

CONSTITUTION WORKING PARTY		
Report Title	Amendments to the Constitution – Members Motions Deadline	
Key Decision	No	Item No. 4
Ward		
Contributors	Head of Business and Committee/Head of Law	
Class	Open	Date: 11 February 2008

1. Purpose of Report

To seek the views of the Constitution Working Party on possible amendments to the Constitutional deadline for the receipt of Council motions.

2. Recommendation

That the Working Party submits a constitutional amendment to the council altering the deadline for the submission of motions as indicated in paragraph 4.5.

3. Background

Officers have identified a conflict between the current constitutional deadline for council motions and the statutory requirement to publish agendas at least five working days prior to a meeting. The Working Party is asked to consider options and make a recommendation to Council concerning an earlier deadline.

4. The Constitutional Position

- 4.1 Part IV Section C 15.1 of the Constitution says in respect of motions that *"It shall be delivered to the proper officer not later than the sixth working day before the next meeting of the Council"*. (a working day is deemed to end at 5pm)
- 4.2 However, council and all committee agendas are published in accordance with the minimum statutory requirement of the local Authorities (Access to information) (England) Amendment Regulations 2002, which is five clear working days before any given meeting. Thus agenda publication also takes place on the sixth working day before a meeting.
- 4.3 This concurrence of deadlines is basically irreconcilable owing to the time required to enable document publication and in the past the Governance Support Unit has requested and relied on party groups to ensure the submission of their motions takes place on the day before

publication (ie the seventh working day before a meeting of the council) in order that they can be published in a timely fashion with other agenda items.

- 4.4 However recent problems have arisen with the submission of motions very late on the sixth working day before a council meeting and on one occasion a motion was submitted in accordance with the constitutional requirement but so late in the working day that it was not possible to arrange for inclusion and publication with the other agenda items. The motion was published in a supplementary agenda and while it met constitutional requirements, there was a failure to meet the statutory public notice requirement of at least five clear working days.
- 4.5 The Working Party is therefore asked to consider recommending to the Council an earlier deadline for the submission of council motions. Any revised deadline would be at the discretion of the Working Party to suggest, but officers advise, given the complexity of the publication process that either midnight on the seventh working day or 9am on the sixth working day would be the minimum timescale required to ensure publication and comply with statutory publication requirements.

5. **Legal Implications**

Changes to the Constitution are for the full Council to determine.

6. **Financial Implications**

None arising.

BACKGROUND PAPERS

The Constitution of the London Borough of Lewisham

If you have any queries on this report, please contact Kevin Flaherty, Head of Business & Committee, Governance Support 0208 3149327.