

COUNCIL

16 FEBRUARY 2023

NOTICES OF MOTION

(a) NOTICES OF MOTION TO CHANGE THE CONSTITUTION – PROCESS FOR AMENDMENTS AND REMOVAL OF TIME LIMITS AT THE MEETING

Recommendations

1. **The Democratic Governance and Scrutiny Manager (Interim Monitoring Officer) recommends that the Council considers the report as part of debating the Notices of Motion relating to:**
 - a) **removing the time limit for considering Notices of Motion, CMR reports, and Questions, and**
 - b) **the process for Amendments to Motions,**

noting the advice about validity set out in the report, and
2. **If the Council decides to amend the constitution, the Monitoring Officer is authorised to update the Constitution accordingly.**

Background

3. As required by paragraph 29.3 in Appendix 2 of the Constitution (Procedural Standing Orders), any proposal to alter or amend the Procedure Rules is, once proposed and seconded, adjourned to the next meeting of the Council to receive a report from the Monitoring Officer. This Monitoring Officer report covers two Notices of Motion deferred from the Council meeting on 12 January 2023 which propose changes to the following Procedure Rules:

Notice of Motion 1

- a) 16.1 – Questions Upon Reports – proposal to remove the current time limit of 30 minutes for questions and answers on a report from a Cabinet Member with Responsibility;
- b) 16.2.1 - Question Time – proposal to remove the time limit of 30 minutes set aside for formal questions from Councillors; and
- c) 17.2 – Notices of Motion – proposal to remove the time limit of 90 minutes for discussion of Notices of Motion on the agenda for a Council meeting.

Notice of Motion 2

This proposes to amend PSO 17, Notices of Motion, by adding a requirement for dealing with amendments as follows:

- a) Any amendments to a Notice of Motion on a Council agenda must be submitted by noon on the Monday prior to the Council meeting on the Thursday;
- b) The Assistant Director for Legal and Governance or their nominee must approve a written amendment to a Notice of Motion 3 days prior to the Council meeting, and
- c) The amendment should then be made available to group leaders and the proposer and seconder of the original notice of motion.

4. Both Motions are set out below in full for ease of reference. If adopted by the Council, the changes would come into force at the next meeting of the Council on 18 May.

Notice of Motion 1 - Removal of Time Limit for Notices of Motion, CMR Reports and Questions

5. At the Council meeting on 12 January the following Notice of Motion was proposed and seconded.

“The First Principle of Public Life, Selflessness.

The seven principles of public life include selflessness, holders of public office should act solely in terms of the public interest.

In 2018 an amendment to the constitution was approved part based on a Councillor survey in 2016 which indicated many felt meetings were too long. Restrictions on democratic debate were introduced including:

- A 90-minute total time limit for all discussions on Notices of Motion;
- A 30-minute maximum time limit permitted for questions and answers on Cabinet Member with Responsibility (CMR) reports.

A pre-existing restriction providing 30 minutes to be set aside for dealing with formal written questions submitted by councillors was not amended.

By limiting Council debate on Notices of Motions, CMR reports and questions, councillors are allowing the first principle of public life, selflessness, to be ignored.

The constitution to be amended to no time limit on discussions on Notice of Motions, no time limit for permitted questions and answers on CMR reports plus no time limit for formal questions.”

6. As was indicated in the Notice of Motion, Council last reviewed the procedure rules for Council meetings via a small councillor working group which reported to Council on 17 May 2018. The report of the Working Group which accompanied the item set out the reasons for the proposals at that time to introduce a time limit for Notices of Motion and questions and answers at Council meetings : [Agenda for Council on Thursday, 17th May, 2018, 10.00 am - Worcestershire County Council \(moderngov.co.uk\)](https://www.moderngov.co.uk/2018/05/17/agenda-for-council-on-thursday-17th-may-2018-10.00-am-worcestershire-county-council)

7. If the current Notice of Motion is approved in part or in full, there would be minimal changes to the relevant procedure rules, as it would involve removal of the time limits. Currently there is a closure procedure if consideration of Notices of Motion reaches the 90-minute limit, and this would also be removed.

Notice of Motion 2 - Process for Amendments to Motions

8. The Notice of Motion proposed and seconded at the Council meeting on 12 January was:

“We understand that during the debate of a notice of motion a minor amendment to a motion may be made. However, in all other cases, to ensure that an amendment is acceptable and does not negate the motion, it needs to be checked by the Assistant Director for Legal and Governance or their nominee prior to the full council meeting.

We propose an amendment is made to the constitution such that any written amendment to a notice of motion must be approved by the Assistant Director for Legal and Governance or their nominee as acceptable three days prior to the full council. Any amendments should be submitted by noon on Monday prior to the full council meeting on Thursday. The amendment should then be made available to group leaders and the proposer and seconder of the original notice of motion.”

9. The current arrangements for dealing with amendments to Notices of Motion at Council, by circulating paper copies of amendments, have evolved through custom and practice. Under the current procedure rules, an amendment to a motion can be made verbally, but the Chairman may require it ‘to be put into writing.’ This was varied by agreement during the pandemic when meetings were online and there was no ability to circulate amendments on paper on the day.

10. The only variation to this currently is the process for debating proposals for the budget, which is set out in the Policy and Budget framework. This requires amendments to be put into writing and circulated prior to the meeting because of the time critical and detailed nature of the item being debated.

11. Whilst the proposed Procedure rule can be adopted, there are some practical issues that may arise which need to be considered:

- a) The Rules of Debate require one amendment to be considered at a time. If more than one amendment is received by noon on the Monday (proposed and seconded) they would need to be considered at the meeting in order of receipt; and
- b) There is a risk that the timescales and requirement for an amendment to be in writing would constrain the ability of the Council to reach a decision on a Notice of Motion at the meeting. The rules of debate enable further amendments to be moved to a Motion during a debate, and there are likely to be occasions where a change to wording proposed on the day will enable consensus to be reached.

If adopted by the Council, I advise that there would still need to be the ability to propose further amendments at the meeting. Council could mirror the exception in the current Budget framework procedure rule where the admittance of further amendments at the

meeting is at the discretion of the Chairman. This enables each case to be considered on its merits.

12. If approved by Council, the process set out as proposed in the Motion would be added into the Procedure Rules in the section dealing with Notices of Motion. However, the ability to move further amendments would remain and how these are handled would be at the discretion of the Chairman on a case-by-case basis.

13. The Rules of Debate in paragraph 19 of the Procedure Rules would remain unchanged. This section, which deals with motions and amendments, would still apply to the debate, the other items on the Council agenda and to meetings of Committees and Scrutiny Panels etc.

(b) NOTICES OF MOTION

Notices of Motion Received

14. The Democratic Governance and Scrutiny manager reports that she has received the following Notice of Motion. The Constitution provides that any submitted motion must be moved and seconded at the meeting. Otherwise, unless postponed with the consent of the Council, it will be treated as withdrawn.

15. If a motion is in relation to the exercise of an executive function it will be referred to the Cabinet for decision (if applicable this will be indicated below). Otherwise the Council may decide itself to determine the Motion, or refer it to the Cabinet or another appropriate Committee for advice before determining it at the next available meeting.

Notice of Motion 3 – Cycling facilities

16. This motion is not in relation to the exercise of an executive function and the Council may decide to determine the Motion.

17. Notice of Motion standing in the names of Cllr Beverley Nielsen, Cllr Matt Jenkins, and Cllr Tom Wells:

“By facilitating cycle integration with train travel through enhanced cycle parking facilities at stations, we as County Councillors will, in turn, drive modal shift and accelerate our county’s move from a zero active mobility rating to the targeted next level 1 rating and help to improve congestion as well as health and well-being in Worcestershire

Having audited the stations in Worcestershire for quality of bicycle parking and the Train Operating Companies (TOCs) for bicycle carrying services, Council calls on the Cabinet Member with Responsibility to investigate and bring a report to Cabinet about the following:

- How County Councillors can support improvements to cycle facilities at railway stations, including potential use of their Divisional and Highways funding, and the potential for this to be matched by county council or other grant funding

- How the funding raised could be used to provide enhanced cycle parking facilities, working with partners and other organisations and to meet relevant legal and standards requirements

Information so far gathered on the facilities can be reviewed at this link ([here](#) and attached as an appendix) and we ask that this is fully reviewed and updated as background to the Cabinet report.”

Contact Points

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Background papers

In the opinion of the proper officer (in this case the Democratic Governance and Scrutiny Manager) the following are background papers relating to the subject matter of this report:

Procedural Rules in the Council Constitution:

[APPENDIX 2 January 2020 vf Procedural SOs.pdf \(moderngov.co.uk\)](#)