

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 6
11 MARCH 2019	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Governance	
Contact Officer(s):	Pippa Turvey, Democratic and Constitutional Services Manager	Tel. 452460

AMENDMENTS TO COUNCIL STANDING ORDERS

R E C O M M E N D A T I O N S

FROM: *Fiona McMillan, Director of Governance*

Deadline date: *N/A*

It is recommended that Constitution and Ethics Committee:

1. Recommend that Full Council agree to amend the Constitution at Part 4 Section 1 Standing Orders to:
 - a) reflect the revised Council motion and amendment deadlines:
 - Draft Motions - 10.00am, 9 clear working days before the meeting
 - Final Motions - 10.00am, 7 clear working days before the meeting
 - Draft Amendments - 12 noon, 3 clear working days before the meeting
 - Final Amendments - 12 noon, the day before the meeting
 - b) include a section on 'Scope of questions' in relation to questions from Members, as set out in paragraph 4.2.2 of the report.
2. Consider recommending that Full Council agree to amend the Constitution at Part 4 Section 1 Standing Orders to allow for motions and amendments to be debated together, as set out in paragraph 4.3.4 of the report.

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Constitution and Ethics Committee following a request from Councillor Sandford and discussion at the Committee meeting on 28 January 2019.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is for the Committee to consider amending the deadlines for motions and amendments to be received for Full Council and to consider an alternative method of debate for amendments.
- 2.2 This report is for Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1, 'Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.'

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. **BACKGROUND AND KEY ISSUES**

4.1 **Deadlines for Motions and Amendments**

4.1.1 The standing orders in relation to deadlines for motions and amendments currently read:

“19. MOTIONS ON NOTICE

19.1 Notice

Except for motions which can be moved without notice under Standing Order 19, written notice of every motion, must be delivered to [the proper officer] by ten o'clock six clear working days before the date of the meeting (not including the day of the meeting). These will be entered in a book open to public inspection.”

and

“21.7 Amendments to motions

b) Except in relation to motions that can be moved without notice under Standing Order 19, written notice of every intended amendment to a motion or to recommendations from Cabinet or the Council’s committees:

(i) must be delivered to the monitoring officer in its initial form not later than noon two working days before the date of the meeting (not including the day of the meeting) at which the motion is to be considered; and

(ii) must be delivered to the monitoring officer in its intended final form not later than noon one working day before the date of the meeting (not including the day of the meeting) at which the motion is to be considered. If no withdrawal, confirmation or change is received by the monitoring officer, it will be assumed that the amendment is to be considered in its initial form.”

4.1.2 In summary, motions have to be received 6 clear working days before the meeting, draft amendments must be received 2 working days before the meeting, and final amendments 1 working day before the meeting.

4.1.3 In relation to motions, this does not provide officers with much time to review the validity of any motions received or to assist Members in any changes to wording. For amendments, as well, it is often the case that the two days before the meeting is not long enough to examine the legality of any amendments and work out alternatives to this before the final deadline.

4.1.4 Therefore, in order to assist officers and allow Members to receive more considered advice, the below extensions to the deadlines are put forward to Committee for discussion:

Motions

Draft Motions 9 clear working days before the meeting
Final Motions 7 clear working days before the meeting

Amendments

Draft Amendments 3 clear working days before the meeting
Final Amendments the day before the meeting

4.2 Questions from Members

4.2.1 During examination of the Council Standing Orders, officers became aware that the 'scope of questions' is only set out for questions from the public, and not questions from Members.

4.2.2 Therefore, it is suggested that the 'scope' set out for questions from the public is replicated for questions from Members as follows:

"Scope of questions

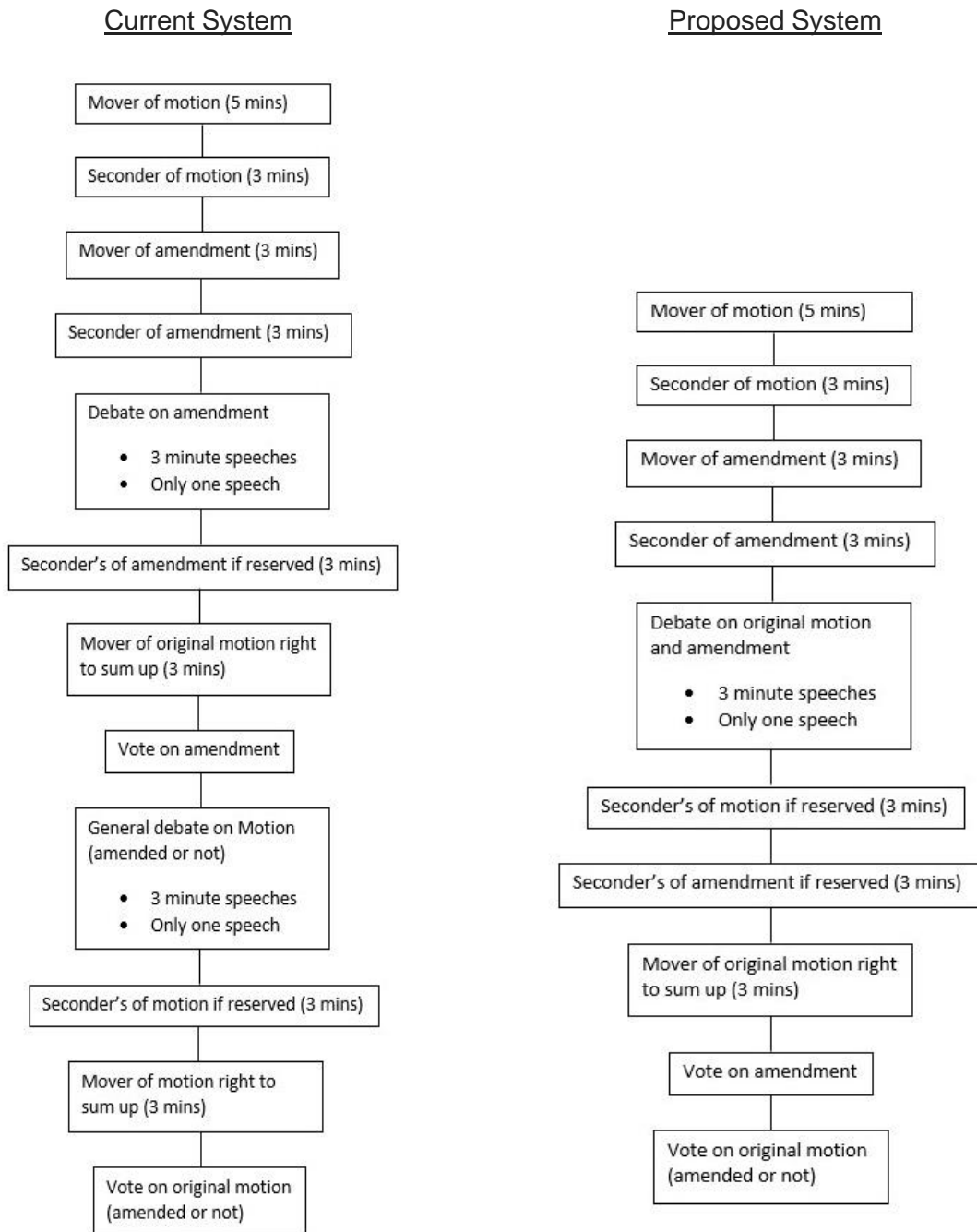
If the monitoring officer considers a question:

- *is not about a matter for which the local authority has a responsibility or which affects the City;*
- *is illegal, improper, defamatory, frivolous or offensive;*
- *is substantially the same as a question which has been put at a meeting of the Council in the past six months; or*
- *requires the disclosure of confidential or exempt information he or she will inform the Mayor who will then decide whether or not to reject the question."*

4.2.3 This section would be added into Standing Orders after 18.4, 'Notice of Questions'.

4.3 Amendment Debate Process

4.3.1 In relation to the process of debating amendments, following discussion at the Committee meeting on 28 January 2019 the below flow charts have been drawn up to compare the current system and the operation of the suggested new system.



4.3.2 We would keep the same speaking length (although it would be open to members to consider extending this as they would all then only get 1 right to speak on all of the amendments rather than 1 right to speak on each).

4.3.3 In the above comparison the time limit for speeches has remained the same (i.e. five minutes to move a motion, three minutes to second, move and amendment, speak in debate, and sum up). This would be less than the current time allowed, through separate amendment debates, when totalling up all available opportunities to speak.

4.3.4 Should this new debate process be favoured, it is recommended to amend the wording within Standing Order 21.7 as follows:

4.3.5 *“c) Amendments may be moved in turn following the movement of a motion. A motion and any amendments moved will be discussed at the same time. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.*

d) At the end of debate on a motion and any amendments to it, the amendments will be voted on in the order moved. If an amendment is not carried, other amendments to the original motion may be moved.

e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are made ~~moved~~.

f) After an amendment has been carried, the Mayor will read out the amended motion before moving on to the vote on accepting any further amendments, or if there are none, moving ~~put it~~ to the vote on the substantive motion.

5. CONSULTATION

5.1 Consultation has been undertaken with the relevant officers and the proposals are now put before the Constitution and Ethics Committee as the appropriate body for consideration and for recommendation to Full Council should the proposals be favourable.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 It is anticipated that a revision to the motion and amendment deadlines will ensure that Members receive more effective advise on proposed motions and amendments. Should it be agreed to revise the amendment debate procedure, this will allow for a more efficient debate process at meetings of Full Council.

7. REASON FOR THE RECOMMENDATION

7.1 To allow for more effective advice to Members in relation to motions and amendments to Council, and for the Committee to consider the benefits of an alternative method of debating amendments.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 To not revise motion and amendment deadlines - This was dismissed as there would be no benefit from the current time restrictions on officers to provide guidance and advice to Members on their submissions.

To not consider revising the amendment debate procedure - This was dismissed as the Constitution and Ethics Committee wished to examine the respective advantages and disadvantages of the current and previously proposed procedures.

9. IMPLICATIONS

Financial Implications

9.1 There are no financial implications arising from this report.

Legal Implications

9.2 There are no legal implications arising from this report.

Equalities Implications

9.3 There are no equalities implications arising from this report.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Peterborough City Council Constitution

11. APPENDICES

11.1 None.