

COUNCIL

22 MARCH 2016

ITEM 6 – QUESTIONS FROM COUNCILLORS

QUESTION FROM COUNCILLOR N CLARKE TO COUNCILLOR R BLUNT

Why were members of this Council denied the opportunity to exchange individual views on the merits or otherwise of the UK's membership of the EU and hold a vote on that question, within the traditional confines of a debate at Full Council?

RESPONSE FROM COUNCILLOR R BLUNT

Advice was sought by Cllr Sheahan on whether a motion regarding the EU referendum was within the Constitution and able to be put before this meeting. The wording of the motion had not been finalised by Cllr Sheahan but the intention of it was to ask members of the Council to agree that it was important to NWL that the UK remained in the EU. The Monitoring Officer advised Cllr Sheahan and the Chairman that such a motion would be improper and therefore should not be considered by Council. The Chairman considered this advice and decided that the motion should not be accepted.

The reason that it was improper is that it was seeking to elicit a view from this Council on a matter which will be decided by public ballot. The same reason would apply if a motion was put forward before a parish, district or parliamentary election which was seeking the Council's view in support of a particular outcome to that election.

Further advice was sought by Cllr Sheahan as to whether the motion could be reworded to seek the views of members as individuals rather than the Council as a body. Again, the advice from the MO was that would not be possible. Members do not exercise individual decision making. When members sit at Council, consider a matter and then vote upon it, the decision reached is that of the Council as a separate legal entity and body Corporate. It is a single decision. Advice was offered that a motion may be appropriate if it sought to highlight the importance of the referendum process and encouraged people to exercise their vote. This was not acceptable to Cllr Sheahan as it did not meet with his intention.

I am aware, as was the MO, when the advice was given, that other Council's in the country and in Leicestershire have accepted similar motions at their Council meeting. I cannot comment on what advice was given to them or how this came about. I am confident that the MO gave the right advice to this Council, the chairman and Cllr Sheahan and I endorse that.