

General Purposes Committee on 30 January
2006

Report Title: Amendments to Council Standing Orders and the Constitution	
Report of the Chief Executive	
Wards affected: All	Report for: Recommendation to Council
1. Purpose 1.1 To consider making amendments to Council Standing Orders which would bring forward the time by which notice must be given of questions for full Council. This is to facilitate the inclusion of these questions in the Summons to Council. Members are also asked to grant delegated powers to the Head of Member Services to make updates to The Constitution in relation to matters already agreed by Members.	
2. Recommendations 2.1 That Members recommend to full Council the adoption of the changes to Council Standing Orders, set out in Appendix 1 to this report, to have effect as amendments to Part E.8 of the Council's Constitution. 2.2 That Members recommend to full Council the grant of delegated powers to the Head of Member Services, in consultation with the Chair of General Purposes Committee, to make technical updates to the Council's Constitution and that Part F.7 of the Constitution be amended as set out in Appendix 2 to this report.	
Report authorised by: Max Caller Chief Executive	
Contact Officer: Terence Mitchison, Senior Project Lawyer Corporate Telephone 8489 5936 E-mail terence.mitchison@haringey.gov.uk	
3. Executive summary 3.1 If Members wish the Summons to Council to contain the questions from the public and Members for full Council, then additional time must be allowed in advance of each Council meeting for the receipt, collation and printing of these questions on the Summons. The current deadline for receiving notice of questions is 5 clear days in advance. The proposal is to bring this forward to 8 clear days. Members are also asked to approve the grant of delegated powers to the Head of Member Services to make technical updates to the Constitution in relation to matters already agreed.	

4. Access to information:

Local Government (Access to Information) Act 1985

The following background papers were used in the preparation of this report and can be inspected at the Alexandra House, 10 Station Road, Wood Green, London N22 7TR by contacting Terence Mitchison on 020 8489 5936:

The Council's Constitution

5. Council Questions

5.1 Members have indicated that they wish the Summons to Council to contain the text of all questions for Council from the public or from individual Members.

5.2 At present Council Standing Order (CSO) 9.3 provides that a question may only be asked by a member of the public if notice of it has been given to the "proper officer" i.e. the Head of Member Services no later than 10 a.m. on such day as shall leave at least 5 clear days before the day of the Council meeting.

5.3 The same deadline applies to a question from an individual elected Member under CSO 10.5.

5.4 As a practical example, if a meeting of full Council is on Monday 20th of a month, then notice would have to be received by 10 a.m. on Friday 10th. The "5 clear days" are the working days of the intervening week not counting week-ends or holidays when Council offices are closed. The definition also excludes the actual days when the notice is received and the meeting is held i.e. the 10th and the 20th in the example given. This is part of the definitions set out at the start of the CSOs.

5.5 Under both CSO 9 (Public Questions) and CSO 10 (Members' Questions) the text of the question must be notified in writing within the deadline. This can be done by post, by e-mail or by hand delivery but it must be received in the offices of the Head of Member Services by the 10 a.m. deadline stated above.

5.6 As Members will be aware, the deadline for receiving notice of questions falls on the same day that the Council Summons is generally dispatched. If the text of questions is to be included within the Summons, then it is essential that at least a further 3 working days be allowed beforehand so that officers can collate and prepare this extensive extra material for printing and dispatch. Even 3 extra days would leave little flexibility to cope with unforeseen problems e.g. staff sickness or computer failures.

5.7 The necessary amendments to CSOs (Part E.8 of the Council's Constitution) are set out in the Appendix to this report at CSOs 9.3 and 10.5. There is no need to amend the provisions that relate specifically to the Council Summons.

5.8 Members of this Committee are asked to support these amendments and to recommend them to full Council for inclusion within the Council's Constitution.

6. Delegated Powers to Make Technical Updates to the Constitution

- 6.1 Most of the amendments to the Council's Constitution, for example changes to the Scheme of Delegation to officers and Members' Allowances, are reported through this Committee to full Council and formally adopted as amendments to the Constitution.
- 6.2 There are certain parts of the Constitution where the substantive decision is made by other means and not generally in a report to Council that formally proposes an amendment to the Constitution. These are the appointments of members to Council bodies (Part E.9), changes to Executive Member portfolios, and Executive subordinate bodies' terms of reference and appointments which must be agreed first by The Executive (Parts H3 to H5), appointments to Scrutiny Review Panels (Part I.4) and changes to the officer management structure agreed by The Executive (Part K.5).
- 6.3 All these matters need to be recorded in the Constitution but it is not an effective use of resources to report them formally through this Committee and full Council after the initial substantive decision has been made by Council, The Executive or Overview and Scrutiny Committee.
- 6.4 It is proposed that such technical updates to The Constitution be delegated to the Head of Member Services, in consultation with the Chair of this Committee. The recommended changes to the Scheme of Delegation to Officers (Part F.7 at section 2) are set out in Appendix 2 to this report.

7. Recommendations

- 7.1 That Members recommend to full Council the adoption of the changes to Council Standing Orders, set out in Appendix 1 to this report, to have effect as amendments to Part E.8 of the Council's Constitution.
- 7.2 That Members recommend to full Council the grant of delegated powers to the Head of Member Services, in consultation with the Chair of General Purposes Committee, to make technical updates to the Council's Constitution and that Part F.7 of the Constitution be amended as set out in Appendix 2 to this report.

8. Legal Implications

- 8.1 It is requirement of the local government legislation that there be at least 5 clear days notice of Council meetings and public availability of papers relating to them. There is no such provision in relation to questions for Council but any rules about them should be included within the Constitution in Council Standing Orders.

9. Financial Implications

- 9.1 There are no specific financial implications.

10. Equalities Implications

10.1 There are no specific equalities implications.

11. Use of Appendices

11.1 Appendix 1 to this report sets out the recommended text changes to Council Standing Orders in relation to bringing forward the date for notice of questions to Council.

11.2 Appendix 2 to this report sets out the recommended changes to the Scheme of Delegation to Officers