



Meeting: **Constitution Committee**

Date/Time: **Friday, 19 November 2021 at 2.45 pm (or upon the conclusion of Cabinet)**

Location: **Sparkenhoe Committee Room, County Hall, Glenfield**

Contact: **Mr. E. Walters (Tel: 0116 305 2583)**

Email: **Euan.Walters@leics.gov.uk**

Membership

Mr. N. J. Rushton CC (Chairman)

Mr. P. Bedford CC Mr. J. Poland CC
Mr. L. Breckon JP CC Mr. R. J. Shepherd CC
Mr. M. T. Mullaney CC Mrs D. Taylor CC

AGENDA

<u>Item</u>	<u>Report by</u>	
1. Minutes of the meeting held on 7 September 2021.		(Pages 3 - 4)
2. Question Time.		
3. Questions asked under Standing Order 7(3) and 7(5).		
4. To advise of any other items which the Chairman has decided to take as urgent.		
5. Declarations of interest.		
6. Review and Revision of the Constitution.	Chief Executive	(Pages 5 - 28)
7. Any other items which the Chairman has decided to take as urgent.		



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Minutes of a meeting of the Constitution Committee held at County Hall, Glenfield on Tuesday, 7 September 2021.

PRESENT

Mr. N. J. Rushton CC (in the Chair)

Mr. P. Bedford CC
Mr. L. Breckon JP CC
Mr. M. T. Mullaney CC

Mr J. Poland CC
Mr. R. J. Shepherd CC
Mrs D. Taylor CC

9. Minutes of the previous meeting.

The minutes of the meeting held on 15 June 2021 were taken as read, confirmed and signed.

10. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

11. Questions asked by members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

12. Urgent items.

There were no urgent items for consideration.

13. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

It was noted that all members of the Committee would have personal interests in agenda item 6: Report of the Independent Remuneration Panel on Member Allowances as they were all eligible to receive allowances.

No other declarations were made.

14. Report of the Independent Remuneration Panel on Member Allowances.

The Committee considered a report of the Chief Executive which presented the report of the Independent Remuneration Panel on Members' Allowances and invited the Committee to make recommendations to the County Council on proposals for a new scheme of allowances in the light of the contents of that report. A copy of the report, marked 'Agenda Item 6', is filed with these minutes.

The Committee noted that those 15 Members that had stepped down from the Council at the election in May 2021 were not required to publish an annual report for the 2020/21 year which was why the report of the Independent Remuneration Panel referred to thirty seven out of *forty* Members having produced annual reports rather than the 55 total members.

It was also noted that Mrs. C.M. Radford CC had not produced an annual report because she produced monthly reports all of which were published on the County Council's website and Mrs. Radford had sought prior approval from the Chief Executive before following this course of action.

RESOLVED:

The Committee recommends to Council that:

- (a) The Basic and Special Responsibility Allowances be increased on an annual basis, from 1st April 2022, for a two year period, in line with the Local Government Employee Pay Award;
- (b) The Independent Remuneration Panel reconvenes in 2023 to review the indexation of Basic and Special Responsibility Allowances;
- (c) The current levels of Travel and Subsistence allowances remain unchanged;
- (d) Those Members who submitted an Annual Report be thanked for doing so;
- (e) Those Members who have not submitted an Annual report for the municipal year 2020/21 be requested to do so at the earliest opportunity.

12.30 - 12.37 pm
07 September 2021

CHAIRMAN



CONSTITUTION COMMITTEE – 19th NOVEMBER 2021

REPORT OF THE CHIEF EXECUTIVE

REVIEW AND REVISION OF THE CONSTITUTION

Purpose of the Report

1. The purpose of this report is to recommend changes to the Constitution as part of this year's annual review.

Background

2. Article 15 of the County Council's Constitution gives the Chief Executive a duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. It requires that changes to the document should only be approved by the full County Council after consideration of the proposal by the Chief Executive and the Constitution Committee or, in the case of the Financial Procedure Rules and Contract Procedure Rules, the recommendations of the Corporate Governance Committee.
3. In the case of everything except the Meeting Procedure Rules the final decision on changes can be made at a single meeting of the County Council. However, in the case of the Meeting Procedure Rules any motion to add, to vary or revoke Standing Orders must, having been proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
4. The Constitution has been reviewed on an annual basis every year since it came into effect in June 2001. This report sets out the results of the latest review.

Key Changes

5. The changes largely relate to corrections and to bring the Constitution in line with changes in legislation and current and good practice.
6. The terms of reference of the Health and Wellbeing Board and the Corporate Governance Committee have been updated. The General Scheme of Delegation has also been updated to provide greater clarity

and the delegations to the Chief Executive have been extended in light of recent experiences following the onset of the Covid-19 pandemic.

7. A change is also proposed to Standing Order 35 which currently places responsibility on the Scrutiny Commission to review the adequacy of the response to a petition should this be requested by a petitioner. Members will be aware that following changes made to the petition scheme in 2017 the majority of petitions are now dealt with at officer level and not at Scrutiny Committees. Also, a petition can be received by a Regulatory body. The change therefore provides for a centralised system for dealing with concerns regarding how a petition has been handled whether by an officer or a Scrutiny or Regulatory body.

Recommendation

8. That the County Council be recommended to approve the proposed changes to the Constitution as set out in the appendices attached to this report.

Equality and Human Rights Implications

There are no equalities and human rights implications arising from this report.

Background Papers

The Constitution of Leicestershire County Council.

Circulation under Local Issues Alert Procedure

None.

Officers to Contact

Lauren Haslam
The Director of Law and Governance
Tel: 0116 305 6240 Email: lauren.haslam@leics.gov.uk

Rosemary Whitelaw
Head of Democratic Services
Tel: 0116 305 6098 Email: rosemary.whitelaw@leics.gov.uk

Appendices

Appendix A – Proposed Changes to the Constitution 2021
Appendix B – Revised Petitions Scheme

**PROPOSED AMENDMENTS TO THE CONSTITUTION
OF LEICESTERSHIRE COUNTY COUNCIL
NOVEMBER 2021**

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<u>PART 1 – Summary and Explanation</u>		
The Leader, Cabinet and Executive	Amend paragraph 8 to read “The Leader will appoint one of the other members of the Cabinet as a Deputy Leader who will act in the Leader’s place and preside at meetings of the Cabinet where the Leader is absent, in accordance with the law and the Meeting Procedure Rules.”	To reflect the position in law and the Council’s current practice.
<u>PART 2 - ARTICLES</u>		
Article 7.02 – The Executive (<i>Form and Composition</i>)	Insert additional paragraph as follows – “The Chairman and Vice Chairman of the Council cannot be appointed to the Cabinet or as Cabinet Support Members.”	To reflect current practice.
Article 7.04 – The Executive (<i>Designation of Deputy Leader and Lead Members</i>)	Amend the first paragraph to read – “The Leader of the Council will appoint one of the Executive Members to the position of Deputy Leader who, in addition to their role as Deputy Leader will also act as Vice Chairman of the Cabinet.”	To reflect the position in law and the Council’s current practice.

<p>Article 7A.02 – The Health and Wellbeing Board (<i>Composition</i>)</p>	<p>Amend sub paragraph (a) (vi) to read as follows –</p> <p>(vi) A representative of the CCGs and / or health equivalent in the new Integrated Care System.</p>	<p>To align with plans to introduce integrated care systems in line Government guidance.</p>
<p>Article 7A.03 – The Health and Wellbeing Board (<i>Role and Function</i>)</p>	<p>Amend to read as follows –</p> <p>The Health and Wellbeing Board shall have the following general role and function: -</p> <p>To lead and direct work to improve the health and wellbeing of the population of Leicestershire through the development of improved and integrated health and social care services. The Board is responsible for: -</p> <ul style="list-style-type: none"> • Preparing and publishing the Leicestershire Joint Strategic Needs Assessment in order to identify the needs and priorities across Leicestershire so that future commissioning/policy decisions and priorities are based on evidence. • Preparing and publishing a Joint Health and Wellbeing Strategy and associated Plan on behalf of the County Council and its partners. • Approving the Better Care Fund Plan. • Publishing and refreshing the Pharmaceutical Needs Assessment to assess the need for pharmaceutical services in Leicestershire and 	<p>Generalised to future proof the role and function of the Board in preparation for the introduction of the new Joint Health and Wellbeing Strategy.</p>

	<p>providing an evidence base for future policy and commissioning decisions.</p> <ul style="list-style-type: none"> • In conjunction with all partners, communicating and engaging with local people on how they can achieve the best possible quality of life and be supported to exercise choice and control over their personal health and wellbeing. • Having oversight of the use of relevant public sector resources to identify opportunities for the further integration of health and social care services. <p><i>[Note: More detail relating to the operation of the Health and Wellbeing Board are set out on in the Board's full Terms of Reference which are published on the County Council website at http://www.healthandcareleicestershire.co.uk/health-and-wellbeing-board/.]</i></p>	
<p>Article 14 – Finance, contracts and legal matters</p>	<p>Amend Article 14.03 to read “Legal Proceedings.</p> <p>The Director of Law and Governance is authorised:</p> <p>(a) To institute, participate in, defend, settle, compromise, withdraw or discontinue any proceedings on behalf of the Council;</p> <p>(b) To advance, defend, compromise, abandon or otherwise dispose of claims (for monies or other remedies) in connection with any pending or</p>	<p>To broaden to ensure all potential legal proceedings necessary to be undertaken from time to time are sufficiently captured.</p>

	<p>actual legal proceedings in any cases where such action is necessary to give effect to decisions of any part of the Council or in any cases where the Director of Law and Governance considers that such action is necessary to protect the Council's interest;</p> <p>(c) To act as 'litigation friend' in connection with any legal proceedings brought by persons to who the Council owes a legal duty of care (e.g. children in care);</p> <p>(d) To instruct counsel, solicitors and other experts in relation to legal proceedings, public inquiries, and other matters involving the Council.</p> <p><i>[Note: The expression "proceedings" shall include, without limitation, criminal proceedings, civil claims, court cases, tribunals, enquiries, arbitrations and other alternative dispute resolution processes.]</i></p>	
Schedule 2 – Plans determined by the Executive	<p>Amend J. by –</p> <p>removing reference to the 'use of the Regulation of Investigatory Powers Act 2000'</p> <p>inserting 'Covert Surveillance and the Acquisition of Communications Data Policy Statement'</p>	To bring in line with current guidance.

PART 3 - RESPONSIBILITY FOR FUNCTIONS

<p>Section B – Responsibility for County Council Functions (<i>Corporate Governance Committee</i>)</p>	<p>Insert a new paragraph 3(l) to read “To approve the Council’s procedure for handling Member Conduct Complaints. (<i>See also the delegation to the Director of Law and Governance.</i>)”</p> <p>Insert a new paragraph 3(n) to read “To have oversight as part of the annual complaints report of the findings of the Local Government Ombudsman where there is a finding of maladministration against the Council.”</p> <p>Amend current paragraph 3(n) (<i>to be renumbered</i>) to read “To make <i>voluntary</i> payments or provide other benefits in cases of maladministration under section 92 of the Local Government Act 2000. (<i>See also delegation to the Director of Law and Governance.</i>)</p> <p>Amend current paragraph 3(o) by inserting the following at the end of the paragraph “(<i>see also the delegation to the Director of Law and Governance.</i>)”</p>	<p>To align with the Corporate Governance Committee’s responsibility for standards matters.</p> <p>As above.</p> <p>To clarify the power relates to ‘voluntary’ payments only.</p> <p>For ease of cross referencing.</p>
<p>Section B – Responsibility for Functions (<i>Constitution Committee</i>)</p>	<p>Amend paragraph 3(d) to read “Bills. <i>Advising the Council on the promotion or opposition of local or personal Bills which are specified in Schedule 1 to the Functions Regulations and which are relevant to a county council.</i>”</p> <p>Amend paragraph 3(e) to read “Making and revoking appointments, except where the full County Council, the Cabinet, the Corporate Governance Committee or</p>	<p>To align with the functions of the full County Council</p>

	other board or committee has such responsibility.”	
Section D – General scheme of delegation to Chief Officers <i>(General conditions of delegation)</i>	<p>Amend the Note in italics by removing paragraph (c).</p> <p>Add the following sub paragraphs to paragraph 5 –</p> <p>(g) follow any appropriate legislative, regulatory, consultation, equalities or procedural requirements that may be required;</p> <p>(h) have identified and managed appropriate strategic and operational risks within the officer’s area of responsibility;</p> <p>(i) be in accordance with the decision-making requirements set out in this Constitution including requirements for decision records and access to information.</p> <p>Add to the end of paragraph 6 the words “and in all cases by the Chief Executive”.</p> <p>Insert new paragraphs 7, 8, 9 and 10 as follows (and renumber current paragraphs 7 – 10 accordingly) –</p> <p>“7. Any proper officer function or delegation to the Chief Executive may in his/her absence be exercised by the Director of Corporate Resources and in both their absence, the Director of Law and Governance.</p> <p>8. Subject to any express instruction to the contrary from the delegating body, any power to approve also includes power to refuse, power to impose appropriate conditions and power to amend</p>	<p>Not required.</p> <p>To update the general conditions of delegation to ensure these are robust.</p> <p>To provide for continuity in the absence of a Chief Officer.</p> <p>To provide continuity in the absence of the Chief Executive.</p> <p>To provide greater clarity in respect of delegations to approve a matter.</p>

	<p>decisions.</p> <p>9. Where an officer is authorised or designated as a Proper Officer for the purposes of any legislation, that authorisation (unless it specifically states to the contrary) will be deemed to authorise that officer to undertake all the powers and duties of an authorised officer as are specified in that legislation. These may include (but are not restricted to) the power to enter on land, undertake inspections, service notices, take samples and remove goods.</p> <p>10. Where a power or duty is delegated to an officer, either directly or through designation as an authorised officer, and the exercise of that power or duty is contingent upon the opinion of the Council that particular conditions or factual circumstances exist, then the officer in question has the power to determine whether or not those circumstances exist or whether those conditions have been fulfilled in the name of and with the authority of the Council.”</p> <p>Amend current paragraph 10 to read “Delegations relate to all provisions for the time being in force under any applicable legislation. <i>Delegations under a specific legislative provision will include references to Regulations and other subordinate legislation made thereunder</i> and incorporate any amendment to or re-enactment of that provision.”</p> <p>Add the following new paragraphs at the end of the</p>	<p>To provide clarity with regard to proper officer authorisations.</p> <p>To provide greater clarity and assurance.</p> <p>To ensure delegations remain in line with legislation.</p>
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	<p>section ‘General conditions of delegation’ and number accordingly –</p> <p>Functions, matters, powers, authorisations, delegations, duties and responsibilities within this Scheme will be construed in a broad and inclusive fashion and will include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of anything so specified.</p> <p>Where a power or duty delegated under this Scheme includes a power to take enforcement action, and/or to recover costs, fees or charges, the delegation will include the power to take all necessary action to recover such fees costs or charges by way of civil debt or otherwise.”</p>	<p>To ensure delegations are sufficiently broad so as to enable officers to take such action as is necessary to implement a decision taken at a member body.</p> <p>To provide greater clarity on the extent of any such authorisation given to officers.</p>
<p>Section D – General scheme of delegation to Chief Officers (General delegations to the Chief Executive)</p>	<p>Amend existing paragraph 11 to read “Amendments to the Constitution: To amend this Constitution to reflect reorganisations, changes in job titles and vacancies (where such changes result in redistributing existing delegations), to reflect changes in law and good practice and to effect member decisions.”</p> <p>Amend the title of existing paragraph 12 to read ‘Urgent Action’ and add the following additional paragraph – “To authorise any action reasonably necessary to protect the health, safety or welfare of individuals or the safety of property.”</p> <p>Add the following new paragraphs and renumber</p>	<p>To ensure the Constitution can be updated as necessary when consequential changes are needed and to ensure it remains fit for purpose.</p> <p>To ensure action can be taken in times of emergency.</p> <p>To ensure action can be taken in times of</p>

	<p>accordingly –</p> <p>“Proper Officers: To appoint officers as Proper Officers for the purposes of any specific Council service, function or as required in law and to act as the Proper Officer where another officer has not been appointed, and to amend the Proper Officer Provisions set out in Part 9 of this Constitution accordingly.”</p> <p>“Other Officer Delegations: To exercise all delegated functions to officers in the absence of relevant officers.”</p> <p>“Emergency Planning: To discharge emergency planning and civil protection functions.”</p>	<p>emergency.</p>
<p>Section D – General scheme of delegation to Chief Officers <i>(General delegations to heads of departments)</i></p>	<p>Amend title to read ‘General delegations to Chief Officers’.</p> <p>Under the existing paragraph 13 titled ‘Appointment of employees’ add –</p> <p>“To implement changes to staffing structures subject to prior consultation with all appropriate parties as required in law and in line with the Council’s own policies and procedures.</p> <p>To enter into reciprocal arrangements for the authorisation and appointment of officers to facilitate cross-border co-operation in the discharge of delegated functions with any other authority.”</p>	<p>To extend the general scheme of delegation in respect of specific operational matters.</p>

Amend the existing paragraph 14 to read –
“Finance:

To manage the finance of their departments to ensure value for money and the development of budget policy options with a detailed assessment of financial implications in accordance with the County Council’s Medium Term Financial Strategy.

To enter into contracts. *(See also the Contract Procedure Rules)*

To incur revenue expenditure within the approved budget or approved external funding on non-employee related items, subject to the Chief Finance Officer having the discretion to lay down conditions, either generally or in any particular case, and subject to the approval of the Cabinet where the Chief Finance Officer considers this to be appropriate.”

Amend the title of paragraph 20 to read **‘Plant and equipment’** and add the following additional paragraph “power to manage vehicles, plant, equipment, apparatus, machinery, stock, stores, supplies, materials, furniture, appliances or other equipment or books, necessary for the provision of services.”

Amend existing paragraph 23 to read **“County Council plans policies and strategies:** To make such consequential amendments to any Council plan, policy or strategy agreed at elected member level

including plans and strategies within the Council's Policy Framework, following consultation with the Chief Executive, as is considered necessary to reflect changes in legislation and good practice to ensure the plan, policy or strategy remains fit for purpose and is compliant with legal requirements'."

Amend existing paragraph 24 to read "**Annual Review of Charges:** In accordance with relevant legislation and Standard Financial Instruction 15 to review and set all fees and charges for Council services and activities at least annually, and to determine detailed pricing for outside work.

Insert the following new paragraphs and re-number the section accordingly -

"**General operational:** To have overall responsibility for the operational management of the relevant area of service and for bringing forward such strategic plans and policies, and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to exercise the functions for which the service is responsible.

Implementation of decisions: To take all necessary actions (including the letting of contracts, undertaking statutory processes and incurring expenditure) to implement decisions of the full County Council, the Cabinet and any Regulatory committee/board.

"**Consultations:** To respond to Government consultations and consultations from other bodies

	<p>where appropriate, in consultation with the relevant Lead Member or committee/board Chair.</p> <p>To undertake all steps required to complete Government Statistical Returns.”</p> <p>“Supply of Goods and Services: To administer the supply of goods and services to other public authorities and bodies under the Local Authorities (Goods and Services Act) 1970 and all other enabling legislation.”</p>	
Section E – Panels	<p>Delete paragraphs 5 (d) and (e) regarding the Children in Care Panel and Child Protection Panel respectively.</p> <p>Amend paragraph 5(l) to read “Manufacture and Storage of Explosives Panel: to consider, through public hearings, representations about applications to the Health and Safety Executive under the Explosives Regulations 2014 (or such other regulations as may be in force) and to determine whether or not to give the Council’s assent to those applications.”</p>	<p>These Panels no longer exist.</p> <p>To refer to the up to date 2014 Regulations.</p>

<u>PART 4A – MEETING PROCEDURE RULES</u>		
Standing Order 35 – Petitions at the Commission, boards or committees	Amend Standing Order 35(7) to read “If the petition organiser feels unhappy with the way their petition was handled he/she can request that the Council review the steps taken in response to the petition. The petition organiser should contact Democratic Services and provide an explanation of the reasons why the way the petition has been dealt with is not considered to be adequate. The Council will consider the request and respond accordingly within 10 working days.”	To provide a centralised system for considering concerns regarding the handling of a petition and to reflect that petitions cannot only be submitted to a scrutiny body.
<u>PART 4E – OVERVIEW AND SCRUTINY PROCEDURE RULES</u>		
Rule 18 - Matters within the remit of more than one overview and scrutiny committee.	Delete.	Duplicates Rule 2A(2)
<u>PART 9 – RECORD OF SPECIFIC DELEGATIONS TO HEADS OF DEPARTMENTS AND OTHER AUTHORITIES</u>		
Part 9 - Title	Amend the title of Part 9 to read ‘Record of Specific Delegations to Heads of Departments and Proper Officer Provisions’.	To reflect that the Proper Officer provisions are included in this Part of the Constitution and that delegations to ‘other Authorities’ are set out in Part 3 of the Constitution, not Part 9.
<u>PART 10 – PETITIONS SCHEME FOR LEICESTERSHIRE COUNTY COUNCIL</u>		
	Replace the current Petitions Scheme with that now attached.	To reflect the change to Standing Order 35 and that petitions can be received by Regulatory boards and committees as well

		as scrutiny bodies where appropriate.
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Petitions Scheme for Leicestershire County Council

1. Leicestershire County Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. Anyone who lives, works or studies in the local authority area and/or is a recipient of County Council services and is associated with the petition, including under 18's, can sign or organise a petition.
2. All petitions sent or presented to the Council will be acknowledged. 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.
3. Paper petitions can be sent to:

**Head of Democratic Services
Room 200B, Chief Executive's Department
County Hall, Glenfield
Leicestershire, LE3 8RA**

Or, a petition can be created, signed and submitted online as an 'e-petition' by following this weblink:

<http://politics.leics.gov.uk/mgePetitionListDisplay.aspx?bcr=1>.

(Note: Detailed guidance on the process for submitting, signing and processing an e-petition (which does not form part of the Petitions Scheme) is attached as an appendix to this Scheme.

4. If you chose to use an alternative petition system other than the Council's own system e.g. Change.org, you will either need to print a copy of the petition statement and corresponding signatures and send it to us by post to the above address, or email a pdf copy to democracy@leics.gov.uk.
5. Further information on the information contained within the Petitions Schemes is available from Democratic Services, (telephone 0116 305 2583) or by emailing democracy@leics.gov.uk.

Other ways of making your views known

6. Petitions are not the only, or necessarily the quickest way to resolve an issue or make your views known. You could also:
 - a) Contact the Council's Customer Service Centre raising a concern about a service provided by the Council (see <https://www.leicestershire.gov.uk/about-the-council/contact-us/opening-times-and-contact-information> for more information); or
 - b) Raise the matter with your local County Councillor and ask him/her to take up the matter on your behalf (more details are at <https://www.leicestershire.gov.uk/about-the-council/how-the-council-works/councillors-and-conduct/find-your-county-councillor>).

What are the guidelines for submitting a petition?

7. Petitions submitted (whether by post or online) to the Council must:
- have a clear and concise statement setting out the subject of the petition and the action the County Council is being asked to take in response (i.e. either do something, or stop doing something);
 - contain the name and address (residential, work, or study (as applicable)) of any person supporting the petition. E-petitions should also include signatories' email addresses;
 - include the address and contact details for a 'lead petitioner', with whom the County Council can communicate on behalf of all the signatories. These details will not be placed on the website;
 - have a minimum of 100 signatures;
 - be received by the Chief Executive's Department eight clear days before the relevant meeting at which it is to be presented, if it is to be considered at a meeting.

Exceptions to the Petitions Scheme

8. The following will not be accepted as petitions within the scope of the scheme:
- Submissions which are vexatious, abusive or otherwise inappropriate;
 - Submissions relating to matters which would usually be dealt with through the corporate complaints process;
 - Submissions that are substantially similar to a petition considered by the County Council within the last six months;
 - Issues raised by staff related to their employment;
 - Petitions that are handled through alternative means or where other procedures apply, such as those referring to:
 - i. Planning Applications;
 - ii. Parking Policies;
 - iii. Decisions for where there is an existing right of appeal;
 - iv. Statutory petitions (for example requesting a referendum on having an elected mayor).
9. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the

guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the Council do when it receives my petition?

10. An acknowledgement will be sent to the lead petitioner within 10 working days of receiving the petition. It will confirm whether the petition has been accepted or the reasons for not accepting it, let them know what we plan to do with the petition and when they can expect to hear from us again.
11. If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with many local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example, if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here <https://www.leicestershire.gov.uk/>
12. If your petition is about something that a different council is responsible for we will consider the best method for responding to it. This might be to simply forward the petition to the other council but could involve other steps. We will always notify you of the action we have taken.

How will the Council respond to petitions?

13. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If this is not possible our response to a petition will depend on what it asks for and how many people have signed it, but may include one or more of the following:

Response from the Service Director

14. The Service Director, following consultation with the relevant Cabinet Lead Member and Local Member, will respond to the Lead Petitioner in the circumstances outlined below:
 - If the petition has less than 100 signatures, a written response will be provided within 56 days (2 months) following acknowledgement of the petition. As petitions of this size do not qualify under this Scheme, the matter will then be deemed to be dealt with.
 - If the petition has more than 100 signatures and relates to an issue in a single electoral division, where possible a written response will be provided within 28 working days following acknowledgement of the petition. If it is not possible to respond in that timeframe, the lead petitioner will be notified of the reasons for this. The response will be copied to the Chairman and Spokesmen of the relevant Commission, Committee or Board. If the lead petitioner and/or one or more of the

relevant elected members feel that the petition has not been dealt with properly they can ask for the matter to be referred to the relevant Commission, Committee or Board for consideration.

Referral to the relevant Committee or Board.

15. Petitions with more than 1000 signatures and affecting two or more electoral divisions can be considered by the relevant Commission, Committee or Board. The Lead Petitioner can, however, choose to have the petition dealt with by the Service Director, following consultation with the Cabinet Lead Member and Local Member, where appropriate, should they prefer.
16. Petitions relating to an issue that affects a single electoral division will not be considered at a meeting unless they have 10,000 or more signatures, in which case the relevant Commission, Committee or Board will be asked for its views prior to the matter being considered by the full Council (see paragraph 21 below).
17. If the lead petitioner chooses for the matter to be referred to the relevant Commission, Committee or Board, it will be considered at the next available meeting (where that meeting is more than 10 working days from the date the petition is received). Alternatively, if the matter of the petition is already on the work programme the Lead Petitioner will be invited to the meeting to submit representations about their petition under the agenda item it relates to.
18. When presenting a petition at a meeting, the Lead Petitioner, or their local County Councillor (if preferred) will be asked to read the wording of the petition and state the number of signatories. The Chairman of the meeting can invite the Lead Petitioner to explain the background to the issue where he/she believes it would be helpful to do so. Please note that you will not be able to join in the subsequent debate at the meeting.
19. The meeting will discuss the matter raised in the petition. If the meeting is more than 28 days following receipt of the petition, the Service Director will present a report responding to the petition. Otherwise, Members can request a report outlining the response to be submitted to the next meeting. Once the Commission, Committee or Board has all the necessary information, it will come to a view as to how the petition should be addressed.
20. A maximum of two petitions can be submitted to the Commission, Committee or Board at any one time.

Referral to full Council

21. If a petition has been signed by at least 10,000 persons living, working or studying in the Authority area, or if a County Council body decides it is appropriate, the petition will be debated by the full Council. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will consider the petition at its next meeting, although

on some occasions this may not be possible and consideration will then take place at the following meeting.

22. Councillors will discuss the petition and the Council will decide how to respond to it at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example, by a relevant scrutiny committee. Where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The Cabinet itself may propose a response to the Council when the petition is considered. The lead petitioner will receive written confirmation of the Council's decision. This confirmation will also be published on our website.

What can I do if I feel my petition has not been dealt with properly?

23. If you feel that we have not dealt with your petition properly, the lead petitioner has the right to request that the Council review the steps taken in response to the petition. The lead petitioner will be required to provide an explanation of the reasons why the petition has been dealt with is not considered to be adequate. The Council will consider the request and respond accordingly within 10 working days. Any request for an review should be submitted to Democratic Services by emailing democracy@leics.gov.uk.

[end of Part 10]

Guidance for E-Petitions

[Note: the following Guidance for E-Petitions was formally approved by the County Council when adopting the Petitions Scheme for Leicestershire County Council for the first time. Future amendments to these instructions will be made by the Chief Executive in accordance with the agreement made by the Constitution Committee on 10 September 2010. Although, unlike the Constitution itself, this Guidance does not require formal approval of the County Council, it is nevertheless included here for the sake of completeness and will be updated as necessary, to reflect any amendments made.]

Who can submit an e-petition?

If you live, work or study in Leicestershire and/or receive a service provided by the County Council you can organise an e-petition and the County Council will consider the matter.

What issues can my e-petition relate to?

A petition should involve a call for action and be relevant to some question over which the Council has authority, or which otherwise affects the County.

Who can sign an e-petition?

Anyone who lives, works or studies in Leicestershire and/or receives a County Council service can sign an e-petition. You will need to be a registered user of the County Council's online Political Management System and provide your name, residential/work/study address, and valid email address for verification purposes.

How do I start an e-petition?

When starting an e-petition, access the County Council's e-petitions homepage (<http://politics.leics.gov.uk/mgePetitionListDisplay.aspx?bcr=1>) and select the 'Submit a new e-petition' option.

You will then be prompted to do one of the following:

- register as a new user by submitting your contact details and creating a user name and password. In order that we can ascertain you are a 'real user' you will be required to enter a validation code of letters/numbers at the bottom of the registration form and, having submitted your details, be requested to validate your account via a link sent to your registered email address;
- if you are an existing user, simply type in your user name and password.

Then enter a title and the system will automatically check against existing e-petitions to allow you to see if a similar one has been received recently. You will then need to fill in the online form.

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PLEASE NOTE: *If you chose to use an alternative petition system other than the Council's own system e.g. Change.org, you will either need to print a copy of the petition statement and corresponding signatures and send it to us by post, or email a pdf copy to democracy@leics.gov.uk.*

What information should my e-petition contain?

Your e-petition will need to include the following:

- Subject matter;
- A statement setting out what action you would like the Council to take;
- A short name, to generate a direct weblink to the e-petition – e.g. by typing 'road' this would generate politics.leics.gov.uk/road as a weblink.

Your petition will then be submitted to the Democratic Services Section of the Chief Executive's Department. A member of staff will then contact you prior to the petition being signed off and going live on the system. Your local County Councillor and the Director of the relevant Department concerned will be notified of the details of the petition.

What happens to an e-petition that has been submitted?

An officer from the Democratic Services Section will contact the lead petitioner to discuss when you wish your e-petition to go live on the website and the appropriate time for when you wish to stop collecting signatures. Following the end date for signatories the e-petition will be dealt with in accordance with the County Council's Petition Scheme.

Can I still submit a paper petition?

Yes, paper petitions can still be submitted via your local County Councillor or directly to the Chief Executive (see contact details below).

Petitioners can gather names both on paper and via the online form, although repeat names will be removed. Where a dual exercise occurs, both forms of petition should be run for the same period of time and must be submitted together. Please inform Democratic Services if you intend to do this.

How do I sign an active e-petition?

Anyone wishing to sign an e-petition has to click on a link on one of the Active Petitions via the homepage (<http://politics.leics.gov.uk/mgePetitionListDisplay.aspx?bcr=1>).

Unless you are already a user and can log on to the system with your existing user name and password you will be prompted to register as a new user with your contact details (and, so we can ascertain you are a 'real user', enter a validation code of letters/numbers at the bottom of the registration form). As a new user you will then be requested to validate your account via a link sent to your registered email address before being able to sign the petition. You will only be allowed one signatory per email address to ensure that the process is not abused. Where people share the same

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email address, the second or further signatories are invited to indicate in writing (contact details below) that they support the petition.

Data Protection

The details you give us are needed to validate your support for the e-petition and is the same information you would be required to give for a paper petition, but these details will not be published on the Council's website. The Council will not contact you unless you are the lead petitioner, or it needs to clarify matters regarding the specific petition you have submitted/signed. Your details will not be passed on to any third party.

Contact Details

To discuss submitting an e-petition or for further general information and advice, you can contact the Democratic Services Section via:

- email: democracy@leics.gov.uk;
- or
- telephone: 0116 305 6036
- or
- write to:

Head of Democratic Services
Room 200B, Chief Executive's Department
County Hall, Glenfield
Leicestershire,
LE3 8RA

NOTE

1. The Council reserves the right to refuse to accept any e-petition that is frivolous, vexatious, discriminatory or otherwise inappropriate. However, the Democratic Services Section will, where possible, suggest to the lead petitioner an amended form of words that is considered acceptable.
2. The Council accepts no liability for the content of petitions on the Council's webpages. The views expressed should not be considered as those of the Council.

[end of Guidance for E-Petitions]