

For General Release

REPORT TO:	FULL COUNCIL 25th JANUARY 2016
AGENDA ITEM:	6
SUBJECT:	AMENDMENTS TO THE CONSTITUTION - PUBLIC PETITIONS AND HEALTH AND WELLBEING BOARD
LEAD OFFICER:	Gabriel MacGregor – Acting Director of Legal and Democratic Services
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT: Article 15 of the Constitution provides that the Council shall monitor and review its operation to ensure the aims and principles are given full effect.	

1. RECOMMENDATIONS

1. The Monitoring Officer (Acting) recommends Full Council to agree:
 - 1.1 That in respect of public petitions, the Council Procedure Rules at para.3.21 and 3.52 Part 4A of the Constitution be amended as detailed in para.3.2 and 3.3 of this report;
 - 1.2 That the rules of procedure of the Health and Well-Being Board at para.8.7, Part 4L of the Constitution be amended allow for the appointment of an additional vice-chair who would be a representative from the CCG.

2. EXECUTIVE SUMMARY

- 2.1 In relation to public petitions an amendment is proposed in furtherance of the Council's Openness and Transparency agenda. The cross party Constitution Working Party (CWP) will continue to review these procedures and make any further recommendations as part of their current programme of work.
- 2.2 The proposals contained in this report will therefore help to clarify the current Constitutional procedure rules in relation to Public Petitions to provide clarity in the immediate term and in advance of a more detailed review by the CWP convened for these purposes.
- 2.3 The ability to appoint an additional vice-chair who would be a representative from the CCG will enhance the partnership working of the Health and Well-Being Board.

3. DETAIL

3.1 At its meeting on 21st May 2015, as part of the review of the Constitution Annual Council agreed that the public petition threshold to trigger a public debate be set at 1,000 signatures (Minutes 21.5.15 Item 10). However:-

- i. The Constitution is silent as regards when and how debates on valid petitions will then take place or the procedures associated with the orderly governance of a Public Petition, as should be contained with the Council's Constitution;
- ii. There is no distinction made between petitions regarding a matter which affects the whole borough as opposed to a matter specific to a local area.

3.2 Therefore it is recommended that in respect of public petitions, the Council Procedure Rules at para.3.21 Part4A of the Constitution be amended to reflect those which apply to petitions presented by Members and will provide as follows:

3.21.1 Petitions presented by Members of the Public are to be governed by the Petition Protocol as adopted by the Council from time to time. The number of signatures required in order to trigger a public debate at a Full Council meeting shall be:-

- a) Where the petition concerns a matter which affects the whole borough, 1,000 signatures of local people;*
- b) Where the petition concerns a matter which only affects a local area 1,000 signatures of local people living in the ward and/or immediate adjoining wards where the matter arises.*

"Local people" are defined as where the borough is their main residency and/or where they are registered to vote and/or where they are registered as a council tax payer.

3.21.2 A copy of the wording of any Petition is to be submitted to the Council and the necessary signatures as in 3.21.1 must be delivered to the Borough Solicitor, Director of Legal and Democratic Services or his/her nominee by noon, ten clear working days before the date of the Council meeting.

3.21.3 Only one public petition shall be considered at each Ordinary Council Meeting. Where two or more petitions are received in accordance with 3.21.2, subject to validation of the necessary number of signatures, the first petition submitted shall be the petition which goes forward to be received and debated at the next Ordinary Council Meeting. The date on which any other public petition submitted will be considered, will be determined at the Ordinary Council meeting and will usually be the next available Ordinary Council meeting.

3.21.4 The Petition:-

i. *shall not concern approval or otherwise of a current planning or licensing application but may address any other issue within the direct responsibility of the Council, or where the Council could be reasonably expected to lobby on behalf of citizens of the Borough;*

ii. *must be materially accurate in respect of the facts upon which it is based.*

3.21.5 *Subject to paragraphs 3.21.1 to 3.21.4 above the full Petition wording will be included in the next Ordinary Council agenda for any debate for which the Petition has triggered. For sake of clarify this will mean the petition can be received and debated at the same Ordinary Council meeting.*

3.21.6 *Where a petition is received in accordance with 3.21.2 and the next meeting of Council is the Council Tax Meeting or Annual Meeting, receipt and debate of the petition will be dealt with at the next Ordinary Council Meeting.*

3.21.7 *The rules of debate for a public petition will be as follows:*

- a) *The Lead Petitioner may speak to the petition for up to 3 minutes from the public gallery;*
- b) *Up to three councillors from each political group may then speak for up to three minutes each;*
- c) *The first and last Councillor to speak will be from the political group in Administration.*

3.21.8 *A vote will be taken at the conclusion of the debate where the subject matter relates to an executive matter where a decision has been taken. No vote will be taken at the conclusion of the debate where the subject matter relates to an executive matter where a decision has yet to be taken. In this instance the debate will act as advisory for the final decision maker. Where the matter is a non-executive matter no vote will be taken.*

3.3 It is recommended that no motion for debate on the same matter as a public petition should be considered within six months of the public petition having been received and debated or within the next six months if it has been received and is yet to be debated and that para.3.52 be amended as shown in bold below:

3.52 *Any Member may submit in writing (including in electronic form) one "Motion for Debate" to the Borough Solicitor, Director of Legal and Democratic Services. The wording of the motion shall be contained on the notice submitted to the Borough Solicitor, Director of Legal and Democratic Services. Such notices shall be received by the Borough Solicitor, Director of Legal and Democratic Services no later than noon of the third clear working day prior to the day of the Council meeting. The subject of such a motion shall not be a current planning or licensing application or a **public petition that has been received and debated by Full Council within the previous six months or has been received and is to be debated within the next six months.** The names of the Councillors proposing the motion and seconding the motion are to be submitted by 9.30am on the day of the Council meeting.*

3.4 A revised protocol in respect of public petitions is being considered by the CWP. A report on the revised protocol, in addition to the CWP's review of the

recommended changes to the Constitution contained in this report, will presented to a future meeting of the Council.

- 3.5 The rules of procedure of the Health and Well-Being Board at para.8.7, Part 4L of the Constitution presently provides for the appointment of a vice chair who is a Croydon Councillor from Councillors nominated by the Leader for appointment to the Board. It is recommended, that the procedure rules be amended to provide for the appointment of an additional vice –chair from the CCG.

4. CONSULTATION

- 4.1 The revised protocol is being considered by a cross party working group.

5. FINANCIAL CONSIDERATIONS

- 5.1 Not relevant for the purposes of this report.

6. COMMENTS OF THE SOLICITOR TO THE COUNCIL

- 6.1 The Solicitor to the Council comments that there are no additional legal considerations.

- 6.2 (Approved by: Gabriel MacGregor, Head of Corporate Law on behalf of the Council Solicitor and Monitoring Officer).

7. HUMAN RESOURCES

- 7.1 Not relevant for the purposes of this report.

8. CUSTOMER IMPACT

- 8.1 The proposals in this report will further the Council's Openness and Transparency agenda.

9. EQUALITIES IMPACT

- 9.1 Not relevant for the purposes of this report.

10. ENVIRONMENTAL AND DESIGN IMPACT

- 10.1 Not relevant for the purposes of this report.

11. CRIME AND DISORDER REDUCTION IMPACT

- 11.1 Not relevant for the purposes of this report.

12. RISK ASSESSMENT

- 12.1 Not relevant for the purposes of this report.

13. HUMAN RIGHTS IMPACT

13.1 Not relevant for the purposes of this report.

14. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

14.1 The Council Procedure Rules are accessible as part of the Council's Publication Scheme maintained under the Freedom of Information Act.

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BACKGROUND DOCUMENTS: None