

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 7
22 NOVEMBER 2021	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance	
Cabinet Member(s) responsible:	Councillor Cereste, Cabinet Member for Digital Services and Transformation	
Contact Officer(s):	Pippa Turvey, Constitutional and Democratic Services Manager	Tel. 452460

FULL COUNCIL MOTION PROCESS REVIEW

RECOMMENDATIONS	
FROM: <i>Director of Law and Governance</i>	Deadline date: <i>N/A</i>
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> 1. Consider the introduction of an informal protocol or change to Council Standing Orders in relation to the sharing of motions. 2. Review the introduction of 'Motions with Major Implications' within Council Standing Orders and make any relevant recommendations. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Constitution and Ethics Committee following a request from Group Leaders on 12 October 2021.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to allow the Committee to consider the appropriate point at which motions should be shared with Members.
- 2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1, '*... to make recommendations to Full Council as to amendments and improvements to the Council's Constitution ...*'.

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

Notice and Sharing of Motions

- 4.1 Current Council Standing Orders do not include any requirement for the draft or final versions of motions to be shared at any stage prior to publication within the agenda. Members are provided with the option to share their motion with other Members prior to the agenda publication if they wish. If not, motions will only be shared through the circulation of the agenda (or briefing note published online, in the case of motions with Major Implications).

4.2 In relation to amendments to motions, at the point an amendment is received in draft form, Members will be asked if they are happy for this to be shared with the mover of the original motion. Following the receipt of final amendment wording, Members will be asked if they wish this to be shared with other Members. If not, amendments will only be shared through the publication and circulation of the additional information pack the day before the meeting.

4.3 A suggestion has been received from several Members that advance notice of motions would be beneficial in the consideration and drafting of any possible amendments. This could be achieved through motions being shared following the final deadline at the latest, rather than the day of agenda publication. In order to introduce such a change, the Council Standing Orders could be altered in order to make sharing motions a formal requirement, or for Members to agree to an informal protocol.

4.4 Option 1 – Amending Council Standing Orders

This would ensure that sharing motions ahead of agenda publication was a constitutional requirement, and would require the approval of Full Council. Suggested revised wording is:

“19.4 Notice for Other Motions

Except for motions which can be moved without notice under Standing Order 19 and motions with major implications, written notice of every motion must be delivered to the proper officer in its initial form by noon eight clear working days before the date of the meeting and in final form noon six clear working days before the date of the meeting (not including the day of the meeting) at which point they will be circulated to all Members. These will be entered in a book open to public inspection.”

4.5 Option 2 – Informal Protocol

An informal protocol to share motions with Members following the final motion deadline would not require approval from Full Council, however it would not be enforceable under the Constitution.

4.6 For clarity, in accordance with current Standing Orders, the final deadline for ‘standard’ motions is 12 noon on the day before agenda publication. The deadline for draft amendments is 12 noon three clear days before the meeting. For example, for the Full Council meeting on 10 November 2021, final motions will be received on Monday 1 November, with draft amendments received on Thursday 4 November. At the moment, Members will first see motions on Tuesday 2 November when the agenda is published, which provides days to draft amendments.

Review ‘Motions with Major Implications’ Process

4.7 At the Full Council meeting held on 3 March 2021 the further criteria of ‘Motions with Major Implications’ was added to Council Standing Orders. This required motions with significant resource implications (the equivalent of £100,000 or more) or a significant impact on Council policy or procedures, the Council’s strategic/contractual partners, or the city as a whole be received in draft form 14 clear days before the meeting. Nine clear days before the meeting such motions will be published alongside a briefing note from the relevant Director.

4.8 Following the addition of this criteria there have been three meetings of Full Council, on 23 June 2021, 28 July 2021 and 10 November 2021. In total, 14 motions have been considered (four in June, five in July and five in November), although there were seven motions on the agenda in November two of these were withdrawn and not debated. Of these, four have been considered to have ‘major implications’ (one in June, two in July and one in November, although this was one of the motions withdrawn at the meeting).

4.9 There has been one instance where a motion has been submitted after the ‘major implication’ deadline and had been considered to have major implications. With the assistance of

officers, this motion was reworded to remove these implications and to submit to Council as a 'standard' motion.

4.10 11 out of the 14 motions submitted at these three meetings were agreed, ten of which were unanimous decisions.

4.11 Any further change to Council Standing Orders would require the Committee to make a recommendation to Full Council, or a motion directly to Full Council.

5. CONSULTATION

5.1 Suggestion in relation to the sharing of motions was discussed at the Group Leaders meeting on 12 October 2021, at which Group Leaders referred the matter to the Constitution and Ethics Committee for consideration.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 It is anticipated that the process agreed will ensure that all Members get fair and equitable notice of motions that have been submitted to Full Council.

7. REASON FOR THE RECOMMENDATION

7.1 The recommendation has been put before the committee in order to for Members to receive as advance notice as possible of motions submitted to Full Council, to ensure a robust debate and time for Members to consider the submission of amendments.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 An alternative option would be to leave the Council Standing Orders and informal protocols around motion sharing unchanged. This option is open for Members to consider if they feel that the process allows for sufficient notice of motions in order that a meaningful amendments may be submitted.

9. IMPLICATIONS

Financial Implications

9.1 There are no financial, legal, or equalities implications arising from this recommendation.

Carbon Impact Assessment

9.4 The Carbon Impact arising from this recommendation is neutral.

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 – Part 4 Section 1 – Council Standing Orders
Peterborough City Council Full Council Minutes 3 March 2021

11. APPENDICES

11.1 None.

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