

Committee:	Standards Committee	Agenda Item No.:	8.
Date:	3rd August 2010	Category	
Subject:	Amendments to Constitution Following Adoption of Petition Scheme	Status	Open
Report by:	Head of Democratic Services		
Other Officers involved:			
Director	Solicitor to the Council		
Relevant Portfolio Holder	Councillor A. J. Hodkin, Portfolio Holder for Resources		

RELEVANT CORPORATE AIMS

It is a Statutory Duty of the Local Democracy, Economic Development and Construction Act 2009 to introduce provisions for dealing with Petitions.

TARGETS

Does the subject matter contribute to any targets specified in the Corporate Plan.
No

VALUE FOR MONEY

Please describe how the proposals deliver value for money for the Council and its customer. Not applicable.

THE REPORT

The Council, at its meeting on the 14th July 2010 adopted a Petition Scheme as required under the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act). As a result the following amendments are required to the Council's constitution:-

Part 1 Citizen's Role (add)

Submit a petition to the Council in accordance with the Council's adopted Petition Scheme. Details of the scheme can be obtained from Democratic Services Department, the four Contact Centres and from the Council's website at www.bolsover.gov.uk

Part 2 Articles of the Constitution – Article 3(3) Participation (add)

The Council has also adopted a Petition Scheme which will enable citizens to submit petitions to the authority.

Part 2 Articles of the Constitution – Article 4.2 Functions of the Council (add)

Debate petitions to the Authority which contain 1% of the population of the District (700 signatures).

Consider any referral from a Scrutiny Committee where an appeal has been made against how the Council has dealt with a petition.

Part 2 Articles of the Constitution – Article 6.3 Scrutiny Committee – Specific Functions (add)

Petitions

- (i) deal with petitions that contain at least 350 signatures requiring a relevant employee to give evidence at Scrutiny Committee on a matter for which the officer is responsible as part of their job.
- (ii) Deal with requests from petition organisers to review the proceedings undertaken by the Authority in response to a petition and determining the appropriate course of action to deal with it.

Part 3 Responsibility for Functions – 3.2 Council Functions (add)

Debate petitions to the Authority which contains 1% of the population of the District (700 signatures).

Part 3 Responsibility for Functions – 3.3 Executive Functions (add)

To respond to the views of the Council on petitions which have been debated at Council where the petition relates to an executive function or executive matters.

Part 3 Responsibility for Functions – 3.6 Committee Terms of Reference (2), (3) and (4) (add to the end of each)

- (i) deal with petitions that contain at least 350 signatures requiring a relevant employee to give evidence at Scrutiny Committee on a matter for which the officer is responsible as part of their job;

Relevant accountable employees; A petition to hold a relevant accountable employee to account is for the following posts:

*Head of Paid Service)
Monitoring Officer) Statutory officers
Section 151 Officer)
Director of Neighbourhoods
Director of Development*

- (ii) deal with requests from petition organisers to review the process undertaken by the Authority in response to a petition and determining the appropriate course of action to deal with it.

Part 4 Rules of Procedure – 4.1.10 Questions by the Public (add section)

Petitions Requiring a Council Debate

The Council will debate any petition received by the Authority which contains 1% of the population of the District (700 signatures).

The procedure for dealing with petitions which have triggered a Council debate are as follows:

- (i) The petition organiser (or councillor representing the petitioner) will have five minutes in which to present the petition to Council and outline what the petition seeks to achieve.
- (ii) Where the petition relates to no more than two wards, a member from those wards will be the first member to speak in the debate, following the petition organiser and will propose a motion relating to the action sought by the

petition. A seconder to the motion to be sought. Where it is a matter that relates to more than two wards, the vice-chairman of the Council will be the first member to speak and propose a motion for debate.

- (iii) Members to have a maximum of 30 minutes to debate the petition.
- (iv) At the end of the debate or when no further members have indicated to the Chairman their wish to speak, whichever is the sooner, the motion will be put to the vote.
- (v) If following the vote the matter is for the Executive to deal with, the appropriate Portfolio Holder will be given the opportunity to speak after the debate.
- (vi) The Council's rules of debate in 4.1.16 shall apply.

Part 4 Rules of Procedure – 4.5.13 Members and Officers Giving Account (add)

To ensure that meetings at which relevant accountable employees, who are giving evidence in response to a petition, are conducted in a professional and fair manner.

ISSUES FOR CONSIDERATION

Whether to amend the Constitution to take account of the adopted Petition Scheme.

IMPLICATIONS

Financial : None.
Legal : The Petition Scheme is a statutory requirement.
Human Resources : None.

RECOMMENDATION that the Council be recommended to include in the Council's Constitution the amendments as specified in the report.

ATTACHMENT: The Approved Petition Scheme is attached at pages 45 to 54 of the agenda.