

COUNCIL BUSINESS COMMITTEE

Constitution – Petitions and Addresses

12 September 2013

Report of the Monitoring Officer

PURPOSE OF REPORT

To approve amendments to the Council's Constitution to clarify the notice periods required when presenting a petition.

This report is public

RECOMMENDATIONS

- (1) **That the Committee approves changes to the Constitution to clarify the notice period in the Council's Petition Scheme shown at Appendix 1 and amendments to Council Procedure Rules 14 and 15 as shown Appendices 2 and 3 of this report.**

1.0 Introduction

- 1.1 On 8 November 2012, this Committee approved amending the notice period for members of the public wishing to register to speak at Council. The notice period was shortened from seven working days to noon, three working days before the meeting. The reason for the change was to allow the public two or three days to view the published agenda before deciding whether to register to speak or not. The new notice period also matched the deadline for the public to register a question for Council.
- 1.2 The seven working days notice period for members of the public presenting a petition was not included in the report or the discussions on 8 November 2012. However, most members of the public do wish to speak to Council when they present their petition and the situation has been unclear whether the deadline for registering to present, and speak to, a petition was to stay at 7 working days or reduce to noon, three working days before the meeting. This report seeks to clarify that issue.
- 1.3 It should be noted that it was not thought necessary to reduce notice periods for Councillors to register to address Council because they are already able to speak on items on the council agenda during debate. The notice period for Councillors is still seven working days before the meeting for presenting a petition or an address.

2.0 Significance of a notice period for petitions

2.1 It is important that adequate notice of a petition is received by the Chief Executive to enable Members to give an appropriate response to the petitioner at the Council meeting. Where a petition carries more than a trigger threshold of signatures, it will be debated at the meeting and officers will need time to research and prepare a report to accompany the item on the agenda. Seven days notice is the absolute minimum requirement necessary to draft the report and circulate it to Councillors in time for the meeting.

3.0 Proposal

3.1 To clarify the notice period for petitions, it is proposed to make some minor changes to the Council's Constitution.

3.2 The first change proposed is to the Council's Petition Scheme. Currently (relevant extract at Appendix 1(a)) the Scheme does not make it explicit that notice must be given if a Councillor or member of the public wishes to present their petition at a Council meeting. This has been addressed in the revised version attached for approval at Appendix 1(b).

3.3 In addition, to tidy up the Council Procedure Rules, it is proposed that the sections on presentation of petitions by Members be removed from Rule 15 as shown at Appendix 2 (a) and (b). The rules regarding petitions would then all be contained in the Council's Petition Scheme in Part 10.

3.4 Lastly, to direct anyone searching in the Procedure Rules for rules about presenting petitions, it is proposed to add new paragraphs 14.8 to the Public Speaking Rules (shown at Appendix 3) and 15.8 for Members (shown at Appendix 2(b)) which would say "Members of the Council/public may present petitions to Council in accordance with the rules set out in the Petition Scheme in Part 10 of this Constitution."

4.0 Conclusion

4.1 The Committee is asked to consider and approve the proposed amendments to page 2 of the Petition Scheme and Council Procedure Rules 14 and 15, for inclusion in the Constitution.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None identified.

LEGAL IMPLICATIONS

There are no legal implications as a direct result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a direct result of this report.

OTHER RESOURCE IMPLICATIONS

Human Resources: None.

Information Services: None.

Property: None.

Open Spaces: None.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Constitution: Part 4, Section1, Council Procedure Rules 13, 14 and 15 and Part 10, Petition Scheme.

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Extract from the current Petition Scheme in the Constitution

PART 10

Petition Scheme

Introduction

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt.

This acknowledgement will set out what we plan to do with the petition. We 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.

Generally, a petition must be signed by at least 10 people, and any persons who sign should live, work or study in the Council's area.

Paper petitions can be sent to the Head of Governance, Town Hall, Lancaster LA1 1PJ

Petitions may also be created, signed and submitted online by following this link www.lancaster.gov.uk/petitions

Petitions can also be presented to a meeting of the Council. Dates of these meetings may be found on the Council's website www.lancaster.gov.uk

If you would like to present your petition to the Council, or would like your councillor or someone else to present it on your behalf, please contact Democratic Services on 01524 582065 or email democracy@lancaster.gov.uk and they will talk you through the process. If you wish to make an address to Council when presenting your petition, you must give notice that you wish to speak no later than midday three days before the Council meeting, providing a copy of your speech. This is in accordance with the rules in the Council's Constitution about public speaking at Council meetings. A leaflet explaining the procedure is available on the Council's website or from Democratic Services.

If your petition has received 1500 signatures or more (or 200 where it relates to a local matter which affects no more than two wards), it will also be scheduled for a Council debate, and if this is the case we will let you know whether this will happen.

PART 10

Petition Scheme

Introduction

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This acknowledgement will set out what we plan to do with the petition. We 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.

Generally, a petition must be signed by at least 10 people, and any persons who sign should live, work or study in the Council's area.

Paper petitions can be sent to the Head of Governance, Town Hall, Lancaster LA1 1PJ

Petitions may also be created, signed and submitted online by following this link www.lancaster.gov.uk/petitions

Petitions can also be presented to a meeting of the Council provided you give us 7 working days notice that you wish to present your petition. Dates of Council meetings may be found on the Council's website www.lancaster.gov.uk

If you would like to present your petition to the Council or to present your petition and make a speech to accompany it, you must let us know no later than seven working days before the Council meeting, providing a copy of your speech if you want to speak. Please contact Democratic Services on 01524 582065 or email democracy@lancaster.gov.uk and we will talk you through the process, including what to do if you would prefer your Ward Councillor or someone else to present the petition on your behalf.

Councillors are able to present petitions at Council meetings, too. The same requirement to give seven working days notice applies to Councillors, who should give notice, and a copy of their speech if they wish to make one, to the Chief Executive.

Any petition with 1500 signatures or more (or 200 where it relates to a local matter which affects no more than two wards) will also be scheduled for a Council debate. If this is the case with your petition we will let you know whether this will happen.

Current version of Council Procedure Rule 15

15. PRESENTATION OF PETITIONS AND HEARING OF ADDRESSES BY MEMBERS

- 15.1 At a meeting of the Council any member of the Council may present a petition or address which is relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or the inhabitants of that area, or some of them.
- 15.2 The provision outlined in 15.1 above does not extend to applications for or objectors to:-
- planning permission;
 - any licence, notice or order issued, served or made by the Council.
- 15.3 At least seven days before the meeting at which the petition or address is to be presented, the person wishing to present it shall give notice of his or her intention to do so to the Chief Executive, in writing or by electronic mail, and shall show the petition or address to him or her and he or she shall not accept the notice unless he or she is satisfied that the petition or address is proper to be presented.
- 15.4 In presenting a petition or address, the person may speak for not more than five minutes. These remarks shall relate to the matter indicated when the request was made and shall not constitute a personal attack upon any person. The person or persons speaking to the petition or address shall be heard in silence.
- 15.5 Petitions and addresses shall be presented, in order in which notice of them is received by the Chief Executive.
- 15.6 Where the subject matter of an address received is within the terms of reference of the Cabinet or relevant Overview and Scrutiny Committee, it shall be referred to the next convenient meeting of the Cabinet or relevant Overview and Scrutiny Committee within whose terms of reference it falls. If any question arises as to the Cabinet or Overview and Scrutiny Committee to which the subject matter is to be referred, it shall be determined by the person presiding.
- 15.7 Where an address is referred to a meeting of the Cabinet or Overview and Scrutiny Committee, the Cabinet or Overview and Scrutiny Committee shall either report upon the subject matter to the next meeting of the Council or committee, or include their views upon the subject matter in their next report to the Council or committee.
- 15.8 When a petition is received it shall be referred to Overview and Scrutiny Committee to consider and carry out any inquiry work as appropriate before reporting back to Cabinet or the relevant decision-making body.

Proposed amended version of Council Procedure Rule 15

15. HEARING OF ADDRESSES BY MEMBERS

- 15.1 At a meeting of the Council any member of the Council may present an address which is relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or the inhabitants of that area, or some of them.
- 15.2 The provision outlined in 15.1 above does not extend to applications for or objectors to:-
- planning permission;
 - any licence, notice or order issued, served or made by the Council.
- 15.3 At least seven days before the meeting at which the address is to be presented, the Member wishing to present it shall give notice of his or her intention to do so to the Chief Executive, in writing or by electronic mail, and shall show the address to him or her and he or she shall not accept the notice unless he or she is satisfied that the petition or address is proper to be presented.
- 15.4 In presenting an address, the Member may speak for not more than five minutes. These remarks shall relate to the matter indicated when the request was made and shall not constitute a personal attack upon any person. The Member making the address shall be heard in silence.
- 15.5 Addresses shall be presented in order in which notice of them is received by the Chief Executive.
- 15.6 Where the subject matter of an address received is within the terms of reference of the Cabinet or relevant Overview and Scrutiny Committee, it shall be referred to the next convenient meeting of the Cabinet or relevant Overview and Scrutiny Committee within whose terms of reference it falls. If any question arises as to the Cabinet or Overview and Scrutiny Committee to which the subject matter is to be referred, it shall be determined by the person presiding.
- 15.7 Where an address is referred to a meeting of the Cabinet or Overview and Scrutiny Committee, the Cabinet or Overview and Scrutiny Committee shall either report upon the subject matter to the next meeting of the Council or committee, or include their views upon the subject matter in their next report to the Council or committee.
- 15.8 Members of Council may present petitions to Council in accordance with the rules set out in the Petition Scheme in Part 10 of this Constitution.

Council Procedure Rule 14 with proposed revision shown at 14.8**14 PUBLIC SPEAKING**

- 14.1 At a meeting of the Council a Local Government Elector or Council Tax Payer for the area of the Authority may address Council on any item on the agenda for the meeting, or on any matter in relation to which the Council has functions, or which affects the area of the Council or part of it, or the inhabitants of that area, or some of them.
- 14.2 The provision outlined in 14.1 does not extend to applications for or objectors to:-
- planning permission (see the Council's arrangements for public participation in Planning and Highways Regulatory Committee meetings as outlined in the leaflet available from Democratic Services);
 - any licence, notice or order issued, served or made by the Council.
- 14.3 An address may only be presented at Council if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than midday 3 days before the day of the meeting and the notice includes the wording of the address. The Chief Executive shall not accept the notice unless he or she is satisfied that the address is proper to be presented. Late requests to address Council will not be considered.
- 14.4 In presenting an address, the person may speak for not more than five minutes. The speech shall reflect the wording referred to in Rule 14.3 above, and shall not constitute a personal attack upon any person. The person or persons making the address shall be heard in silence. Following the presentation of an address, the appropriate Cabinet Member or Committee Chairman will be given the opportunity to respond to the submission for not more than five minutes.
- 14.5 Addresses shall be presented in order in which notice of them is received by the Chief Executive. There will be a maximum of ten speakers allowed per Council meeting on a first come, first served basis. Groups of persons with similar views should elect a spokesperson to speak on their behalf to avoid undue repetition of similar points. Spokespersons should identify in writing on whose behalf they are speaking as part of the registration process. The Head of Governance to be authorised to ask speakers to consolidate their views if there are more than three speakers in the group.
- 14.6 Where the subject matter of an address received is within the terms of reference of Council, it shall be referred to the next convenient meeting of the relevant Council body within whose terms of reference it falls.
- 14.7 Where an address is referred to a meeting of a Council body, that meeting shall either report upon the subject matter to the next meeting of the Council or committee, or include their views upon the subject matter in their next report to the Council or committee.
- 14.8 Members of the public may present petitions to Council in accordance with the rules set out in the Petition Scheme in Part 10 of this Constitution.