

## **CONSTITUTIONAL PANEL**

MEETING, 7<sup>TH</sup> JUNE, 2010

Present – Councillors Morris (Chairman), Adia (as deputy for Councillor Mrs Thomas), Ashcroft, Hayes, Peel and J Walsh.

Councillor Morris in the Chair

### **1. MINUTES**

The minutes of the meeting held on 18<sup>th</sup> May, 2010 were submitted and signed as a correct record.

### **2. THE COUNCIL'S PROPOSED PETITION SCHEME**

Further to the last meeting of the Panel the Director of the Chief Executive's Department submitted a report that informed members that The Local Democracy Economic Development and Construction Act 2009, required every Local Authority from the 15th June, 2010 to have adopted a "petition scheme" which set out how it would deal with petitions, and by the 15th December, 2010, every Local Authority must have an on-line petition facility, under which anyone may set up a petition on the Authority's website, and other petitioners may "sign up" to the petition on line.

The Act defined different categories of petitions and allowed the Authority to define the number of signatories required for each category. The defined categories were as follows:-

- petitions for debate - must be reported to and debated at full Council;
- petitions to hold an Officer to account - trigger an open meeting of a Scrutiny Committee at which a named

Officer would report and be questioned on their actions;

- exempted petitions – petitions received in response to statutory consultation on planning and licensing applications would continue to be reported to Planning and Licensing Committees; and
- ordinary petitions - the Authority could determine how these petitions would be handled.

With respect to the petition to hold an officer to account the Act required that the petition name the Director to be held to account and give grounds for the request which must relate to the functions for which the Director was responsible. In practice, it was likely that in many cases the Director's actions would be in the implementation of a member decision. In such cases the appropriate Executive Member would also attend.

If a petition organiser felt that the Council had not dealt with their petition properly, they had the right to request that a Scrutiny Committee review the steps that the Council took in response to the petition. However, the Committee had no power to take an operative decision. It could only make a recommendation to Council, a Committee, the Executive or an individual Executive Member (as appropriate), but it could not override the original decision.

The report recommended the following thresholds for the minimum number of signatories:-

(a) Ordinary petitions

A low threshold was suggested as many would be about local issues. Currently, the Constitution stated that this should be 25 signatories and it was proposed that this be the threshold (with flexibility to accept less than this in certain circumstances)

(b) Petitions requiring debate at Council

The threshold could be as high as 5% of the Borough's population (13,000) which was considered too high and the report recommended 3,000 as the proposed threshold for signatures;

(c) Petitions holding Officers to account

Statutory Guidance indicated that Local Authorities should consider a suitable threshold according to local circumstances and recommended that a low threshold be set. The report recommended 1,500 as the proposed threshold for signatures.

The processes for dealing with each of the above was detailed in the report.

Resolved – (i) That the Petition Scheme as set out in Appendix 1 (as amended below) be agreed for publication and that, if necessary, an e-petitions facility be introduced by 15 December, 2010.

(ii) That such scheme includes the following key provisions;

(a) that the thresholds for signatures be as follows;

- ordinary petitions 25 signatures;
- petitions requiring debate at a Council meeting - 4,000 signatures; and
- petitions to hold Council employees to account – 2,000 signatures;

(b) that petitions should only be considered from people who live, work or study in Bolton;

(c) that for petitions holding Senior Officers to account only Directors be called to give evidence;

- (d) that the Director of Chief Executive's Department be authorised to reject petitions which are considered to be vexatious, abusive or otherwise inappropriate;
- (e) that the Director of Chief Executive's Department be instructed to incorporate the Petitions Scheme into the Council's Constitution and make consequential amendments; and
- (f) that, if necessary, the Director of Chief Executive's Department be instructed to undertake the procurement or development of an in-house on-line petitions facility, in consultation with the Leader of the Council and the opposition leaders.

### **13. APPOINTMENTS**

The Director of the Chief Executive's Department raised a number of issues with members regarding the appointments made at the Annual Council meeting on 19<sup>th</sup> May, 2010, together with other appointments required.

Resolved – (i) That Councillor Burrows replace the Director of Development and Regeneration on North West Coalfields Communities Regeneration Partnership.

(ii) That Councillors Kay and Hall replace the Director of Development and Regeneration on Bolton WISE Board.

(iii) That Councillor Zaman replace the Director of Environmental Services on PATROL (Parking Adjudication Joint Committee).

(iv) That Councillor Wild replace Councillor Ashcroft as Vice – Chair of the Children’s Services Scrutiny Committee.

(v) That Town Councillor Williams replace Town Councillor Price on the Standards Committee.

(vi) That Mr T. Muskat replace Mr. J. Noble on Chapletown Old School Charity.

(vii) That Councillor A. Wilkinson, Mr S. Rock and Mr. T. Muskat be appointed to Eagley Bridge Educational Foundation.

(viii) That Councillors Burrows and Wild be appointed to Kearsley Academy’s Governing Body.

(ix) That Councillor Ibrahim replace Councillor Pickup on the Planning Committee.