

Contains Confidential or Exempt Information	No
Title	Proposed changes to the council's constitution
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Portfolio(s)	Leader
For Consideration By	Council
Date to be Considered	11 July 2023
Implementation Date if Not Called In	Not applicable
Affected Wards	All
Keywords/Index	Constitution changes

Purpose of Report:

A report recommending changes to the council's constitution, relating to the Council and Committee Procedure Rules, the Local Code of Conduct for Councillors, and the Civic Honours Committee.

1. Recommendations for DECISION

Council is recommended to approve the changes to the constitution set out in the appendices.

2. Reason for Decision and Options Considered

The Director of Legal & Democratic Services (DLDS) is responsible for keeping the constitution under review and making recommendations for change as and when appropriate. The changes proposed in this report are an outcome of that ongoing review.

3. Key Implications

3.1 Civic Honours Committee

3.1.1 The Civic Honours Committee was created by constitution amendments agreed at May 2023 full council. At that time, it was made clear that there may also be opportunities for the Civic Honours Committee to become involved in the naming or re-naming of buildings, streets and public spaces in the borough.

3.1.2 The process of street and buildings naming is technically complex (see sections 5.5 and 5.6 of this report below) and often

happens against tight timelines. The council's [Protocol for Street Naming and Numbering](#) was adopted by Cabinet in July 2020 and it is proposed that the Civic Honours Committee will operate within that Protocol. The Protocol is attached for information at Appendix 2.

3.2 Local Code of Conduct for Councillors

Changes are proposed to the Code of Conduct, to make it clear that the Code applies to councillors when they are on outside bodies (including school governing bodies) to which they have been appointed by the council.

3.3 Council and Committee Procedure Rules

- 3.3.1** The council and committee procedure rules (Procedure Rules) are the council's Standing Orders; the council is required by law to have them. They set out how the council conducts its business within full council and council committees. The council has separate rules for cabinet meetings.
- 3.3.2** It is important to keep the Procedure Rules under particular review, to ensure that they meet the requirements of the council as it evolves and modernises and to achieve transparency and fairness. It should be noted that a number of the existing rules are in place due to legal requirements.
- 3.3.3** Changes are proposed to the Procedure Rules in relation to the process by which members of the public ask questions. These changes are recommended in the light of recent experience, to ensure that responsible councillors have adequate time to prepare their response and also that the best use is made of meeting time.

4. Financial

Any changes associated with the proposed constitution updates can be funded from within existing budgets.

It will be important to manage operations of the Civic Honours Committee to ensure that ceremonies and awards are of appropriate significance but within the resources available.

5. Legal

3.4 The Local Government Act 2000 (section 9P) requires that every council has a constitution. That constitution must contain:

- 3.4.1** A copy of the council's council and committee procedure rules (standing orders)
- 3.4.2** A copy of the code of conduct for councillors
- 3.4.3** Any information directed by the Secretary of State
- 3.4.4** Any other information considered appropriate by the council

3.5 The constitution must be made available to the public. It is best practice to keep the constitution under review and therefore up to date; at Ealing that

task is undertaken by the Director of Legal and Democratic Services, reporting to full council.

- 3.6** The Council and Committee Procedure Rules are the council's standing orders.
- 3.7** The standards regime for councillors is governed by chapter 7 of the Localism Act 2011. The council has a duty to promote and maintain high standards of conduct by its members. The code of conduct applies to councillors only when they are acting in their official capacity as a councillor.

3.8 Renaming a street

- 3.8.1** The council has the power to re-name a street or building. This is set out in Part II of the London Buildings Acts (Amendment) 1939.
- 3.8.2** Before making an order, the council shall (at their option) either:
 - a. Post notice of their intention in some conspicuous position in the street, way or place or adjacent to the row of houses or block of buildings; or
 - b. Give notice of their intention by circular delivered at every building situated in the street, way or place or forming part of the row of houses or block of buildings.
- 3.8.3** The law relating to consultation requires that the council consults in the way that it has done in similar circumstances elsewhere, regardless of the minimum required by the statute, as this is what potential consultees will reasonably expect.
- 3.8.4** Every notice must state how and when (allowing at least 1 month, or longer if the council has customarily allowed longer for other similar consultations) objections to the intended order may be sent to the council.
- 3.8.5** Before making an order to change a street name, the council must consider any objections before making the order. The council may amend any name they propose to assign having regard to any objection.
- 3.8.6** The council is required to consult a number of bodies, including London Fire Brigade.
- 3.8.7** Local residents and businesses on the road in question must also be consulted, as they will be directly affected by any change and may incur additional costs as a result.

3.9 Renaming a building

- 3.9.1** The procedure relating to buildings is slightly different and is set out in section 11(4)(a) of the 1939 Act.
- 3.9.2** Before making an order for the substitution of a name of a building, the council must give notice of their intention to the owner of the building
- 3.9.3** Before making an order to change a building name, the council must consider any objections before making the order. The council may amend any name they propose to assign having regard to any objection. Consultation

- 3.9.4** The fundamental requirements for a legally robust consultation have been established through case law over the years and can be broadly summarised as:
- a. Consultation must be made at a time when proposals are at a formative stage.
 - b. Sufficient reasons for and details of the proposal must be given to allow intelligent consideration and response.
 - c. Adequate time must be given for a response.
 - d. The product of the consultation must be conscientiously taken into account by the decision maker in finalising proposals.
- 3.9.5** Whether or not the time given to respond to a consultation is “adequate” depends on the context, and relevant considerations to be taken into account in determining adequacy include:
- a. Size of the group to be consulted.
 - b. Capabilities and resources of consultees.
 - c. Urgency involved.
 - d. Means of consultation.
 - e. Complexity of the issues

5. Value For Money

No issues.

7. Sustainability Impact Appraisal

It is not envisaged that the proposals will have any sustainability impact. Accordingly, no formal appraisal has been carried out.

8. Risk Management

No issues.

9. Community Safety

No issues.

10. Links to the 3 Key Priorities for the Borough

The proposed changes will support delivery of the council’s priorities.

The council’s administration has three key priorities for Ealing. They are:

- fighting inequality
- tackling the climate crisis
- creating good jobs.

11. Equalities, Human Rights and Community Cohesion

An EAA is not required for this decision. It should be noted, however, that in the implementation of the recommended civic honours policies, the council will seek to celebrate Ealing’s diversity, and to ensure that exceptional contributions by residents or former residents from diverse communities are recognised.

12. Staffing/Workforce and Accommodation implications

No implications.

13. Property and Assets

No issues.

14. Consultation

See table below.

16. Timetable for Implementation

The proposed changes, if approved, will come into effect immediately.

17. Appendices

Appendix 1: overview of the constitution changes proposed

Appendix 2: existing Protocol for Street Naming and Numbering

18. Background Information

[Ealing Council constitution](#)

[Ealing Council cabinet meeting report on Street Naming Protocol – 14 July 2020](#)

[LGA Guidance](#) on street naming and numbering

Ealing Council's adopted [Street Naming and Numbering Protocol](#)

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Cllr Peter Mason	Leader of the Council	23.06.2023		
Cllr Steve Donnelly	Cabinet member: Inclusive Economy	23.06.2023		
Cllr Gareth Shaw	Chief Whip	23.06.2023		
Cllr Paul Driscoll	Chair of Standards Committee	23.06.2023		
Emily Hill	Strategic Director of Resources	23.06.2023		
External				
	At the point of the publication of this report, all change proposals will be advertised on the council's internet site and any significant feedback taken into account prior to decision			

APPENDIX 1

Changes proposed to the constitution

	Constitution reference	Existing wording	Proposed wording
1	Part 3 (Responsibility for functions) (Civic Honours Committee) and Part 2 (Articles of the constitution), Article 8.05	Set out in parts 2 and 3 of the constitution.	Add additional responsibility to those existing for the Civic Honours Committee: “To suggest potential street names and building names (new names or changes to existing names), taking into account the council’s adopted Street Naming and Numbering Protocol, for consideration by the decision maker”
2	Part 5 (Codes and Protocols) Local code of conduct for councillors	It is not proposed to delete any existing wording.	Section 1: Add new definition: “Outside Body” means any organisation to which you are either appointed by Ealing Council or nominated to by Ealing Council (including school governing bodies) Section 2 (1)(a) and (b): add the words “or of an Outside Body” to the end of each sub section. Section 2 (5)(b): add the words “(including an Outside Body)” after the words “on any other body”. Add in additional section 9: “9. You must participate fully in the programme of training organised for you by officers, including any training by or for any Outside Bodies to which you have been appointed.”
6	Part 4 (Council and Committee Procedure Rules)	As set out in the existing Rule 9 (Questions and Petitions by the Public) Council and Committee Procedure Rules Rule 9.3 (first paragraph) : A question may only be asked, or a simple petition presented if	Add an additional second paragraph in Rule 9.1: “Questions asked under this Rule shall comprise a maximum of fifty words.” Replace the existing first paragraph of Rule 9.3 with the following:

		<p>notice has been given in writing, by electronic mail to the proper officer no later than midday two clear days before the day of the meeting. Each question must give the name of the questioner and name the member of the Council to whom it is to be put.</p> <p><u>Rule 9.4(b):</u> Each questioner will be allowed no more than three minutes to put their question</p>	<p>“A question may only be asked, or a simple petition presented if notice has been given in writing, by electronic mail to the proper officer no later than midday on the working day before the agenda dispatch date (usually a Friday) for an ordinary or extraordinary meeting of the council. Each question must give the name of the questioner and name the member of the Council to whom it is to be put.”</p> <p>Delete existing Rule 9.4(b) and replace with: “9.4(b): Each questioner will be allowed only to read out their question.”</p>
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APPENDIX 2

Protocol for Street Naming and Numbering (adopted July 2020)

1 Naming Street and Buildings

- (i) Suggestions for new street names together with plans must be sent to London Fire Brigade, the Royal Mail and Ward Councillors, so that advice may be provided as to whether the names are acceptable and unlikely to cause confusion.
- (ii) New street names should not duplicate any similar name already in use in the Borough or neighbouring Boroughs. A variation in the suffix name, i.e. ‘street’, ‘road’, ‘avenue’, etc., will not be accepted as sufficient reason to duplicate a name.
- (iii) Street names should not be difficult to pronounce or awkward to spell. In general words of more than three syllables should be avoided and this precludes the use of words except in special cases.
- (iv) Subsidiary names, such as a row of buildings within an already named road being called ‘.....Terrace/Parade’, should only be used in roads of short length.
- (v) All new street names should normally end with one of the following suffixes, although – where appropriate – single or dual names without suffixes are acceptable (e.g. Broadway – for major roads only) :

Street Avenue Boulevard Broadway Circus Close Crescent Dene Drive
Gardens Grove Hill Lane Mead Mews Place Reach Rise Road Row Square
Vale View Way Wharf Yard

Not acceptable suffixes: End, Court, Cross, Side, Path, Walk, Park,
Meadow, Gate or Common.

- (vi) All new pedestrian ways should end with one of the following suffixes: Walk
Path
- (vii) No street or building name to start with 'The'.
- (viii) All new building names should end with one of the following suffixes:
Apartments Building(s) Centre commercial use only Court Heights House
Lodge Mansions Point high-rise buildings only Studio(s) Terrace for a
terrace of houses Tower high-rise buildings only Villas
- (ix) For private houses it is sufficient that the name should not repeat the name
of the road or that of any house or building in the area
- (x) Avoid aesthetically unsuitable names such as Gaswork Road, Tip House,
Coalpit Lane or names capable of deliberate misinterpretation like Hoare
Road, Typple Avenue, Swag House, Quare Street, etc.
- (xi) The use of North, East, South or West (as in Alfred Road North and Alfred
Road South (or East, West) is only acceptable where the road is continuous
and passes over a major junction.
- (xii) Avoid having two phonetically similar names within a postal area and if
possible within a borough, e.g., Alfred Road and Alfred Close or Churchill
Road and Birch Hill Road.
- (xiii) Streets or pedestrian way names with historic connections should only be
changed in exceptional circumstances, which might include a failure to
comply with the principles set out in this Protocol.
- (xiv) Street or pedestrian way names should respect and balance cultural and
historical identities, achievements, heritage, and sensitivities or the people
who live there or have close ties with the area.
- (xv) In order to protect the Council's reputation, we will not agree to buildings or
roads being given the names of people or persons still living. Consideration
may be given to naming a building or road after a specific individual,
provided the person deceased at least 15 years previously. Any such
proposal will need to be accompanied by written consent from a close
member of the family in question.

2 The Numbering of Buildings

- (i) A new street should be numbered with even numbers on one side
and odd numbers on the other except that for a cul-de-sac
consecutive numbering in a clockwise direction is preferred.
- (ii) Private garages and similar building used only for housing cars, etc.
should not be numbered.
- (iii) The number 13 and the number 4 are to be used in the proper
sequence and no sanction should be given to its avoidance.
- (iv) If a building has entrances in more than one street but it is a multi-
occupied building and each entrance leads to a separate occupier
then each entrance should be numbered in the appropriate road.

Exceptions may be made depending on the circumstances for a house divided into flats.

- (v) In residential buildings (e.g., blocks of flats) it is usual to give a street number to each dwelling where the block is up to six storeys in height. When the block exceeds this height or there are not sufficient numbers available because of existing development, it should be given a name and number in the street. The numbering of flats within a named or numbered building is outside the scope of this Council's powers but developers may be advised that on each floor the numbering should be in a clockwise direction where this is possible or alternatively to consult the Royal Mail. When flats are numbered internally they should be numbered not lettered (e.g., Flat 2, 21 Smith Street not Flat A, 21 Smith Street and 21A Smith Street which might already be used by an adjoining infill building).
- (vi) The Act permits the use of numbers followed by letters or fractions (Section II (2)). These are needed for instance when one large old house in a road is demolished and replaced by (say) four smaller houses. To include the new houses in the numbering sequence would involve renumbering all the higher numbered houses on that side of the street. If a considerable number of other houses would be affected then to avoid this each new house should be given the number of the old house with either A, B, C or D added. Fractions are only used where it is not possible to use letters.
- (vii) The Council does not renumber properties as a matter of routine.

3. Renaming Streets and Buildings

- (i) It is important that the names of streets and buildings respect and balance cultural and historical identities, achievements, heritage, and sensitivities of the people who live there or have close ties with the area. This has not always been the case and it will sometimes be appropriate to consider name changes in the light of this objective.
- (ii) Most streets and buildings are named at the time of their construction and it is generally expected that they will retain those names throughout their lifespan. Those names often come to be reflected in the names of schools, businesses, and neighbourhoods and can acquire an identity that has little to do with their origin. Changes to those names can have widespread and often unforeseen impacts (including costs, for both the council and local businesses and residents). Because of this, changes to the name of a street or building should remain exceptional and not be undertaken without very careful consideration.
- (iii) Any change proposals should respect and balance cultural and historical identities, sensitivities, and heritage.
- (iv) Renaming/ renumbering existing streets and buildings will also be considered when changes occur which give rise (or likely to give rise) to problems for the occupiers, Royal Mail or Emergency Services, etc.

- (v) Details of proposals must be sent for advice to London Fire Brigade and the Royal Mail.
- (vi) A Notice of intent must be prepared and circulated and any objections received must be considered.
- (vii) There is no automatic right for a name change proposal to put out to consultation and the decision on whether to do that will be taken by the council in the light of the factors set out in this protocol.