

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 7
8 FEBRUARY 2021	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Farooq, Cabinet Member for Digital Services and Transformation	
Contact Officer(s):	Pippa Turvey, Democratic and Constitutional Services Manager	Tel. 296334

MOTIONS AND FULL COUNCIL MEETINGS PROCEEDURE

RECOMMENDATIONS	
FROM: <i>Director of Law and Governance and Monitoring Officer</i>	Deadline date: <i>N/A</i>
<p>It is recommended that Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> 1. Review and comment on the wording of the Council's Standing Orders in relation to the submission and debate of motions and make any recommendations for change to Full Council. 2. Consider the number of Full Council meetings to be held over the course of the municipal year and make any recommendations for a change to the programme of meetings to Full Council. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Constitution and Ethics Committee following the passing of a motion at Full Council on 9 December 2020 from Councillor Shaz Nawaz.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to allow the Committee the opportunity to review and comment on the procedures around the submission and debate of motions at Full Council, and the regularity of Full Council meetings.

- 2.2 This report is for the 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 The Constitution and Ethics Committee previously considered a number of options to amend the process for debating motions at Full Council at its meeting on 29 October 2018. This included discussion on whether it would be appropriate to introduce a time limit on the debate of motions. At that time the Committee did not feel any action to amend the debate or submission of motions was necessary.

4.2 At the Full Council meeting a motion was agreed as follows:

“This council notes:

1. Motions are an integral part of council business
2. Motions are a useful mechanism for proposing substantive issues for consideration including council action
3. Motions enable the council to adopt a particular course of action, to do some act, or to document a specific approach or attitude
4. Motions are an opportunity for members to debate and discuss important issues
5. Motions are part of our democratic process and serve as a vital instrument to help the council move forward

The council believes:

It is the democratic right of its members to table motions to create a robust and forward-thinking Local Authority.

The council resolves to:

Request the Constitution and Ethics Committee to review the situation in terms of allowing more time for debating motions. In particular, it is to review and consider introducing additional full council meetings to discuss and debate motions specifically.”

4.3 The following options are presented to the Constitution and Ethics Committee as potential responses to the issues outlined in the above motion.

Questions on Notice

During the COVID-19 pandemic, meetings of Full Council have been held virtually. As part of this process the Council has considered a number of measures to ensure that the virtual meetings of Full Council run in a more efficient manner in order to avoid prolonged screen time for participants.

One such proposal during this time has been for Members of the Executive and Chairs to respond to questions on notice from other Members in writing only. The Committee may wish to consider introducing this as a permanent change to the Council’s standing orders, either with a provision for supplementary questions to be put verbally to Members at the meeting or not, in order to ensure sufficient time is available to debate motions.

Possible wording:

“18.5 Response

An answer ~~may will~~ take the form of a written response, to be circulated to Members and published online one day prior to the meeting.:

~~a) a direct oral answer of up to three minutes;~~

~~b) by reference to published material of the Council which is readily available to Members; or~~

~~c) where the reply cannot conveniently be given orally, a written answer will be circulated later to the questioner.”~~

Questions without Notice

Questions without notice of Executive decisions taken since the previous Council meeting are not currently subject to any time limit and are considered prior to the debate on any motions.

In order to ensure that sufficient time is provided for the debate of motions, the Committee may wish to consider the introduction of a time limit on such questions without notice.

Possible wording:

“xii. receive reports about and receive questions and answers on decisions made by members of the Cabinet since the last meeting of Council for up to 20 minutes;”

Time Limit on Motion Debate

There are a number of time limits already in place within the framework of Full Council, for example, Questions on Notice and in the length of time permitted for individual Member's speeches (excepting Budget debates).

As such, the Committee may wish to consider the introduction of a time limit for the debate of any individual motion. This may ensure that no one motion is debated at length, at the expense of any other motion, although if a motion is considered of sufficient importance to the council as a whole necessitating longer debate any such time limit could be suspended.

Possible wording:

“19.5 Timing

Debate on individual motions will last no longer than 30 minutes, at which point the meeting will move directly to the vote.”

OR

“19.5 Timing

Debate all motions in total will last no longer than 2 hours 30 minutes, at which point the meeting will move directly to the vote on all remaining motions.”

Limit on Number of Motions Submitted

In a similar manner to the suggestion above, the Committee may feel that it would be appropriate to introduce a limit on the number of Motions that would be accepted for debate at a Council meeting. This would ensure that any agenda for Full Council would not become crowded with a high number of motions and would mean the motions that were included on the agenda could be debated for a more reasonable period of time. For example, Cambridgeshire County Council only accepts a maximum of five motions for debate at an ordinary meeting of the Council and does not accept motions at all for the annual budget meeting, to enable more time for full debate of the budget.

Possible wording:

“19.5 Limit of Number of Motions

The number of Motions to be considered at the meeting shall be limited to 5 motions. These shall be the first 5 motions received that are within the permitted scope of motions on notice.”

Re-order of the Council Agenda

At current the Council’s Standing Orders set out that motions will be considered only after Questions on Notice, Petitions, reports from Cabinet, reports from Council’s committees, and reports on the decisions made by the Executive and by the Combined Authority since the previous meeting.

It should be noted that the current standing orders on the order of proceedings at council meetings were set out in the Modular Constitution issued by central government as part of the change to the local government flowing from the Local Government Act 2000.

In recent meetings the 4-hour guillotine (or 3-hour guillotine, for virtual meetings during the current COVID-19 pandemic) has been reached before the majority, or even any, of the motions on the agenda are able to be debated. This has resulted in motions subsequently not being moved by those who have submitted them or being voted on without debate.

The Committee may wish to consider recommending that motions be dealt with at an earlier point in the meeting. The Committee should however bear in mind the other items on the agenda, such as recommendations from Cabinet or committees, for which debate may also be of key importance.

Standing Order 1.1.3 also allows for the current agenda order to be varied at the discretion of the Mayor, which has happened on a number of occasions, for example when the climate change emergency motion was being debated and a large number of members of the public attended.

Possible wording:

“2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council’s annual meeting. The order of business at ordinary meetings will be as follows:

...

~~viii. Receive questions from, and provide answers to, Members in accordance with Standing Order 17.2;~~

viii. deal with any business from the last Council meeting;

ix. receive reports from the Cabinet for consideration, including consideration of proposals from the Cabinet in relation to the Council’s budget and policy framework and receive questions and answers on any of those reports;

x. receive any reports from the Council’s committees and overview and scrutiny committees for consideration and receive questions and answers on any of those reports;

xi. consider motions;

xii. Receive questions from, and provide answers to, Members in accordance with Standing Order 17.2;

xiii. receive reports about and receive questions and answers on decisions made by members of the Cabinet since the last meeting of Council;

xiv. receive any reports about and receive questions and answers on the business of joint arrangements and external organisations, including the Combined Authority; and

~~xiv. consider motions; and”~~

Additional Council Meetings

The motion agreed at Full Council in December asks the Committee to consider whether it may be appropriate to hold additional meetings of Full Council specifically for the consideration of motions. This issue had been the subject of discussion at a number of Group Leaders meetings in the last year where it has not been possible to reach a consensus on whether to increase the number of meetings.

Peterborough City Council currently meets approximately six times a year (including the Annual Council meeting). Typically, two of these meetings will consider the Council’s budget in phase one and phase two.

The Constitution and Ethics Committee have previously been presented with a report in relation to the frequency of Full Council meetings at its meeting on 8 July 2019 and at that time agreed to continue at its current rate. Within that report it was noted that the average number of meetings held per year was seven. It was further advised that, at that time, the cost of running a Full Council meeting was approximately £3,500.

If the Committee were minded to recommend introducing further Full Council meetings specifically for the consideration of motions, members may also wish to consider whether motions be excluded at other meetings, to ensure that other business such as Cabinet or committee recommendations are also sufficiently considered.

Additionally, Members may wish to consider whether it is appropriate to continue to consider motions at Budget Council meetings, as a significant length of time may need to be dedicated in these particular meetings to the debate on the Council’s budget.

Possible proposal:

- To add an additional meeting in June, in between May Annual Council and July Ordinary Full Council, solely to consider motions.

Possible wording:

“21.5 Budget Meetings

Rule 20.4 above, in respect of the length of speeches, shall not apply to a debate on the Budget where speeches shall not be subject to any time limit.

At a meeting of Full Council at which debate on the Budget takes place, there shall be no consideration of any motions on notice.”

5. CONSULTATION

- 5.1 Any changes to the Council’s constitution needs to be approved by Full Council. The Constitution and Ethics Committee are the consultees in relation to any suggested amendments to Full Council.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 If the Committee agrees to any suggested changes these will need to be presented to Full Council for approval and if agreed the Constitution will need to be updated to reflect the changes.

7. REASON FOR THE RECOMMENDATION

7.1 The recommendation outlined is at the request of the Council to review the Council's motions process and suggest any alterations.

8. IMPLICATIONS

Financial Implications

8.1 There are no financial implication arising.

Legal Implications

8.2 If any changes are agreed these will need to be legal and changes to the Constitution will need to be carried out.

Equalities Implications

8.3 There are no equalities implications arising.

9. BACKGROUND DOCUMENTS

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

9.1 Council Constitution Standing Orders
Full Council 9 December 2020 Record of Outcomes
Constitution and Ethics Agenda 29 October 2018
Constitution and Ethics Agenda 8 July 2019

10. APPENDICES

10.1 None.