

<b>Agenda Item No:</b>	<b>8</b>	
<b>Meeting:</b>	<b>Cabinet</b>	
<b>Date:</b>	<b>3<sup>rd</sup> October 2022</b>	
<b>Report Title:</b>	<b>Constitutional Amendments Update</b>	

**Cover sheet:**

**1 Purpose / Summary**

- 1.1 Paragraph 2.1(a) of Article 4 of the Constitution provides that Full Council will be responsible for approving and reviewing the Council's Constitution to ensure the continuous improvement of local democracy. Paragraph 3.1 of Article 15 of the further specifies that changes to the Constitution will only be approved by the Council after consideration of the proposals by Cabinet.
- 1.2 The purpose of this Report is to seek Cabinet's agreement to a proposed amendment to the Standing Orders for recommendation to Full Council for approval.

**2 Key Issues**

- 2.1 In or to ensure the convenient and effective discharge of Council functions, the Acting Monitoring Officer seeks Cabinet's approval of an amendment to Standing Orders so that motions on notice must be submitted by no later than 12 noon 5 clear working days prior to the meeting to which they relate as opposed to by 5 p.m. as is currently required. Subject to that being agreed, it is a requirement of the Constitution that Cabinet then recommend that change to Full Council for approval.

**3 Recommendations**

- 3.1 Cabinet are requested to agree a proposed amendment to paragraph 10.1 of the Standing Orders so that motions on notice are required to be submitted by 12 noon as opposed to 5 p.m. and, if agreed, to recommend that change to Full Council for approval.

Wards Affected	N/A
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor Boden, Leader of the Council
Report Originator(s)	Amy Brown, Acting Monitoring Officer  Peter Catchpole, Corporate Director with responsibility for Governance
Contact Officer(s)	Amy Brown, Acting Monitoring Officer  Elaine Cooper, Team Leader – Elections, Land Charges and Member Services
Background Papers	Report to Full Council of 6 <sup>th</sup> August 2020:  <a href="#">Report and Appendix A.pdf (fenland.gov.uk)</a>

## **Report:**

### **1 BACKGROUND AND INTENDED OUTCOMES**

- 1.1 The purpose of this Report is to request that Cabinet agree the Monitoring Officer's proposed amendment to paragraph 10.1 of the Standing Orders and, if agreed that the change is recommended by Cabinet to Full Council for approval.

### **2 REASONS FOR RECOMMENDATIONS**

- 2.1 Paragraph 10.1 of Fenland District Council's Procedure Rules (Standing Orders) provided that notice of any motion (other than those which can be moved without notice under Rule 11) must be delivered in writing or by electronic mail to the Chief Executive by not later than 5 p.m. at least 5 clear working days before the date of the relevant meeting (not counting the day of delivery or the day of the meeting). Similarly, notice of the meeting must be given to members of the public and the summons issued to all Councillors along with the publication of the Agenda and associated reports again at least 5 clear working days before the date of the relevant meeting. Whilst the Council's Procedure Rules and Access to Information Procedure Rules do not specify a time by which this must take place, in the interests of expedience every effort is made to ensure that these tasks are completed within ordinary business hours. In order therefore to ensure the convenient and effective discharge of the Council's functions, it is recommended that the deadline for receipt of motions is changed from 5 p.m. to 12 noon in order to enable Member Services colleagues adequate time to prepare and publish the final version of the Agenda before close of business.

### **3 CONSULTATION**

There are no specific consultation requirements however, the purpose of this Report is to seek Cabinet's endorsement of the proposed amendment prior to recommendation to Full Council for approval. Should Cabinet agree to make that recommendation, all members will participate in the ultimate decision as to whether or not to make the change which, as it relates to motions on notice, impacts only on councillors and not members of the public who will still be notified of the existence of the motion in the same way.

### **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The recommendation requests that Cabinet agree the time for receipt of motions is changed from 5 p.m. to 12 noon and if agreed, recommends this to Full Council for approval. If Cabinet does not support the proposed amendment, paragraph 10.1 of the Standing Orders will remain unchanged.

### **5 IMPLICATIONS**

#### **5.1 Legal Implications**

- 5.1.1 There are no specific legal implications associated with the recommendations other than as already set out in this Report.

#### **5.2 Financial Implications**

- 5.2.1 There are none.

#### **5.3 Equality Implications**

- 5.3.1 There are none.