

Report to: Governance Committee

Date of meeting: 28 September 2023

By: Assistant Chief Executive

Title: Review of the County Council's procedure for considering Notices of Motion

Purpose: To consider whether to revise the procedure for considering Notices of Motion.

RECOMMENDATION:

The Governance Committee is recommended to Recommend the County Council agree the revised process for considering motions at Full Council (as set out in paragraph 3 of the report) and that the Constitution be amended accordingly.

1. Background

1.1 The Councils procedure for considering notices of motion is set out in paragraphs 36 to 39 of the Council Procedure Rules within the Constitution. In summary, the procedure is that the Chairman can either refer the motion to the next Council or, where the Chairman considers it appropriate, to a Committee or Lead Member. Where in the past the Chairman has referred a motion straight to Council, concerns have been raised by Members that there is insufficient background information for them to be able to make an informed decision. As a result, the usual practice that has been adopted is for the motion to be referred to the relevant Lead Member whereby an officer report is produced, and the Lead Member makes a recommendation to Full Council.

1.2 The Council is required to keep its governance arrangements under review. Accordingly, a review of the way in which the Council considers motions has been undertaken to ensure that the process is efficient, effective and fit for purpose. The aim of the review is to ensure that the Council has a process which balances the need for motions to be debated in a timely manner, for all members who wish to speak on the matter to have the opportunity to do so and that sufficient information is provided to members to allow them to consider the issue.

1.3 The outcome of the review will be reported to the Governance Committee on 28 September 2023, following which a recommendation will be made to Full Council for approval in October 2023.

2. Supporting Information

2.1 Group leaders were asked for their view on how they feel the existing arrangements are working. The feedback was mixed, and a range of views expressed.

- Some members were supportive of the current arrangements and stated, in particular, that members found it useful for a motion to be heard at a Lead Member and that a report is then produced which was a process members found useful.
- There was a desire for motions submitted before a Full Council meeting (by the deadline stated) to be heard at that Full Council meeting, and not delayed until the following meeting. It was considered that the deadline for notices of motion is usually 10 – 12 days before the Full Council meeting; it was felt that this should provide ample time for officers to prepare their responses for the Lead Member responsible. Usually the motion and the officers report are sent to a Lead Member meeting. It was considered that this is unnecessary as it

doesn't usually change the result, or what goes to Full Council in any way, so is just a time waster.

- The process whereby the report of the LM becomes the substantive motion and then any amendments at Council are treated as amendments to this is considered confusing. It is considered that it would be far better to just propose amendments during the debate, and then Members vote on amendments and the original motion as proposed.
- That evidence that is cited in the motion submission is addressed specifically in the response to the motion, and that any challenges to this evidence is clearly laid out in response to the evidence points.
- The view was expressed that the person and seconder who submits the notice of motion should have the opportunity to introduce the motion, to speak at least once in the debate and to sum up and respond to those who have challenged the motion, addressing all suggestions of amendments. This means they would speak three times during the debate.

3. Proposed changes to the process

3.1 The Council's current process allows flexibility for how motions should be considered. The process of referring all motions to the Lead Member can result in delay, although it is also important to acknowledge that some motions relate to complex issues with a range of views and so the production of an officer report can take some time. The current practice can generate some confusion at Council where the Lead Member recommendation becomes the substantive motion on which amendments are then proposed.

3.2 It is proposed that the current approach of the Chairman of the Council determining the most appropriate route for the motion to take is retained. However, it is proposed that the practice be adopted whereby a motion that is referred straight to Full Council accompanied by an officer briefing to ensure that full context and background information is available for consideration by members (and members of the public) prior to the consideration of the matter. Where a motion is referred straight to Council, any amendments proposed during the debate would be treated as amendments to the original motion.

3.3 In relation members rights to speak, at present, when a motion is referred straight to Full Council, the member who submitted the motion is given a right of reply at the end of the debate, before either the Chair of the relevant Committee or the relevant Lead Member. Similarly, where a motion is referred to a Committee or Lead Member and then reported on to Full Council, the member who submitted the Notice of Motion is given a right of reply immediately before the Chair of the Committee or the relevant Lead Member (as applicable). In the event of any amendments to the motion, the Proposer of Motion would also have the right to speak on any amendments proposed.

4. Conclusion and Reasons for Recommendations

4.1 The Council keeps its governance processes under continual review and the purpose of this review is to ensure that the Council's procedure for considering notices of motion is fit for purpose and meets the expectations of members of the Council.

4.2 Concerns have been raised by some members regarding the process that is followed including in relation to its complexity and delay, the last three motions have taken an average of 5 months from being submitted to being considered at Council. The existing process allows flexibility for motions to be referred directly for consideration by Full Council or, where appropriate, for motions to be referred to the relevant Committee, Lead Member or to Cabinet. It is felt that by adopting the practice whereby motions that are referred to Council are accompanied by an officer briefing, will reduce the need to refer motions to a committee or Lead Member prior to Council, thereby expediting their consideration and reducing possible confusion around the process at Council meetings.

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BACKGROUND DOCUMENTS: None.