

MOTIONS ON NOTICE AT FULL COUNCIL

Governance Committee – 30 January 2024

Report of: Monitoring Officer

Status: For consideration

Also considered by:

- Council – 20 February 2024

Contact Officer: Martin Goodman, Ext. 7245

Recommendation to Governance Committee: That it be recommended to Council that the Monitoring Officer be authorised to insert a new paragraph 20.6 into the Constitution, substantially in the terms set out in this report.

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Reason for recommendation: To reflect Member feedback, promote wellbeing and support the efficient discharge of business by Full Council.

Introduction and Background

- 1 Currently, the provisions set out in the constitution relating to Motions on Notice are as follows:

20. Motions on Notice

20.1 *Notice - Except for motions which can be moved without notice under Rule 21, written notice of every motion, signed by the Member or Members, must be delivered to the Chief Executive not later than eleven clear working days before the date of the meeting (if the meeting is held on a Tuesday, then the motion should be delivered to the Chief Executive by 5 p.m. on a Friday eleven days before the meeting - this does not take into account public holidays). These will be entered in a register open to public inspection.*

20.2 *Motion set out in Agenda - Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.*

20.3 *Scope - Motions must be about matters for which the Council has responsibility or which affect the District.*

20.4 *Referral to Cabinet, Committee or Sub-Committee - Unless the Chairman at the meeting rules otherwise, if a motion for which notice has been given comes within the province of the Cabinet or any Committee or Sub-Committee, it shall, upon being formally moved and seconded, immediately and without discussion be referred to the Cabinet or appropriate Committee or Sub-Committee.*

20.5 *Rejection of Motion - If the Chief Executive considers that any motion for which notice has been given is illegal, irregular or improper, he shall immediately advise the appropriate Chairman and the notice shall not be accepted unless on the specific direction of the Chairman. If the notice is not accepted, the Chief Executive shall inform the Members who gave the notice, of the rejection and the reasons for it.*

- 2 The Council meeting of 14 November 2023 entertained five such motions, prolonging the meeting considerably beyond the 10.30pm adjournment time set out in rule 16.
- 3 The Leader has requested that the Chief Executive seek a limitation to the number and duration of Motions on Notice, as in her view such a long meeting placed an unacceptable strain on the general wellbeing, mental and physical health of Officers and Members, with additional impacts to home and family obligations.
- 4 While acknowledging the need for a 'Motions on Notice' process, the Leader has also remarked that in her view good decision-making under this Council's particular governance system requires that policy be developed through the existing Advisory Committee process where possible. Excessive use of such motions may be seen as an attempt to subvert or avoid the framework which has long and successfully been in place.

Proposals

- 5 In view of the Leader's comments and subsequent discussions, it is proposed that the following additions be made to the Constitution:
 - No Motions on Notice to be accepted at a meeting where the budget is to be considered;
 - The opportunity should be taken to clarify the existing situation that Motions on Notice are not accepted at Extraordinary or Annual Councils;
 - No more than one Motion on Notice to be moved by any one Member, or Members of the same political group, at a meeting of the Council;
 - One hour be allocated for debate of all Motions on Notice at Council meetings, with any such Motions not begun within this timeframe to be omitted from business.
- 6 With this in mind, it is proposed that words to the effect of the following 20.6 be placed into Part 2 of the Constitution:

Limitation - Any Motion on Notice proposed for a meeting where the budget is to be considered, or Extraordinary Council, or Annual Council, shall be rejected. Any Motion on Notice proposed by a Member who has already proposed a Motion on

Notice for the same meeting, or who is in the same political group as the mover of a Motion on Notice which has been accepted, shall be rejected. Only one hour shall be allocated for debate of Motions on Notice. Once an hour has passed, if discussion of a Motion on Notice is ongoing, the Chairman must immediately follow the procedure set out in rule 22.11, as if it had been resolved that the question now be put. Any amendment under debate at the time shall fall. Any Motion on Notice not yet under discussion after one hour shall not be considered, as if it were not on the agenda.

Other options Considered and/or rejected

Practice varies in relation to Motions on Notice and a selection of options from other Kent authorities were considered in whole or in part.

Key Implications

Financial

None.

Legal Implications and Risk Assessment Statement.

Members are advised that a provision for Motions on Notice must be retained in some form. Any process for Motions on Notice must reasonably honour this retention and not operate as a de facto deletion of the provision.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the District, or supporting the resilience of the natural environment.

Conclusions

For the reasons set out in the report, Members are requested to approve a new rule 20.6.

Martin Goodman

Monitoring Officer