

Report to:	Audit and Governance Committee Council	Date of Meeting:	23 June 2021 15 July 2021
Subject:	Amendments to Motions at Full Council		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	(All Wards);
Portfolio:	Cabinet member – Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

The report seeks permission to amend the Constitution in relation to the manner in which amendments to motions at Full Council are dealt with so that they are dealt with in the same manner when meetings were held remotely.

Recommendation(s):

Audit and Governance Committee

That it be recommended to Council that the Constitution be amended in relation to the manner in which amendments to motions at Full Council are dealt with in accordance with paragraph 2 of this report.

Council

That the Constitution be amended in relation to the manner in which amendments to motions at Full Council are dealt with in accordance with paragraph 2 of this report.

Reasons for the Recommendation(s):

In order for amendments to be dealt with in a more efficient and effective manner.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

What will it cost and how will it be financed?

(A) **Revenue Costs** - None

(B) **Capital Costs** - None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):	
None	
Legal Implications:	
Local Government Act 1972	
Equality Implications:	
There are no equality implications.	
Climate Emergency Implications:	
The recommendations within this report will	
Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	Y

Contribution to the Council's Core Purpose:

Protect the most vulnerable:
Facilitate confident and resilient communities:
Commission, broker and provide core services: The Council's Constitution sets out how the Council operates, how decisions are made and the procedures to be followed to ensure that these are efficient, transparent and accountable to local people. The suggested amendments to the Constitution will reinforce these objectives.
Place – leadership and influencer:
Drivers of change and reform:

Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.6419/21) has been consulted and any comments have been incorporated into the report.

The Chief Legal and Democratic Officer (LD4620/21) is the author of the report.

(B) External Consultations

None

Implementation Date for the Decision

Immediately following the Committee / Council meeting.

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Appendices:

There are no appendices to this report

Background Papers:

There are no background papers available for inspection.

1. Introduction

- 1.1 The way amendments to motions at Full Council are dealt with is covered in Chapter 4 of the Constitution. An amendment can be moved at any time during a debate on a motion before the mover of the motion has exercised their right of reply at the end of the debate on the motion.
- 1.2 It has become common practice in recent years for the Mayor to ask that any member intending to move an amendment to provide the Mayor and the Chief

Legal and Democratic Officer with a written copy of the amendment in an approved template before moving the amendment. This ensures the wording of the proposed amendment is clear and understood and gives an opportunity for the validity of the amendment to be considered before it is formally moved.

- 1.3 It is not uncommon for members to seek the view of the Chief Legal and Democratic Officer on the validity of an amendment in the days leading up to a Full Council. However, some amendments are moved during the debate on a motion without any prior notification to the Mayor and the Chief Legal and Democratic Officer.
- 1.4 Members in the chamber don't become aware of an amendment until the point it is moved.
- 1.5 With the onset of the global Covid-19 pandemic in 2020 the government introduced the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the "Regulations") pursuant to the powers contained within section 78 of the Coronavirus Act 2020. The regulations allowed local authorities to hold remote meetings where members did not have to be in the same room at the same time to hold a valid meeting and make valid decisions.
- 1.6 This required the Council to introduce changes to its normal practice and procedures for decision making. One of the changes was the manner in which amendments to motions at Full Council were dealt with. The temporary process that was introduced was that a notice of an amendment must be emailed to the Chief Legal and Democratic Officer no later than 4pm on the day before the Full Council meeting with the name of the mover and seconder in the agreed template. If approved as a valid amendment the notice of amendment was circulated to all members by email no later than 4pm on the day of the Full Council meeting.
- 1.7 The revised procedure worked well and allowed the Chief Legal and Democratic Officer and other Chief Officers appropriate time to consider the validity of the proposed amendment and often liaise with the mover of the proposed amendment to improve the drafting of the proposed amendment to ensure that it was valid and appropriate.
- 1.8 Emailing notice of a proposed amendment to all members by 4pm on the day of the meeting provided improved transparency and allowed members with more notice of the amendment to assist with them arriving at their position on the amendment.
- 1.9 The Regulations ceased to be effective from the 7th May 2021.

2 Proposal

- 2.1 Notwithstanding the fact that local authorities must now hold meetings in person it is recommended that the process for dealing with amendments to motions at Full Council used during the period the Regulations were valid be maintained and the Constitution be amended accordingly.

2.2 The recommendation is that:

2.2.1 A notice to amend a motion at Full Council must be emailed to the Chief Legal and Democratic Officer by 4pm on the day before a Full Council meeting and state the name of the mover and seconder.

2.2.2 The notice of amendment will be emailed to all members no later than 4pm on the day of the Full Council meeting and a hard copy will be available in the Council Chamber.