

## Constitution Committee - 27 January 2020

### Procedure for Motions without Notice

1. The constitution allows for members to move certain motions without notice at a County Council meeting. This provision relates to certain procedural motions – ie. motions which affect the way in which business is conducted at the meeting and the rules of debate.
2. Following recent County Council meetings when members have moved such Motions without Notice, a request was made for the Constitution Committee to review the relevant section of the constitution in order to clarify the procedure and ensure it is being properly applied.
3. The relevant procedures are set out in Procedural Standing Order 11 of Part 2 of the Constitution (replicated at appendix 1). Section 11.1 lists the range of procedural motions that can be moved without notice and section 11.2 sets out that the procedure to be followed. This is that the motion is to be proposed, seconded and voted upon without debate, save that:
  - The proposer may speak for up to three minutes to explain why they have moved their motion (i.e. the speech is in support of the procedural motion, not the substantive motion itself)
  - The chair may consent to one other Member speaking for up to three minutes against the procedural motion.
4. This procedure is summarised in the flowchart at Appendix 2. Members are asked to review and comment on the flowchart in order to ensure that it offers sufficient clarity on the process to be followed.

## **Appendix 1: Extract from the Constitution – Procedural Standing Order 11**

### **11. MOTIONS WITHOUT NOTICE**

11.1 The following motions may be moved without notice:

- 11.1.1 To appoint a Chair of the meeting;
- 11.1.2 Concerning the accuracy of the minutes;
- 11.1.3 To change the order of business in the agenda;
- 11.1.4 To appoint a Council body or Member to a Council body arising from an item on the agenda for the meeting;
- 11.1.5 To receive or adopt reports and recommendations of the Cabinet, Leader of the Council, Cabinet Member, a Scrutiny Committee, or, as appropriate, any other Council body or from Officers and any decision following from them;
- 11.1.6 To amend or withdraw a motion but a Member who has already spoken on a motion being debated may not, during that debate, move or second a motion to this effect;
- 11.1.7 To adjourn the meeting but a Member who has already spoken on a motion being debated may not, during that debate, move or second a motion to this effect;
- 11.1.8 To adjourn the debate but a Member who has already spoken on a motion being debated may not, during that debate, move or second a motion to this effect;
- 11.1.9 To proceed to the next business but a Member who has already spoken on a motion being debated may not, during that debate, move or second a motion to this effect;
- 11.1.10 That the question be put but a Member who has already spoken on a motion being debated may not, during that debate, move or second a motion to this effect;
- 11.1.11 By the Chair not to allow another contribution to the debate from a Member named or to exclude a Member from the meeting under the Procedural Standing Order relating to Members' conduct;
- 11.1.12 To exclude the public and media in accordance with the Access to Information Procedure Rules;

- 11.1.13 That the subject of debate be referred to the Cabinet or appropriate Council body;
  - 11.1.14 To extend the time limit for speeches;
  - 11.1.15 That a Member be invited to remain at the meeting under the Procedural Standing Order relating to Members' interests;
  - 11.1.16 To suspend a Procedural Standing Order except Procedural Standing Order 10.8;
  - 11.1.17 To give the consent of the Council where such consent is required.
- 11.2 Standing Order 12 shall not apply to motions moved under this Procedural Standing Order, which shall be proposed, seconded and voted upon without debate, save that:
- 11.2.1 The proposer of a motion may speak for up to three minutes to explain why they have moved their motion;
  - 11.2.2 If a motion is moved under this Procedural Standing Order during a debate, the Chair may consent to one other Member speaking for up to three minutes against the motion moved under this Procedural Standing Order.

## Appendix 2

### FLOW CHART Procedural Motions moved under Procedural Standing Order 11 – Motions without Notice

