

NORTH LINCOLNSHIRE COUNCIL

**ANNUAL MEETING OF THE
COUNCIL**

CONSTITUTION AND GOVERNANCE ISSUES

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To propose and approve changes to the Constitution in relation to the council's governance and working arrangements for 2018/2019.

2. BACKGROUND INFORMATION

- 2.1 The Local Government Act 2000 requires the council to adopt a Constitution. The Constitution is a "living document" which requires frequent amendment to keep up with legislative requirements, guidance, and good governance and management arrangements. The document is published on the Council's website and up dated each time amendments are approved by the Council.

3. ISSUES FOR CONSIDERATION

- 3.1 The attached appendix details additional proposed key changes to the Constitution for Council's consideration -
- (i) Part D Rule 1 – Council Procedure Rules – Petitions – Changes are proposed concerning the procedures for all petitions (hard copy and e-petitions). This includes enhancing the opportunity for local residents to petition the council through a national on line petition website and revised petition thresholds based upon a proportion of residents on the Register of Electors for the area of North Lincolnshire. The proposed changes are to be found at Appendix A.
- 3.2 The council's Constitution is available on the council's website using the following link <http://www.northlincs.gov.uk/your-council/about-your-council/committees-and-cabinet/the-councils-constitution/>)

4. ANALYSIS OF ISSUES

- 4.1 The proposed changes to the Constitution will ensure the Constitution remains legislatively compliant with the Local Government Act 1972 and 2000

(as amended), reflects best practice and ensures an efficient and proportionate use of council resources.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are no staffing, financial, property or IT implications associated with this report.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 Not applicable.

7. OUTCOMES OF CONSULTATION

7.1 The proposed changes to the Constitution have been developed following consultation with other council's nationally, and assessing the practice, procedures and application of such rules within their Constitutions.

8. RECOMMENDATIONS

8.1 That the Constitution be approved noting and incorporating the amendments as detailed in this report.

DIRECTOR: GOVERNANCE AND PARTNERSHIPS

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**Background Papers used in the preparation of this report –
Constitution**

D1.35 PETITIONS

The council welcomes petitions and recognises that they are one way in which people can indicate their views and request that action be taken. The council will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

(a) What are the guidelines for submitting a petition?

- (i) Petitions (paper or an e-petition) submitted to the council must include:
 - a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
 - the real names and addresses/valid post codes and signatures of [10] ten or more persons supporting the petition who are on the Register of Electors for the area of North Lincolnshire Council
- (ii) Petitions should be accompanied by contact details, including a real name, address and postcode (and email address/phone number), for the petition organiser. This is the person the council will contact to explain how the council will respond to the petition and who the council will regard as having the representative authority of the other petitioners. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will try to contact signatories to the petition to agree who should act as the petition organiser
- (iii) Petitions, which are considered illegal, irregular, improper, vexatious, abusive, outside of the council's powers or otherwise inappropriate, will not be accepted. In the period immediately before an election or referendum, the council may need to deal with your petition differently – if this is the case an explanation, with reasons will be given, and a revised timescale may be applied. If a petition does not follow the guidelines set out above, the Director: Governance and Partnerships may decide not to do anything further with it and you will be informed in writing of the reasons.
- (iv) The closing date for a paper petition (signatures should not be collected over more than a three month period), which is running concurrently with a corresponding e-petition should coincide with the closing date specified by the petition organiser for the e-petition. (Both petitions should then be submitted to the council, please see paragraph g (iii) and/or delivered to the Service Manager: Democracy). The number of signatures will be

aggregated to give the total number. Both the e-petition and the paper petition will be cross checked to ensure that there is no duplication of signatures and that the petitioners are on the Register of Electors for the area of North Lincolnshire.

(b) What will the council do when it receives my petition?

- (i) An acknowledgement will be sent to the petition organiser within 7 working days of receiving the petition. It will let him/her know what the council plans to do with the petition and when he/she can expect to hear from us again.
- (ii) If the council can do what your petition asks for, the acknowledgement may confirm the action requested and the petition will be closed. The acknowledgement will confirm the how the petition will be heard and where and when this will take place. This will be based upon the validation of the signatories against the Register of Electors¹. If the petition needs more investigation, the response will tell you the steps the council plans to take.
- (iii) If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply.
- (iv) The council will not take action on any petition which we consider illegal, irregular, improper, vexatious, abusive, outside of the council's powers or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition. A petition will not be considered when it is repetitious. Where a petition on the same or similar issue and seeking the same or similar outcome has been received within the last six months, whether or not from the same petition organiser it will not be considered.

(c) How will the council respond to petitions?

- (i) All valid petitions will be considered by the council, how the council responds to a petition will depend on what a petition asks for and how many people have signed it based upon a proportion of the registered electorate of North Lincolnshire (see paragraphs (d), (e) and (f) below), but may include one or more of the following:
 - taking the action requested in the petition
 - considering the petition at a council meeting

- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by an overview and scrutiny panel*
- writing to the petition organiser setting out our views about the request in the petition

*Overview and scrutiny panels are committees of councillors who are responsible for scrutinising the work of the council.

- (ii) In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.
- (iii) If your petition is about something over which the council has no direct control or outside its powers (for example local railway services or social housing services) we will consider making representations on behalf of the community to the relevant body or if your petition is about something that a different council is responsible for we will forward the petition to the other council, and notify you of the action we have taken.

(d) Petition Panel

- (i) Where the validated petition contains up to 3,200 signatures (2.5% of the electorateⁱⁱ) it will be referred to a petition panel for consideration. If the petition organiser so requests a deputation comprising not more than three signatories to the petition may present it to a panel comprising the appropriate cabinet member, lead member and a member of the opposition group. Ward members where appropriate will also be invited. The panel will receive a report from a relevant Director on the issues raised by the petition. He/she (or their representative) will also be in attendance. One member of the deputation shall be permitted to address the panel for not more than 5 minutes.
- (ii) At the discretion of the Panel, and subject to the agreement of the petitioners, the public/press may be allowed into the panel meeting to observe the proceedings.

Note: Petition panel hearings are not formal meetings of the Council and the requirements of the Access to Information Regulations do not therefore apply.

- (iii) The cabinet member shall be responsible for responding to the issues raised by the petition. If the cabinet member so wishes he/she may refer the petition to the full Cabinet.

(e) **Panel with Senior Officer evidence**

- (i) Where the validated petition contains 3200 up to 6400 validated signatures, a relevant senior officer will give evidence at a public meeting of the relevant scrutiny panel. You should be aware that the panel may decide that it would be more appropriate for another senior officer to give evidence instead of any officer named in the petition - for instance if the named officer has changed jobs. The panel may also decide to call the relevant cabinet member or other councillor to attend the meeting. Panel members will ask the questions at this meeting, but you will be able to suggest questions to the Chairman of the panel by providing details up to three working days before the meeting. (Use of these at the meeting are at the Chairman's discretion).

(f) **Full Council debates**

- (i) If a validated petition contains more than 6400 signatures (5% of the electorateⁱⁱⁱ) it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting, which all councillors can attend. The council will ordinarily endeavour to consider the petition at its next meeting, although on some occasions, this may not be possible and consideration will then take place at the following meeting. Prior to the petition being formally included on the council agenda, the Service Manager: Democracy will liaise with the nominated petition organiser to clarify or confirm that he/she wishes to proceed with the petition, notwithstanding that there may have been a material change in circumstances from when the petition was first received by the council. If the petition proceeds the petition organiser will be given five minutes to present the petition at the meeting and it will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of the decision. This confirmation will also be published on our website

(g) E-petitions

- (i) The council welcomes e-petitions, which are created and submitted to the council. E-petitions must follow the same guidelines as paper petitions (please see paragraphs (a), (b), (c), (d), (e) and (f) above). The petition organiser will need to provide us with their real name, postal address/post code and e-mail address when submitted, so we are able to contact them.
- (ii) Anyone who is on the Register of Electors for the area of North Lincolnshire Council can start an e-petition on line at www.change.org (<http://www.change.org>). Real names and addresses/valid post codes/email addresses should be used. It would be helpful to inform the council of the title of the petition as soon as possible when you start an e-petition using the email address petitions@northlincs.gov.uk. The council will then be able to advise upon accepting the petition in accordance with paragraph (a) (iii) of this procedure rule.
- (iii) Once you have collected your signatures over your specified period of time (three months maximum), you will need to submit your e-petition to the council using the email address petitions@northlincs.gov.uk (or in hard copy format).

(h) How do I 'sign' an e-petition?

- (i) You can sign an e-petition online at www.change.org

(i) What can I do if I feel my petition has not been dealt with properly?

- (i) If you feel that the council has not dealt with your petition properly, the petition organiser has the right to request that a scrutiny panel should review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser explains the reasons why the council's response is not considered adequate.
- (ii) The panel will endeavour to consider your request at its next meeting, although on some occasions, this may not be possible and consideration will take place at the following meeting. Should the panel determine the council has not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council Executive and arranging for the matter to be considered at a meeting of the full council.

Once the 'appeal' has been considered the petition organiser will be informed of the results within seven working days. The results of the review will also be published on our website.

ⁱ For each Municipal Year, the Electoral Register that closed on the preceding 1 December will be used to calculate the thresholds and validate petitions.

ⁱⁱ As at 1 December 2017, there are 127,236 residents on the electoral register: 2.5% rounded up to nearest 100 is 3,200 signatures

ⁱⁱⁱ As at 1 December 2017, there are 127,236 residents on the electoral register: 5% rounded up to nearest 100 is 6,400 signatures