

Report of the Service Director  
Legal and Democratic

Agenda Item No:  
Meeting: 14 May 2008

## NORTH LINCOLNSHIRE COUNCIL

COUNCIL

### CONSTITUTION

#### 1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To propose changes to the Constitution in relation to the council's working arrangements for 2008/2009.

#### 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 changes made by the council to its management structure and procedures.

#### 3. ISSUES FOR CONSIDERATION

- 3.1 The Constitution has been amended on a number of occasions since it was first adopted.
- 3.2 Following a review of some of the working practices adopted since May, 2007, and other legislative changes it is now necessary to make a number of changes to the Constitution to facilitate changes to working arrangements for 2008/2009.
- 3.3 The attached appendices detail the proposed changes to the relevant parts of the Constitution. These include -
- (i) Extraordinary Meetings of the Council - **Appendix A.**
  - (ii) Rules of Debate - **Appendix B.**
  - (iii) Petitions - **Appendix C.**
  - (iv) Requests from the public to speak at Scrutiny Panel Meetings - **Appendix D.**
  - (v) Substitutions at Scrutiny Panels - **Appendix E.**
- (The proposed changes are highlighted in bold text).
- 3.4 The council's financial regulations currently authorise the Service Director Finance to approve Service Director proposals for virements within or between service divisions for amounts up to £45,000. Above this figure council approval must be given. It is proposed to increase this figure to £50,000 to bring it into line with the variance threshold.

It will also align it with aspects of the Council's Contract Procedure Rules -

- £50,000 is the level above which formal requests for quotation must be received, and
- Service Directors, with the approval of the Service Director Finance, can authorise the disposal of stock or inventory up to £50,000. Above this figure requires the approval of the Cabinet Member for Corporate Services.

3.5 The council was recently awarded £1.497m emergency capital highway maintenance flood damage grant to deal with work arising from the floods in 2007. An urgent decision was required which authorised the council's Chief Financial Officer (Service Director Finance) to acknowledge the grant offer and submit acceptance to the Department for Transport. This case highlighted a gap in the council's delegation scheme in relation to the formal receipt of grants. It is proposed therefore that the Service Director Finance, in consultation with appropriate Service Director and Cabinet Member, is authorised in the future to formally accept grants on behalf of the council.

3.6 The Animal Welfare Act 2006 received Royal Assent in November 2006 and has now come into force. Animal Welfare issues are currently dealt with by officers in the Licensing, Trading Standards and Communities and Environment Division of Neighbourhood and Environment Services. Section 51 of the Act creates the role of Inspector who will have a number of enforcement powers under the Act. These will include -

- Emergency powers in relation to animals under distress.
- Powers of entry and inspection including the power to seize documents.
- Prosecution Powers.
- Improvement Notices.

In order to make use of these powers, the Act needs to be added to the schedule of legislation delegated to the Service Director Neighbourhood and Environmental Services. He will then be able to designate appropriate officers as Inspectors under the powers already in place.

#### **4. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

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

5. **OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER**

5.1 Changes to the council's constitution must be approved by the council in accordance with the Local Government Act 2000.

6. **OUTCOMES OF CONSULTATION**

6.1 The proposed changes to the Constitution are as a result of the changes referred to above.

7. **RECOMMENDATIONS**

7.1 To consider approving changes to the council's Constitution as detailed in paragraphs 3.3, 3.4, 3.5 and 3.6 of the report.

**SERVICE DIRECTOR LEGAL AND DEMOCRATIC**

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**Background Papers used in the preparation of this report - The Council's Constitution.**

**D1.05 EXTRAORDINARY MEETINGS**

Extraordinary Meetings will be called by the Service Director Legal and Democratic. Those listed below may request the Service Director Legal and Democratic to call an Extraordinary Meeting:

- (a) The Council by Resolution;
- (b) The Mayor;
- (c) The Monitoring Officer; and
- (d) Any five members of the Council if they have signed a requisition presented to the Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition;

**The Summons to the Extraordinary Meeting shall set out a motion prepared by the person(s) requesting the meeting and relating to the subject matter specified in the request for the meeting.**

**D1.19 RULES OF DEBATE**

- (a) No motion or amendment shall be spoken upon except by the mover until it has been seconded.
- (b) At every meeting of the Council all motions and amendments shall be reduced into writing, signed by the mover, and delivered to the Service Director Legal and Democratic or appropriate representative and to all members present in the chamber immediately upon the mover commencing his/her speech.
- (c) Any member may formally second a motion or an amendment in which case, they may speak later in the debate.
- (d) A member, when speaking, shall stand and address the Mayor. If two or more members rise, the Mayor shall call on one to speak; the other or others shall then sit. While a member is speaking, the other members shall remain seated, unless rising to a point of order or in personal explanation.
- (e) Members shall direct their speeches strictly to the subject matter under discussion or to a point of order or to a personal explanation.
- (f)
  - (i) No member shall speak for more than **three** minutes on the question under discussion except as provided in sub paragraph (f) (ii).
  - (ii) In dealing with a motion or an amendment to a motion, notice of which has been given under Rule D1.16, the mover of the original motion in moving the motion shall speak for not more than five minutes and all other speakers (including the seconder of the motion and the mover and seconder of any amendment to the motion) shall speak for not more than three minutes.
- (g) A member shall not (except in the exercise of a right to reply) speak more than once on the same motion or amendment except to a point of order, or by way of personal explanation.
- (h) Any amendment to a motion, notice of which has been given under Rule D1.16, may be moved without notice, provided that such an amendment (i) has reference to the subject matter of the motion, (ii) does not rescind or alter any resolution not referred to in, or proposed to be rescinded or altered by, the motion, and (iii) is not a direct negative of the motion.
- (i) When an amendment is moved and seconded, no other amendments shall be taken into consideration until the first has been disposed of.
- (j) Amendments, other than those referred to in paragraph (h), shall relate to the motion and either:

**D1.35 PETITIONS**

- (a) In this rule "petition" means any written matter directed at the council and signed by 10 or more residents of North Lincolnshire and containing a request, representation, complaint or objection but does not include a response to a statutory advertisement of the proposal.
- (b) Petitions relating to matters which are the responsibility of the Standards Committee or the Appeals Committee shall not be considered.

Petitions relating to nuisance and other individual issues relating to council house tenants shall be dealt with as part of the rules and process governing the council's tenancy agreement.

- (c) When objections and representations about a proposal, which is the subject of a statutory advertisement, are considered nothing in this rule shall prevent the decision maker from meeting and discussing with the petitioners any petition submitted in response to the statutory advertisement.
- (d) Any petition shall be brought to the attention of the appropriate cabinet member. If the petitioner so requests a deputation comprising not more than **3 local residents who have signed the petition** may present the petition to a panel comprising of the appropriate cabinet member, lead member, a member of the opposition group and the relevant service director. That panel shall have a report from an appropriate officer on the issues raised by the petition. One member of the deputation shall be permitted to address the panel for not more than 5 minutes.
- (e) 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.

## Appendix D

### Requests from the public to speak at scrutiny panel meetings

- (i) Any member of the public may request to address a scrutiny panel on any appropriate matter that falls within its terms of reference. This will appear as a standard agenda item for scrutiny panel meetings held in public.

Any member of the public who wishes to speak must notify the Service Director Legal and Democratic in writing/**by email/by phone or in person** prior to the start of a meeting. The Service Director Legal and Democratic in consultation with the chair of the relevant panel, will confirm receipt and arrangements with the individual requesting to speak. They may also (in exceptional circumstances) decide and inform an individual that their request is not appropriate (giving reasons) and refuse the opportunity to speak. **Any request to speak at a panel meeting by a member of the public shall remain at the discretion of the chair of that panel.**

- (ii) No member of the public shall address a scrutiny panel for more than **three** minutes at a meeting. Speakers should confine the content of their remarks to the issue they have raised. They should not be repetitive, irrelevant, or make personal remarks. The chair of the meeting will intervene should they attempt to do so, and at their discretion, stop the individual from speaking.
- (iii) After the **three** minutes or when the individual has stopped speaking the chair at their discretion, shall invite other members of the scrutiny panel to comment or ask questions of the member of the public who has spoken. The panel may then wish to recommend to note the content of the speech, or recommend/vote upon a course of action.
- (iv) Only two separate public speakers will be allowed to address the scrutiny panel at any one meeting. This maybe about the same issue, if one is for, and one against for example, or can be two different matters. Where a group of people request to speak they must nominate a spokesperson to represent their views and only that individual will be invited to speak.
- (v) If any matter raised by a member of the public is then deferred for any reason by a scrutiny panel, then the panel shall decide whether or not to invite the individual back to speak for **three** minutes at a further meeting.
- (vi) Nothing in this rule shall prevent any member of the council attending a meeting of a scrutiny panel under the provisions of any other rule to speak if so invited or requested.

**D5.04 (c) SUBSTITUTIONS**

**As member continuity is essential in the conduct of scrutiny reviews/work substitutes will only be used in circumstances which make it necessary/appropriate. However in such circumstances the Service Director Legal and Democratic shall be notified in writing of substitutes before the meeting the substitute is due to attend.**