

COUNTY COUNCIL CONSTITUTION

To: **County Council**

Date: **16th July 2013**

From: **Monitoring Officer and Chief Executive**

Electoral Division(s) **All**

Forward Plan Ref: **N/a** *Key Decision:* **No**

Purpose: **To report on revisions to the Council's Constitution, as required by Article 16.03 of the Constitution, proposed in a motion by Councillor I Manning.**

Recommendations: **The Council is recommended to consider this report if Councillor Ian Manning's motion proposing changes to the Council's Constitution is approved, as required by Article 16.03.**

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1. INTRODUCTION

- 1.1 Article 16 of the Council's Constitution requires the Council's Monitoring Officer (LGSS Director of Law, Governance and Property) to keep the Constitution under review and to recommend changes to secure improvements. Section 16.03 requires that changes to the Constitution may only be approved after the receipt of a written report following consideration of the proposal by the Chief Executive and Monitoring Officer.

2. BACKGROUND

- 2.1 Councillor Ian Manning has proposed the following motion, which if approved, will necessitate changes to the Council's Constitution:

This council notes:

- the current procedures for public questions or petitions allows a member of the public to address the chamber but does not require a direct reply from any members, other than to commit to a written response;
- a threshold of 15,130 petition signatures is required to trigger a debate of an issue in council and no petition has reached this threshold since the rules were put in place.

This council believes:

- these procedures are unsatisfactory for many petitioners or questioners, who have spent a long time collecting signatures, often speak passionately and expect rather more than to be told a response will be given in writing;
- further, it is unsatisfactory given the desire for more open local Government as the response is not published;
- given that government guidance suggests the number of signatures required should encourage rather than discourage petitions, the current system is unsatisfactory.

Therefore this council will:

Change the current procedure and make the resulting changes to the constitution and/or standing orders such that:

- this council resolves to change the threshold of signatures on a petition required to trigger a debate to 3,000 signatures;
- for public questions, each Group Leader, or nominated member from their party, will make a statement, of no more than 2 minutes, on their party's response to the questioner(s), and all these responses will be published on the Council's website;

- Council authorises the monitoring officer to make any necessary amendments to the Constitution to implement these changes.

3. PETITIONS

- 3.1 Article 4 of the Council's Constitution, Section 4.02, states that only the Council will exercise the following functions - (o) Approving the Council's Petitions Scheme.
- 3.2 Section 15, Chapter 2 of Part 1 of The Local Democracy, Economic Development and Construction Act 2009, Requirement to Debate, gives an automatic right for the matter raised in a petition to be debated by the full council if more than a specified number of people have signed it. The trigger number must be specified in the petition scheme. The appropriate national authority has the power to issue guidance as to the threshold figure which is appropriate, to specify by order a threshold figure applicable to all principal authorities, or to direct a principal authority to amend its petitions scheme, including the threshold specified in it.
- 3.3 Section 46 of The Localism Act 2011 repeals Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act 2009. It removes the need for the Council to make a scheme for the handling of petitions which are made to the authority (with the exception of those petitions made under another enactment, such as one asking for a change in governance model). This in turn removes the need for the Council to have thresholds to determine how to process petitions, for those thresholds to be reasonable and the requirement for petitions reaching those thresholds to be debated at Council.
- 3.3 The Council's current Petitions Scheme was approved at its meeting on 18th May 2010 and states the following in relation to ordinary petitions and petitions for debate at Council:

(a) Ordinary petitions

If there is an item on the agenda for a meeting which relates to the subject of the petition, the meeting will take into account the views expressed in the petition when reaching a decision on the issue. If there is no item on the agenda, the petition cannot normally be discussed at the meeting. However the petition will be considered informally by the relevant officer and Councillors following the meeting and the Petition Organiser will be informed of the outcome. This could involve a report being made to a future meeting.

(b) Petitions for Debate at Council

If a petition contains more than 15,130 signatures, the petitioner can ask for it to be debated at a meeting of full Council. This means that the issue raised in the petition will be discussed at a public meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will be deferred to the following meeting.

4. PUBLIC QUESTIONS

4.1 The Council's Constitution provides an opportunity for up to four members of the public to ask questions at meetings of the County Council (excluding the annual meeting of a new Council and extraordinary meetings). Questions may only be asked of the following:

- The Leader of Council
- A portfolio holder (Cabinet member)
- The Chairman of an Overview and Scrutiny Committee
- The Chairman of the Audit and Accounts Committee
- The Chairman of the Pension Fund Board.

4.2 Up to a maximum of two minutes will be allowed for the member of the public to ask their question. The named member will respond to the question which may take the form of:

(a) a direct oral response of up to a maximum of two minutes;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written response circulated later to the questioner and made available to all members of Council and to the public.

After the response has been given, the questioner has up to a further minute in which to put one supplementary question or seek clarification of the response to the original question. The supplementary question must arise directly out of the original question or the reply and must not introduce new material. The recipient of the original question then has up to a further two minutes in which to reply to the supplementary question.

4.3 A transcript of Public Question Time is made available to all members of the Council and to the public following the meeting. The transcript is published as part of the minutes of the Council meeting on the Council's website.

5. REVIEW BY CHIEF EXECUTIVE AND MONITORING OFFICER

5.1 As required by the Constitution, the changes proposed to the Council's Constitution contained in Councillor Ian Manning's motion have been considered by the Chief Executive and Monitoring Officer. None of the proposals are contrary to current legislation.

BIBLIOGRAPHY

| Source Documents | Location |
|-------------------------|-------------------------------------|
| Council Constitution | Room 114 Shire Hall Cambridge |