

Friendly Amendments

Constitution Committee - 14 January 2019

1 Introduction

- 1.1 At the meeting of the Constitution Committee held on 15 October 2018, Cllr Paul Hodgkinson raised concerns regarding inconsistency in the use of friendly amendments and suggested that the position be made clear in the Constitution. The inconsistency relates to who needs to consent to a 'friendly amendment' – was it that only the proposer and seconder that needed agree to the amendment or did full Council need to indicate support for the amendment? Cllr Mark Hawthorne, the Chair of the Constitution Committee, requested that Democratic Services work with the Political Research Assistants and undertake research on the practice followed by other councils.
- 1.2 As part of the research, the constitutions of the six district councils in the county and neighbouring counties were reviewed along with local government legal reference guides Robert's Rules of Order and Knowles on Local Authority Meetings. Requests for information were also posted on the Association of Democratic Services Officers (ADSO) and Law in Local Government forum.

2 Research findings

- 2.1 Robert's Rules of Order indicates that the motion belongs to the council once it is put forward and a friendly amendment should go through the normal mechanisms of approval, by council. However, it does make an allowance for uncontroversial issues where the chair can ask if anyone objects to the amendment, and if none do, the amendment is accepted without debate or vote.
- 2.2 Knowles on Local Authority Meetings makes no mention of friendly amendments but does mention an alteration to a motion:
 - (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
 - (b) A member may alter a motion which he/she has given notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

- 2.3 Gloucestershire County Council follows similar rules to those outlined above. Procedural Standing Order (PSO) 12.7 is the section concerned with alterations to motions. This states that a member requires the consent of Council 'agreed without discussion' to make an alteration to a motion they have given with notice. If they are altering a motion to which they have not given notice, then they require the consent of the seconder and full Council.
- 2.4 The Worcestershire County Council constitution does not have a specific reference to friendly amendments but it does have different rules to Gloucestershire County Council in dealing with them when they are put forward. This is supported by a post on the Law in Local Government Forum. Largely, it depends on whether or not the motion is given with notice or not. If notice is given, their constitution requires that either the alteration is made, in writing and signed by all the councillors who made the motion, to Head of Legal and Democratic Services three working days before the meeting, or that the councillors who signed the motion agree to the alteration whilst present at Council. This is an example of a council who seems to consider that the motion remains the property of the proposer and the seconders as opposed to being owned by the council as a whole. If notice is not given for the motion, then it requires consent of the seconder alone if the alteration is one that could be an amendment.
- 2.5 The Oxfordshire County Council constitution has no specific mention of friendly amendments but has the same procedural standing orders regarding them as Gloucestershire County Council.
- 2.6 The Wiltshire County Council constitution has no specific mention of friendly amendments either but does differentiate between motions given with and without notice. If a motion is made with notice, it requires the full consent of Council. If the motion is made without notice, it requires both the consent of the seconder and the meeting as a whole.
- 2.7 Norfolk County Council advised that whenever an amendment is put forward, the chair will ask the proposer if they would like to accept it. If they do, it becomes the substantive motion from that point. If they do not accept it, then the amendment goes through the normal process of debate and voting.
- 2.8 None of the constitutions of the six district councils make a specific reference to friendly amendments. Each Council requires the consent of council for the proposer to make alterations to the motion.
- 2.9 Bath and North East Somerset Council operate a system of friendly amendments. However, it only applies to minor adjustments to the wording of the motion and members are permitted to raise the question of whether the proposed friendly amendment meets this requirement. If it does satisfy the

requirement, the friendly amendment only requires the agreement of the proposer and the seconder and not the rest of the council.

- 2.10 The London Borough of Tower Hamlets operates a simple system whereby they simply ask the proposer if they are happy with the amendment and, if no one raises an objection, then it is adopted. The wording of their constitution is essentially the same as Gloucestershire County Council but it does specify that, in the event that there is no objection, this is known as a friendly amendment.
- 2.11 Sefton Metropolitan Borough Council makes specific reference to a friendly amendment process but not does specify exactly how the amendment is approved. The implication seems to be it relies solely on the proposer to 'accept' the friendly amendment.
- 2.12 The Cambridgeshire County Council constitution lays out a procedure that is the same as Gloucestershire County Council.

3 Summary and options

- 3.1 In summary, there are very few references to friendly amendments across the councils researched. Only Tower Hamlets and Sefton make specific reference to friendly amendments in their constitutions. Three other councils operate systems for friendly amendments. Bath and North East Somerset, Worcestershire and Norfolk County Council all have procedures that allow changes to motions that do not require the consent of Council.

- 3.2 There are four potential options

Option 1: To leave Gloucestershire County Council's constitution as it is. The procedure is clear: an alteration requires the consent of full council for it to become a part of the substantive motion.

Option 2: To consider a minor change to the constitution to clarify that in the event that a minor alteration is proposed and there is no active objection from another member then it is known as a friendly amendment and adopted as the substantive motion.

Option 3: To consider a change to the constitution to codify friendly amendments but specify that it applies only to minor alterations, such as wording changes. The constitution would be amended to clarify that only the proposer, or the proposer and the seconder, have to agree on the proposed minor amendment for it to become part of the substantive motion.

Option 4: To consider a change to the constitution to codify friendly amendments but have no conditions on when it can apply. The constitution

would be amended to clarify that only the proposer, or the proposer and the seconder, have to agree on the proposed amendment for it to become part of the substantive motion.