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## NOTICE OF MOTION NO. 2 – BEDROOM TAX

To: **Council – 3 October 2013**  
By: **Democratic Services and Scrutiny Manager**  
Classification: **Unrestricted**  
Ward: **All Wards**

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**Summary:** **To consider a Notice of Motion submitted in relation to Bedroom Tax**

### **For Decision**

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#### **1.0 Introduction and Background**

1.1. Council Procedure Rule No. 16 governs the process for motions on notice being submitted to Council.

1.2.1 The following motion on notice has been received from Councillor Fenner:

**“Thanet District Council commits to protecting tenants from the Bedroom Tax in the following ways:**

Proactively engaging with tenants and offering advice and assistance;  
Preventing tenants from losing their homes through sensitive debt management and rent arrears procedures;  
Identifying the need for and processing Discretionary Housing Payments quickly;  
Adjusting allocations and letting policies to assist tenants who wish to downsize.

**“Thanet District Council also commits to protesting to Government to repeal the Bedroom Tax by:**

Working with tenant organisations who call for the repeal of the Bedroom Tax;  
Communicating the hidden costs and impracticalities of the Bedroom Tax;  
Demonstrating to Government the unfairness of the Bedroom Tax;  
Working with the Government to provide alternative strategies to address housing shortages.”

#### **2.0 Options**

2.1 To debate the motion

2.2 Not to debate the motion

2.3 As the motion on notice relates to either executive functions or changes to a policy within the Council’s policy framework, it must, in accordance with Council Procedure Rules 16.4 (iii) and (iv), be referred to Cabinet, whether or not it is debated.

#### **3.0 Corporate Implications**

##### **3.1 Financial**

3.1.1 None arising from this report

### 3.2 Legal

- 3.2.1 Council Procedure Rule 16.3 states that the Member whose name appears first on the notice will move the motion during his or her speech and call for a seconder. If seconded, a Member from the controlling political group will be entitled to a reply, after which the motion shall stand referred without further discussion to the Cabinet or appropriate committee for determination or report unless the Council decides to debate the motion in accordance with Rule 19 (*rules of debate*).
- 3.2.2 Council Procedure Rule 16.4 (iii) states that “where a motion on notice would, if adopted, constitute the exercise of an executive function, that motion must be referred to the Cabinet (or relevant Cabinet Portfolio holder as appropriate) for decision”.
- 3.2.3 Council Procedure Rule 16.4 (iv) states that “the Chairman shall rule out of order any motion on notice that relates to the adoption of, or amendment to, a policy falling within the Council’s adopted Policy Framework if that policy or amendment (as the case may be) has not first been proposed by the Cabinet and considered by the Overview and Scrutiny Panel”.
- 3.2.4 Although the Council could agree the motion on notice in principle, any amendments to any policy within the policy framework that are proposed by Cabinet have to be considered by the Overview and Scrutiny Panel and submitted to Council for approval. Thus Council cannot take a final decision on this motion on notice unless such a process has been completed.

### 3.3 Corporate

- 3.3.1 Council Procedure Rule 16 provides the opportunity for Councillors to give advance notice of motions to be put to Council.

### 3.4 Equity and Equalities

- 3.4.1 None arising at this stage.

### 4.0 Recommendation

- 4.1 That the motion on notice be referred to Cabinet.

### 5.0 Decision Making Process

- 5.1 It is for Cabinet to take decisions on issues that are executive functions and for Cabinet to make proposals to Council, in consultation with the Overview and Scrutiny Panel, in relation to amendments to any policy within the Council’s adopted policy framework.

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Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager, ext 7005

#### ***Annex List***

None	
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#### ***Background Papers***

Title	Details of where to access copy
None	

#### ***Corporate Consultation Undertaken***

Finance	n/a
Legal	n/a