



Haringey Council

Agenda item:

[No.1]

Full Council

on

31 March 2008

Report Title: **Amendments to Council Procedure Rules**

Report of: **The Monitoring Officer and the Assistant Chief Executive, People Organisation and Development**

Wards(s) affected: **All**

Report for: **Decision by full Council**

1. Purpose

1.1 To recommend to full Council the amendments to Council Procedure Rules shown in the Appendices to this report.

2. Recommendations

2.1 That Members resolve to make the amendments to Council Procedure Rules (Part 4 Section A of the Council's Constitution) shown:

- (i) as Option 1 in Appendix 1 to this report in relation to the Duration of the Council Meeting in place of the existing CPR 7, and
- (ii) as CPR 14A in Appendix 2 to this report in relation to Emergency Motions, and
- (iii) as text changes to CPRs 8.4, 9.3, 9.4, 10.5, 12.1, 12.2, 12.4, 13.1 and 13.3 in Appendix 3 to this report.

2.2 That the above amendments to the Council's Constitution take effect from 1 April 2008.

Report Authorised by:

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3. Director of Finance Comments

3.1 There are no specific financial implications

4. Head of Legal Services Comments

4.1 The legal and constitutional implications are set out in the body of the report

5. Local Government (Access to Information) Act 1985

5.1 The Council's Constitution

6. Clarification of CPR 7 – Duration of Meeting

- 6.1 The Council's Procedure Rules (CPRs) were last revised comprehensively in May 2007 but since then certain issues and anomalies have arisen.
- 6.2 There have been reports to meetings of the Constitution Review Working Group (CRWG) on 28 February and 19 March which examined the difficulty that has become apparent in the case of CPR 7 on the Duration of the Council Meeting.
- 6.3 Appendix 1 to this report shows the former CPR on the Duration of the Meeting which applied before the May 2007 Annual Council. This CPR (no. 8) provided for a single composite motion, covering all outstanding Committee reports, to be voted on without debate before the conclusion of the meeting. All other outstanding business fell.
- 6.4 The current Rule, introduced in May 2007, is CPR 7 which is also shown in Appendix 1. This current Rule combines the old provisions (now in paragraph 7.1) with new provisions (now in paragraph 7.2) that are mutually contradictory. Paragraph 7.2 (iv) requires all remaining matters on the agenda to be put to the meeting for decision/vote in turn and without discussion. Paragraph 7.2 (iv) would leave no outstanding business. This is inconsistent with paragraph 7.1, which says that outstanding business, other than reports, will fall. It is also inconsistent with paragraph 7.2 (vi) which refers outstanding individual Member's motions to a relevant Committee or the Cabinet.
- 6.5 The reports to the CRWG meetings recommended Members to deal with this anomaly by approving one out of two options drawn from the existing CPR 7. These options are set out at the end of Appendix 1.
- 6.6 Both options combine the first paragraph of the existing Rule 7.1 (Mayor's discretion to extend the time to complete the meeting beyond 10 p.m. because of earlier adjournments/deputations) and sub-paragraphs (i) and (ii) in the existing Rule 7.2 (the right of the Member speaking to continue and the right of reply from the mover of the report or substantive motion).

- 6.7 Option 1 provides for a single composite motion asking Council to adopt all outstanding reports of Committees (sub-paragraph (iv)). This is based on the Rule before May 2007 but with an amendment to ensure that recommendations within reports are included in the vote on the final motion to adopt without debate. All other business would fall but outstanding motions could be resubmitted for the next Council meeting, if the proposers/seconders so wished, as is made clear in the proposed new sub-paragraph (v).
- 6.8 Option 2 provides for all outstanding items on the agenda to be voted on separately without discussion, including each amendment. This should dispose of all the business on the agenda not leaving any motions to be referred to Cabinet/Committee. The final sub-paragraph (vi) in the current Rule 7.2 is therefore redundant and should be deleted in any event.
- 6.9 Benchmarking carried out with 8 other London Boroughs disclosed a wide variety in their corresponding Procedure Rules on the duration of Council meetings and procedures at the close of meetings. Most Councils were closer to Option 1 than Option 2. Half the Boroughs have inflexible closing times with no provision for completing the debate on the matter then under discussion.
- 6.10 Members may consider that there is a good argument for voting on all outstanding reports and recommendations at the end of a meeting because these items are likely to be necessary and time-constrained decisions. There is less logic in putting other motions and amendments to the vote without any debate.
- 6.11 Option 1 makes express provision for finishing the debate on the item under discussion at closure time which is a flexibility not found in the Rules of the benchmark Boroughs. There is also scope for a limited extension of time to allow for adjournments and deputations.

7. Recommendation on CPR 7 - Duration of Meeting

- 7.1 Option 1 in Appendix 1 to this report is being recommended to full Council by the CRWG.

8. Restoring the Rule on Emergency Motions

- 8.1 The restoration of express provision for Emergency Motions was proposed in the report to the meeting of the CRWG on 28 February and further debated on 19 March after benchmarking with other Boroughs.
- 8.2 Only two other Boroughs have express Procedure Rules providing for Emergency Motions at full Council. These Rules are rather too elaborate to be useful. Other

Boroughs appear to allow Emergency Motions by suspending their Standing Orders. It would be better practice for Haringey to make express provision for Emergency Motions in the Council Procedure Rules as was the case before May 2007.

- 8.3 Appendix 2 to this report sets out the text of the Rule that applied in Haringey before May 2007 and then, below it, the slightly amended version that was discussed by the CRWG and is now being recommended to Members at Council. This would be CPR 14A to be inserted after the existing CPR 14 on Motions Without Notice.
- 8.4 The common feature of both the old Rule and the proposed new Rule is that an Emergency Motion must arise from a matter that could not reasonably have been submitted as a motion within the usual time limit in CPR 13.1 (i.e. leaving 5 clear days before the Council meeting). The Mayor must agree that the topic merits urgent debate and cannot await the next meeting.
- 8.5 Under both the old and new Rules Members are asked to give written notice to the appropriate officer by 10.00 a.m. on the day of the meeting if at all possible. This would now be the Head of Local Democracy and Member Services rather than the Chief Executive as previously.
- 8.6 The draft now recommended adds an absolute deadline for notification at 3.00 p.m. This is suggested because some limited warning of an Emergency Motion is preferable to having a potentially important topic tabled for debate at the meeting as a surprise to one political group.

9. Recommendation on Emergency Motions

- 9.1 The new CPR 14A, set out at the bottom of Appendix 2 to this report, is being recommended to full Council following discussion at the CRWG.

10. Scope of Motions, Questions, Deputations and Opposition Business

- 10.1 There has been some difficulty over the interpretation of the Rules which define the scope of the motions, questions, deputations and opposition business that can legitimately be raised for debate at full Council. The existing Rules enable the Monitoring Officer to reject a motion etc if it is not “about a matter for which the Council has a responsibility or which affects the Borough”. It is the width of the second part of this definition (i.e. matters which affect the Borough) that has caused problems because so many matters may have a hypothetical or tangential effect on the Borough and it can be very difficult to draw a line without a better yardstick.
- 10.2 At the meetings of the CRWG there was discussion about a tighter definition and the insertion of a reference to “well being” was proposed. The second part of the definition would therefore read “which affects the well being of the Borough”. This

reference reflects the statutory “well being powers” which enable to Council to take action to promote the economic, social and environmental well being of the Borough.

- 10.3 The revised definition is set out in the amended versions of CPRs 8.4 (public questions), 9.3 (Members’ questions), 10.5 (deputations), 12.2 (opposition business) and 13.3 (motions) shown in Appendix 3 to this report.

11.0 Notice of Oral and Written Questions

- 11.1 At the CRWG meetings Minority Group Members asked for consideration to be given to the provision of more advance notice of questions at Council from Members. It is now being recommended that questions for oral answer be set out in the Summons to the Council meeting. This will be provided for in a new sub-paragraph 9.4 (c) on Notice of Questions as set out in Appendix 3 to this report.
- 11.2 Questions for written answer and the answers provided to them will be published on the Council’s website as soon as practicable after the relevant meeting. This is provided for in a new sub-paragraph 9.4 (d) set out in Appendix 3.
- 11.3 Valid requests for deputations, which have been accepted for hearing at the Council meeting, will be made available to Minority Group Members on the Thursday before the meeting in accordance with existing practice. This is not considered to require an amendment to CPRs.

12. Right of Reply to Opposition Business

- 12.1 The meeting of the CRWG on 28 February agreed to recommend that a specific provision be added to CPR 12 on Opposition Business so as to allow the Leader or the appropriate Cabinet Member a period limited to 5 minutes for reply to Opposition Business. A new paragraph 12.4 stating this is set out in Appendix 3 to this report. This addition would put beyond doubt the intention that the period of 15 minutes referred to in paragraph 12.3 is entirely for the Minority Group to put forward Opposition Business.
- 12.2 Minor corrections are also recommended to paragraph 12.1 to make clear that the time limit for notifying opposition business is no later than 10.00 a.m. on a day that will leave 6 clear days before the Council meeting. There is no change to existing procedure just the achievement of consistency in the text of CPRs

13. Proposer and Secunder for Motions on Notice

- 13.1 A minor amendment is recommended to CPR 13.1 to clarify that the two Members required to give written notice of every motion are the proposer and secunder. This change is shown in Appendix 3 to this report.

14. Appendices to this Report

- 14.1 Appendix 1 is a comparison of Haringey's Rules on the Duration of Council Meetings including the Rule before May 2007, the current Rule and the 2 options put forward for change.
- 14.2 Appendix 2 is a comparison of Haringey's former Rule and the proposed new Rule on Emergency Motions.
- 14.3 Appendix 3 sets out the text changes recommended to Council Procedure Rules 8.4 (scope of public questions), 9.3 (scope of Members' questions), 9.4 (notice of oral and written questions), 10.5 (scope of deputations), 12.1 (notifying opposition business), 12.2 (scope of opposition business), 12.4 (right of reply to opposition business), 13.1 (proposer and seconder of motions) and 13.3 (scope of motions).