



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	25 SEPTEMBER 2014
REPORT OF THE:	COUNCIL SOLICITOR ANTHONY WINSHIP
TITLE OF REPORT:	CONSTITUTIONAL CHANGES: ELECTRONIC SUBMISSION OF MOTIONS ON NOTICE AND REVISION OF DEADLINES FOR QUESTIONS ON NOTICE
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report sets out the revisions to the Constitution which would be required:
- to allow motions on notice to be submitted electronically and to clarify the periods of notice required for submitting motions on notice;
 - to revise the deadlines for questions on notice to allow all questions to be included on the Council agenda and also amend requirements around urgent questions.
- 1.2 Council Procedure Rule 23.2 provides that any motion to amend the Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next Ordinary Meeting of Council.

2.0 RECOMMENDATION(S)

- 2.1 That Council is recommended to approve:
- (i) The addition of the wording shown in italics below to Council Procedure Rule 11.1:

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least two Members, must be delivered to the proper officer not later than *5pm*, eight *working* days before the date of the meeting. These will be entered in a file open to public inspection.

Written notice of motions may be given by email, from a ryedale.gov.uk email address. Signatures are not required in these instances but consent must be received from each Member who has put their name to the motion by e mail from a ryedale.gov.uk email address .

- (ii) The addition of the wording shown in italics below to Council Procedure Rule 14.1:

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one quarter of the whole number of Members of the Council.

Such notice of motions may be given by email, from a ryedale.gov.uk email address. Signatures are not required in these instances but consent must be received from each Member who has put their name to the motion by e mail from a ryedale.gov.uk email address.

- (iii) The addition of the wording shown in italics below to Council Procedure Rule 10.4:

A Member may only ask a question under Rule 10.2 or 10.3 if either:

- (a) he/she has given notice in writing of the question to the Proper Officer *not later than 5pm, eight working days before the date of the meeting;*
or
- (b) the question relates to an urgent matter, he/she has have the consent of the chairman to whom the question is to be put and the content of the question is given to the Proper Officer by *12 noon* on the day of the meeting. *An urgent matter must be one which the Member could not have reasonably known about eight working days before the date of the meeting and which must be dealt with before the next ordinary meeting of the Council.*

3.0 REASON FOR RECOMMENDATION(S)

3.1 To revise the constitution to fully reflect the move towards paperless working.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks associated with the recommendations.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 This report links to corporate aim 5 – to transform the Council.

REPORT

6.0 REPORT DETAILS

6.1 Currently the constitution only allows Members to submit motions on notice for Council meetings hard copy, with wet ink signatures. Given the move over the past 18 months to largely paperless working, the revisions proposed to the constitution would allow motions on notice to be forward by email, from a ryedale.gov.uk email address, in line with PSN compliancy requirements. The revisions include a mechanism to ensure that all Members listed as supporting a motion have agreed to do so.

6.2 North Yorkshire County Council, City of York Council and the other six District or

Borough Councils in North Yorkshire all accept motions on notice by email.

- 6.3 An additional amendment makes it clear that eight working days notice are required for motions on notice. This allows sufficient time for the Proper Officer to consider the acceptability and implications of the motion before the despatch of the agenda.
- 6.4 Currently the constitution requires that questions on notice are submitted at least 3 working days before the meeting. This means that not all questions are included on the Council agenda, which must by law be published 5 clear working days ahead of the meeting. By revising the deadline for questions on notice to match the deadline for submission of motions on notice, it can be ensure that all questions are included on the agenda.
- 6.5 Additionally, it is proposed to revise the requirements for submitting urgent questions to allow these to be submitted up until 12 noon on the day of the meeting and also providing a clear definition as to what is considered to be urgent.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
None.
 - b) Legal
PSN compliancy is required and as such all communication should be through a ryedale.gov.uk email address.
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
None.

Anthony Winship Council Solicitor

Author: Simon Copley, Democratic Services Manager
Telephone No: 01653 600666 ext: 277
E-Mail Address: simon.copley@ryedale.gov.uk

Background Papers:
The Council's Constitution

Background Papers are available for inspection at:
www.ryedale.gov.uk