

**Report to:** Council

**Report of:** Monitoring Officer

**Date:** 14 September 2019

**Subject:** Amendments to the Constitution regarding Motions on Notice

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## 1. **PURPOSE**

To clarify and improve the procedure for Motions on Notice at Council meetings.

## 2. **RECOMMENDATIONS**

- 2.1 That Council approve the proposals put forward at 4.1, 4.2 and 4.3.
- 2.2 That Council authorise the Monitoring Officer to make any consequential amendments to the Constitution.

## 3. **INTRODUCTION**

At several Council meetings over the past year, motions on notice brought by members have not proceeded efficiently. The impacts of this are:

- (a) dealing with motions on notice takes up a disproportionate part of the meeting time, which on occasion has detracted from the key operational and strategic matters which come before Council as part of the forward plan;
- (b) duration of meetings is increased, placing a burden on member and officer time;
- (c) members are unclear about what constitutes a valid and appropriate amendment to a motion; and
- (d) members are not clear about whether they are speaking on the original motion or an amendment thereto, and sometimes feel they lose the opportunity to speak on the original motion once an amendment has been proposed.

The rules on motions on notice appear at Article 31.11 of the Council's Constitution. The rules on amendments to motions appear at Article 31.13.6

## 4. **MAIN BODY**

- 4.1 To address impacts (a) and (b) the recommended actions are as follow:

- 4.1.1 Motions on notice should be heard towards the end of a Council meeting, just before 'Any Other Business'.
- 4.1.2 The number of speakers either supporting or against an original motion or supporting or against an amendment shall be limited to three.
- 4.1.3 Debate on any single motion on notice, including amendments thereto shall be restricted to 20 mins, after which the Mayor shall move to a vote.
- 4.1.4 Any speech in support of or against a motion on notice or in support of or against an amendment thereto shall be restricted to 3 minutes.

4.2 To address impact (c) the following actions are recommended:

4.2.1 That Article 31.13.6 "Amendments to Motions" be amended as set out in bold below:

- (a) An Amendment to a motion must be relevant to the motion, and may either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words **(but not whole sentences)**;
  - (iii) to leave out words **(but not whole sentences)** and insert or add words **(but not whole sentences)**; or
  - (iv) to insert or add words **(but not whole sentences)**

provided that the effect of (i) to (iv) is not to negate the motion, **substantially change or replace the motion or bring a new subject matter before Council.**  
**(NB – a member may not move as an amendment the insertion or deletion of the word "not")**

- (b) **Save for budget meetings and the exceptions in Rule (d), amendments to recommendations or motions set out in the Council Agenda for a meeting shall only be put forward if they have been delivered in writing to Democratic Services by noon on the day preceding the meeting (or 9.00 am in the case of the Annual Meeting) for the purpose of checking compliance with rule (a). If the Monitoring Officer finds the proposed amendment does not comply with rule (a) the amendment shall not be put forward.**

(c) **The exceptions to Rule (b) are:**

- **Technical amendments may be moved to correct arithmetical, factual or grammatical errors or to improve the clarity of a motion or recommendation.**
- **Where the Monitoring Officer finds an amendment to be compliant with rule (a) the Mayor shall have discretion to permit late amendments from**

**members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Mayor should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.**

- (d) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (e) If an amendment is not carried, other amendments to the original motion may be moved.
- (f) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (g) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

4.3 To address impact (d) the following action is recommended:

The Constitution be amended by the following insertion at 31.13.6 (h)

**“When an amendment is first proposed, the Mayor will ask whether any member wishes to speak on the original motion, and provided there is no applicable restriction on the duration of the debate or the number of speakers, will hear those members speak in relation to the original motion before the motion to amend is put to the floor.”**

## **5 FINANCIAL IMPLICATIONS**

None

## **6 LEGAL IMPLICATIONS**

None particular, but general risk of legal procedural challenge as set out in the Risk Implications section.

## **7 RISK IMPLICATIONS**

- 7.1 That if procedures are not changed to restrict time spent on motions on notice, less time will be spent on considering and debating key decisions, which may make the handling of such matters prone to misunderstanding or error, and may give rise to challenge.
- 7.2 That if evening meeting duration continues to increase, this will impact on the Council’s capacity to retain and recruit officers.
- 7.3 That if procedure on amendments is not made clear, invalid decisions or procedural errors may be made.

## **8 CONCLUSIONS**

That amendment to the Constitution is required to improve procedure on motions on notice and facilitate the efficient conduct of Council meetings.

**9 BACKGROUND PAPERS/EXISTING COUNCIL POLICIES:**

Members may wish to make reference to the current version of the Constitution.

**APPENDICES:** None

*Checklist*

Area for consideration	Comment
Monitoring Officer Consultation:	n/a
Section 151 Officer Consultation:	n/a
Environmental Implications:	n/a
Equality Analysis: is Equality Impact Assessment required?	n/a