

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Legal Services

TO: Civic Affairs Committee 18/3/2015

WARDS: None directly affected

PROCEDURE FOR SUBMITTING SUBSTANTIVE AMENDMENTS TO FULL COUNCIL MEETINGS

1 INTRODUCTION

- 1.1 The Leader of the Council has asked for consideration to be given to changes to the procedure for submitting amendments to full Council meetings, particularly those that have potential budget or significant service delivery implications.
- 1.2 Under the Council's constitution, councillors may currently move amendments to motions or recommendations without giving notice. The Council has adopted a non-binding and not always effective convention encouraging members to give notice of the text of substantive amendments by noon on the day of the Council meeting. However, this still allows inadequate time for officers to give appropriate consideration of amendments in advance of the meeting and for the provision of advice on their implications. This can lead to difficulty and confusion at Council meetings, as well as the risk of bad decisions and potential for unanticipated budget implications, including where hurried amendments are proposed to reports to Council that have not scrutinised at Committee.
- 1.3 The report proposes a rule requiring the submission of substantive amendments by noon on the day preceding the meeting (i.e. generally noon on the preceding Wednesday).

2. RECOMMENDATION

- 2.1 That Council adopts the changes to its constitution proposed in Appendix 1.

3. **BACKGROUND**

- 3.1 The Council agenda is published at least five working days before the meeting. It contains the recommendations and motions to be considered at the meeting. This allows time for councillors to consider their views on the matters under consideration and, if necessary, obtain further information and advice from officers.
- 3.2 Amendments put before the Council are often complex, raising issues of principle, issues that affect the way the Council delivers services and issues that potentially require officer advice on service, financial or legal matters. The convention that substantive amendments will be submitted by noon on the day of the meeting is helpful, but allows very little time for circulation of amendments, for members and officers to consider their implications and for the provision of officer advice. This has, on occasion, led to the need for Council meetings to be suspended for informal discussion and carries the risk that decisions will be made without understanding of their implications.
- 3.3 In order to allow for better consideration of amendments, this report recommends that notice of substantive amendments must be given by noon on the day preceding the Council meeting. This report does not propose extending this principle to meetings of scrutiny, regulatory or other committee meetings.
- 3.4 A proposed scheme for the submission of amendments is attached as Appendix 1 to this report. As for the scheme relating to budgets amendments, the Mayor may exercise discretion in admitting amendments in some circumstances.

3.5. **CONSULTATIONS**

The proposals in this report concern internal Council mechanisms and no consultation has taken place externally. The report is being circulated to all councillors. If its recommendations are supported at this committee, they will be submitted for adoption at the Council AGM. This will allow all members an opportunity to consider and to debate the proposals.

3.6 OPTIONS

The obvious options are to make no change or to amend the non-binding convention to provide for earlier submission of substantive amendments.

4. CONCLUSIONS

The benefit of the change will be in allowing more time for considering submitted amendments and for the provision of officer advice, and clear, informed options that councillors will know about before Council meetings.

5. IMPLICATIONS

- (a) **Financial Implications** There are no direct financial implications to this report. However, it is important that proper consideration is given to the financial implications of amendments submitted to Council meetings.
- (b) **Staffing Implications** There are no staffing implications.
- (c) **Equality and Poverty Implications** An Equality Impact Assessment not been conducted on recommendation. There are no obvious equality and poverty implications of the proposals.
- (d) **Environmental Implications** The proposals in this report have a "nil" climate change impact.
- (e) **Procurement** There are no procurement implications.
- (f) **Consultation and communication** See paragraph 3.5 above.
- (g) **Community Safety** There are no community safety implications.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report: The Council's Constitution. To inspect this document contact Simon Pugh on 01223 457401 or simon.pugh@cambridge.gov.uk or view at <https://www.cambridge.gov.uk/constitution>

The author and contact officer for queries on the report is Simon Pugh on 01223 457401 or simon.pugh@cambridge.gov.uk

Appendix 1

Amendments proposed to the Constitution.

1. Amend Council Procedure Rule 14 by adding the words in bold:

14. Motions without notice

14.1 The following motions may be moved without notice....

8. to amend a motion, **subject to Council Procedure Rule 23**

2. Amend Council Procedure Rule 23 as follows:

a) Add "and recommendations" to the title of this rule to read "Amendments to motions and recommendations".

b) Delete Council Procedure Rule 23.2:

Members are encouraged, by non-binding convention, to give written notice to the Chief Executive of the text of substantial amendments to motions. Notice should be given by noon on the day of the Council meeting at which the motion is to be considered (or 9.00 am in the case of the Annual Meeting). The text of amendments of which notice has been given will be made available promptly to the mover and seconder and will be available in the Council Chamber by the start of the meeting.

c) Substitute new Council Procedure Rule 23.2:

Subject to Rule 5A (Budgets Meetings) and to the exceptions in Rule 23.4, amendments to recommendations or motions set out in the Council Agenda for a meeting shall only be considered if they have been delivered in writing to the Chief Executive by noon on the day preceding the meeting (or 9.00 am in the case of the Annual Meeting). (This rule does not apply to meetings of the Executive or to meetings of committees.)

d) Add new Council Procedure Rule 23.3:

The Council may, by a simple majority, suspend Rule 23.2 to permit amendments to be moved where no, or inadequate, notice has been given.

e) Add new Council Procedure Rule 23.4:

The exceptions to Rule 23.2 are:

1. Technical amendments may be moved to correct arithmetical or factual errors or to improve the wording of a motion or recommendation.
2. The Mayor shall have discretion to permit 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.
3. Members may submit amendments where the Mayor is satisfied that they do not make substantive changes to motions or recommendations, or to amendments of which notice has been given in accordance with rule 23.2.

Consolidated version:

23. Amendments to motions and recommendations

23.1 An amendment shall be relevant to the motion and shall be either -

1. to refer back a subject of debate to a committee or to an Executive Councillor for consideration or re-consideration;
2. to leave out words;
3. to leave out words and insert or add others;
4. to insert or add words:

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.

(NOTE: Although a member may not move as an amendment the insertion or the deletion of the word "NOT", if s/he is opposed to the motion before the Council but does not wish to move reference back or other amendment it is open to him/her to require the Mayor to put the motion to the vote and then vote against the motion).

23.2 Subject to Rule 5A (Budgets Meetings) and to the exceptions in

Rule 23.4, amendments to recommendations or motions set out in the Council Agenda for a meeting shall only be considered if they have been delivered in writing to the Chief Executive by noon on the day preceding the meeting (or 9.00 am in the case of the Annual Meeting). (This rule does not apply to meetings of the Executive or to meetings of committees.)

23.3 The Council may, by a simple majority, suspend Rule 23.2 to permit amendments to be moved where no, or inadequate, notice has been given.

23.4 The exceptions to Rule 23.2 are:

1. Technical amendments may be moved to correct arithmetical or factual errors or to improve the wording of a motion or recommendation.
2. The Mayor shall have discretion to permit 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.
3. Members may submit amendments where the Mayor is satisfied that they do not make substantive changes to motions or recommendations, or to amendments of which notice has been given in accordance with rule 23.2.