

That adopting an exercise to preserve the above will not only efficiently capture all approved motions into one report, it also will reaffirm the importance of local democratic decision making.

This council resolves:

- *To instruct the Democracy & Standards Committee to collate any motions passed in the last six years within the previous authorities.*
- *That once collated, these motions will be forwarded to the relevant Scrutiny Committee to pass comment on.*
- *That once this process is completed, a report containing all legacy matters will be brought to the earliest possible full council, with the target of December 2021's meeting. The report will lay out all motions which should be voted on individually for acceptance or any minor modifications. Such changes must not seek to alter the fundamental principles previously passed."*

2.2 As a result the motions on notice from the predecessor councils, Daventry District Council, Northampton Borough Council, Northamptonshire County Council and South Northamptonshire Council were considered by this Committee at its meeting in September 2021. The Committee noted that there were a significant number of diverse motions some of which were no longer applicable and some from different councils were on similar topics but different. Some are Executive matters which should be decided by Cabinet. It was therefore not possible for the committee to agree to these motions without further consideration.

The Committee resolved:

"that the Democracy and Standards Committee:

- a) Notes the carried motions from the previous six years from the predecessor councils: Daventry District Council, Northampton Borough Council, Northamptonshire County Council and South Northamptonshire Council.
- b) Forwards the collated motions, as attached at Appendix A, to the relevant Overview and Scrutiny Committees for comment.
- c) Recommends that the Council publishes motion updates annually on its website in future, to provide members of the public and councillors with the facility to access motions that have been passed at Council meetings, without having to go through the minutes of each meeting."

- 2.3 Each Overview and Scrutiny Committee considered the carried motions from the predecessor Councils in detail. Unfortunately the Scrutiny Committees were unable to come up with a single approach for dealing with motions. This was reported to the Democracy and Standards Committee at its meeting on 16 June 2022. The Committee resolved at its meeting on 16 June 2022 that it would refer consideration for recommendation to the Overview and Scrutiny Committees a single approach to dealing with Motions on Notice to this meeting.
- 2.4 Motions passed at full Council like any other decision require that lawful decisions are taken which consider relevant considerations and follow the correct process for debate and consideration, they do not conflict with each other and they are capable of implementation. The motions cannot therefore be passed on mass. Some of the motions passed by predecessor councils are Executive matters which must be decided by Cabinet not Council. Some of the motions conflict with other motions from a different predecessor council eg all have a selection of motions on climate change which conflict with each other. If the Scrutiny Committees had been able to consider all the motions and decide which were appropriate for reconsideration at Council these motions could have been referred, however time has moved on since the referral to the Scrutiny committees and West Northants now has a number of its own motions which will need to be considered alongside predecessor Council motions.
- 2.5 The Council cannot approve motions on the same topic that has already been decided and the predecessor motions do not transfer under transition regulations therefore each one would need to be individually considered, debated and voted upon. Given the passage of time the work involved in comparing the motions from four (and now five) Councils and deciding which ones should be referred to Council for consideration is significant. It will involve comparing the wording of each motion from each predecessor council and each motion from WNC before deciding on any that might move forward. Members are entitled to bring forward their own motions and predecessor motions can be adopted by this Council by being proposed and seconded by Members of this council. There is a specified time at full Council meetings for motions that can be utilised but this will take up the Council time which is already being used for Council business and new motions at each Council meeting. The time at Council meetings is already being fully utilised by new business.

3. Recommendations

- 3.1 It is recommended that the Democracy and Standards Committee:
- a) Considers whether it is appropriate to continue with a review of predecessor motions or to leave it to individual groups to decide which motions should be referred for consideration at council meetings.
 - b) Or alternatively to decide on a single approach which can be referred to the Overview and Scrutiny Committees to deal with predecessor motions.

3.2 Reason for Recommendations

- 3.2.1 The recommendations are a result of the carried motion on notice as detailed in paragraph 2.1.

- 3.2.2 Each Overview and Scrutiny Committee has considered the Motions on Notice in detail but there they have each suggested different method of dealing with these as detailed within paragraph 4.4. Therefore the Standards Committee can decide to allow individual members to bring forward predecessor motions or for a single approach to be recommended to the Overview and Scrutiny Committees, for example, they can choose to undertake scrutiny activity on them or recommend any Motions from the predecessor Councils that they feel should be re-adopted in the usual way.
- 3.2.3 At its meeting in September 2021, the Committee resolved that it recommends that the Council publishes motion updates annually on its website in future, to provide members of the public and councillors with the facility to access motions that have been passed at Council meetings, without having to go through the minutes of each meeting.
- 3.2.4 At its meeting on 16 June 2022, the Democracy and Standards Committee resolved that it would refer consideration for recommendation to the Overview and Scrutiny Committees a single approach to dealing with Motions on Notice to this meeting.

4. Report Background

- 4.1 As detailed in paragraph 2.1 above, at the meeting of full Council held on 15 July 2021, the following notice of motion was carried:

“This council recognises:

The importance of motions passed within the previous four authorities in the West Northamptonshire catchment area.

That it is crucial to ensure any democratic decisions are retained and flow through into the present day thinking of WNC.

That adopting an exercise to preserve the above will not only efficiently capture all approved motions into one report, it also will reaffirm the importance of local democratic decision making.

This council resolves:

- *To instruct the Democracy & Standards Committee to collate any motions passed in the last six years within the previous authorities.*
- *That once collated, these motions will be forwarded to the relevant Scrutiny Committee to pass comment on.*
- *That once this process is completed, a report containing all legacy matters will be brought to the earliest possible full council, with the target of December 2021’s meeting. The report will lay out all motions which should be voted on individually for acceptance or any minor modifications. Such changes must not seek to alter the fundamental principles previously passed.”*

- 4.2 Officers undertook an information gathering exercise to gather the carried motions since June 2015.
- 4.3 As reported to the Democracy and Standards Committee at its September 2021 meeting, other local authorities have published motion updates annually on their websites, which provide members of the public (and councillors) with the facility to access motions that have been passed at Council meetings, without having to go through the minutes of each meeting. The date of the Council meeting at which the motion was considered is recorded, along with the motion and the responsible officers, in addition to an anticipated timeframe for the motion to be completed.
- 4.4 At their meetings in November 2021 Corporate, Place and People Overview and Scrutiny Committees considered the Motions on Notice of the predecessor Councillors and each resolved:

Corporate Overview and Scrutiny Committee

Resolved:

(1) That, having given due consideration, the carried motions relevant to the remit of the Corporate Overview and Scrutiny Committee be noted.

Place Overview and Scrutiny Committee

Resolved that: the condensed list of motions, taken from the 'Carried Motions on Notice from the Predecessor Councils', be incorporated in the work programme for West Northants Council's (WNC) Place Overview and Scrutiny Committee.

People Overview and Scrutiny Committee

Resolved that: the People Overview and Scrutiny Committee

a) Agreed that no further action is necessary on those motions within its remit where it has been identified that the matter is already closed, as indicated by notes included in the report.

b) Agreed that the Committee is not in a position to identify that other motions within its remit are closed and therefore recommended that these motions should be considered for re-adoption by Full Council.

- 4.4 Each Overview and Scrutiny Committee recommended different approaches in dealing with the Motions on Notice and the Committee is asked to propose a single approach in dealing with these, such as the Overview and Scrutiny committees can choose to do a piece of work on them or recommend any to Council that it feels should be re-adopted.
- 4.5 At its meeting on 16 June 2022, the Democracy and Standards Committee agreed that it would refer consideration for recommendation to the Overview and Scrutiny Committees a single

approach to dealing with Motions on Notice to this meeting of the Democracy and Standards Committee.

5. Issues and Choices

- 5.1. Members are asked to consider recommending a single approach for the Overview and Scrutiny Committees in dealing with the Motions on Notice as suggested in paragraph 4.4.

6. Implications (including financial implications)

6.1 Resources and Financial

- 6.1.1 There are no immediate financial implications arising from the proposals.

6.2 Legal

Predecessor motions do not transfer under transition legislation automatically unless those decisions have been implemented. Any motion is a decision of Council. Decisions must comply with the rules in relation to public decision making and be lawfully decided. For example councils must consider relevant considerations in relation to the proposed decision (there must be sufficient information presented to members to make the proposed decision including matters like the cost and impact of the decision); they must not consider irrelevant considerations eg the fact that the motion was passed by a predecessor Council is irrelevant as decision must be made on merit. The council cannot consider the same motion (or substantially the same) as one it has already considered. Motions cannot be passed on mass and must be considered through consideration at a properly constituted meeting of members.

6.3 Risk

There are a number of risks associated with making decisions without proper consideration, or making decisions which conflict with other decisions. Including risk of challenge, uncertainty and/or motions that have already been passed being inadvertently overridden.

6.4 Consultation

- 6.4.1 Consultation has taken place with each of the Scrutiny Committees. The motion was a decision by full Council. There has been no public consultation in relation to these motions.

6.5 Consideration by Overview and Scrutiny

- 6.5.1 The Democracy and Standards Committee forwarded the carried motions on notice to the relevant Overview and Scrutiny Committees. Each Overview and Scrutiny Committee considered these in the autumn 2021 and their recommendations are detailed in paragraph 4.4 above.

6.6 Climate Impact

6.6.1 A number of the motions specifically relate to climate and there are risks that there is a lack of clarity about the Councils commitment to climate promises and actions if there are conflicting motions.

6.7 **Community Impact**

6.7.1 A number of the motions specifically relate to communities and there are risks of uncertainty if there are conflicting motions.

7 Background Papers

Full Council agenda and minutes - 15 July 2021

Democracy and Standards agenda Committee and minutes 30 September 2021

Democracy and Standards Committee agenda and minutes 16 June 2022

Corporate, Place and People Overview and Scrutiny agendas and minutes - 1 November, 15 November, 16 November 2021