

ARTICLE 3 - CITIZENS AND THE COUNCIL

This Article sets out what citizens can expect from the Council and also their rights and responsibilities.

3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in [Appendix 1](#) of this Article;

- a) **Voting and Petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.
- b) **Information and Participation.** Citizens have the right to:
 - i) attend meetings of the Council, Cabinet and committees except where confidential or exempt information is likely to be disclosed, and the meeting (or the relevant part of it) is therefore held in private;
 - ii) submit questions to the Council in accordance with the Council's public question time procedure (see Council Standing Orders)
 - iii) submit petitions in accordance with the Petition Scheme ([Appendix 2](#) of this Article);
 - iv) speak at Planning Committee on applications for which they are either the applicant or agent, or have made written representations (see [Appendix 3](#) of this Article)
 - v) submit questions via the Council's scrutiny process (see [Appendix 4](#) of this Article)
 - vi) find out from the forward plan what key decisions will be taken by the Cabinet and when;
 - vii) see reports and background papers, and any records of decisions made by the Council and the Cabinet;
and
 - viii) inspect the Council's accounts and make their views known to the external auditor
- c) **Complaints.** Citizens have the right to complain to:
 - i) the Council itself under its complaints procedure;
 - ii) the Ombudsman after using the Council's own complaints procedure;
 - iii) the Standards and Adjudication Committee about a breach of the Councillor's Code of Conduct, in accordance with the Local Assessment arrangements

3.02 Citizens' responsibilities

Citizens are expected to conduct themselves in a reasonable and non-confrontational manner, when dealing with councillors or officers. Equally, citizens are expected to show respect for things owned by the Council, councillors or officers.

ARTICLE 3 – APPENDIX 1

ACCESS TO INFORMATION PROCEDURE RULES

This part sets out the rules regarding access by members of the public to meetings, documents and minutes of decisions. The Council has decided to hold all its meetings at which a decision will be made in public with the usual ability to deal with sensitive ("exempt") information in private.

1. SCOPE

These rules apply to all meetings of the Council, overview and scrutiny committees, area committees (if any), the Standards and Adjudication Committee and regulatory committees and meetings of the Cabinet (together called meetings).

The proper officer for the purpose of these Rules will be the Council's Monitoring Officer.

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICE OF MEETINGS

The council will give at least five clear days notice of any meeting by posting details of the meeting at the Municipal Offices, Grimsby (the Council's principal offices).

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the Council's offices at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda.. Where reports are prepared after the summons has been sent out, the proper officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

6. SUPPLY OF COPIES

The Council will supply copies of:

- a) any agenda and reports which are open to public inspection;
- b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- c) if the proper officer thinks fit, copies of any other documents supplied to

councillors in connection with an item to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- a) the minutes of the meeting or records of decisions taken together with reasons, for all meetings of the Cabinet excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- c) the agenda for the meeting; and
- d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

List of background papers

The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- i. disclose any facts or matters on which the report or an important part of the report is based; and
- ii. which have been relied on to a material extent in preparing the report
but does not include published work or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of Cabinet reports, the advice of a political adviser.

Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers. These documents will also be published on the Council's website unless they contain exempt or confidential information.

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend and to inspect and copy documents must be kept at and available to the public at the Council's offices.

10. EXCLUSION OF ACCESS (BY THE PUBLIC AND MEDIA) TO MEETINGS

10.1 Confidential information - requirement to exclude public

The public, including the media, must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Exempt information - discretion to exclude public

The public, including the media, may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, [Article 6](#) of the European Convention on Human Rights Act and the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in [Article 6](#).

10.3 Meaning of Confidential Information

Confidential Information means information given to the Council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meaning of Exempt Information

Exempt information is defined in Schedule 12A of the Local Government Act 1972 (as amended) and means information falling within the seven categories below and is not prevented from being exempt by virtue of the 2 qualifications below if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

CATEGORY	DEFINITION
1. Information relating to any individual	
2. Information which is likely to reveal the identity of an individual	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	"Financial or Business Affairs" includes contemplating, as well as past or current, activities
4. Information relating to any consultation or negotiations or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown or employees of, or office holders under, the authority	"Employee" means a person Employed under a contract of service. "Labour Relations Matter" means (b) any of the matter specified in paragraphs (a) 2(g) of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or (c) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the

	<p>enactment is mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office holders under the authority as they apply in relation to employees of the authority;</p> <p>"Office Holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or an employee of the authority.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	
<p>6. Information which reveals that the authority proposes</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment</p>	
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>	

Qualifications to exempt information:

Information falling within paragraphs 1-7 is not exempt information if it falls within any of the following categories:-

Category	Definition
<p>8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:</p> <p>(i) The Companies Act 2006</p> <p>(ii) The Friendly Societies Act 1974</p> <p>(iii) The Friendly Societies Act 1992</p> <p>(iv) The Co-operative and Community Benefit Societies</p>	<p>"Registered" in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any Building Society (within the meaning of that Act).</p>

Act 2014 (v) The Building Societies Act 1986 (vi) The Charities Act 2011	
9. Information is not exempt information if it relates to proposed development for which the Local Planning Authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.	
Information which: (a) falls within any of paragraphs 1-7 above; and (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information	

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE CABINET

Rules 13 - 23 apply to the Cabinet and its committees. If the Cabinet or its committees meet to take a key decision then it must also comply with Rules 1 -11 unless Rule 16 (general exception) or Rule 17 (special urgency) apply.

If the Cabinet or its committees meet to discuss a key decision to be taken collectively, with an officer, other than a political assistant, present within 28 days of the date which is stated in the forward plan as the date by which it is to be decided, then it must also comply with Rule 1 - 11 unless Rule 16 (general exception) or Rule 17 (special urgency) apply. This requirement does not include meetings, whose sole purpose is for officers to brief members.

13. PROCEDURE PRIOR TO PRIVATE MEETINGS

13.1 If the Cabinet and its committees decide to hold a meeting in private, at least 28 days before a meeting it must -

- (a) Make available at the offices of the relevant authority a notice of its intention to hold a meeting or part of a meeting in private.
- (b) Publish that notice on the Council's website

That notice must include a statement of the reasons for the meeting to be held in private.

- 13.2 At least five clear days before a private or part private meeting the decision making body must -
- (a) Make available at the offices of the council a further notice of its intention to hold a meeting or part meeting in private.
 - (b) Publish that notice on the Council's website.

That notice must include a statement of the reasons for the meeting to be held in private, details of any representations received about why the meeting should be open to the public and a statement of its response to such representations.

- 13.3 Where the date by which a meeting must be held makes compliance with the above arrangements impracticable, the meeting may only be held in private where the decision making body has obtained agreement from -
- (a) The Chairman of the relevant Scrutiny Panel or
 - (b) If there is no such person, or if the Chairman of the relevant Scrutiny Panel is unable to act, the Mayor, or
 - (c) Where there is no Chairman of either the relevant Scrutiny Panel or the Council, the Deputy Mayor that the meeting is urgent and cannot reasonably be deferred.
- 13.4 As soon as reasonably practicable after the decision making body has obtained agreement to hold a private meeting, it must -
- (a) Make available at the offices of the council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred and
 - (b) Publish that notice on the Council's website.

14. PROCEDURE BEFORE TAKING KEY DECISIONS

- 14.1 Subject to Rule 16 (General Exception) and Rule 17 (Special Urgency) a key decision may not be taken unless:
- (a) A Notice has been published in connection with the matter in question at least 28 days before a key decision is made;
 - (b) Where the decision is to be taken at a meeting of the Cabinet or a Committee of the Cabinet notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

15. THE FORWARD PLAN

- 15.1 The Forward Plan has been designated as the required 28 day Notice required under paragraphs 13 and 14 above. It will be prepared on a monthly basis and subsequent plans will cover period beginning with the first day of the second month covered in the preceding plan.

- 15.2 Where a decision maker intends to make a key decision, that decision must not be made until a document, the Forward Plan, has been published which states
- (a) that a key decision is to be made on behalf of the Council;
 - (b) the matter in respect of which the decision is to be made;
 - (c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
 - (d) the date on which, or the period within which, the decision is to be made;
 - (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
 - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
 - (g) that other documents relevant to those matters may be submitted to the decision maker; and
 - (h) the procedure for requesting details of those documents (if any) as they become available.

At least 28 clear days before a key decision is made, the document referred to above must be made available for inspection by the public

- (a) at the offices of the council, and
- (b) on the council's website.

Where, in relation to any matter

- (a) the public may be excluded from the meeting at which the matter is to be discussed, or
- (b) documents relating to the decision need not be disclosed to the public, the document referred to above must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.

16. GENERAL EXCEPTION

- 16.1 Where the publication of the intention to make a key decision via the Forward Plan is impracticable, the decision may only be made -
- (a) where the proper officer has informed the chairman of the relevant Scrutiny Panel or, if there is no such person, each member of the relevant Scrutiny Panel by notice in writing, of the matter about which the decision is to be made;
 - (b) where the proper officer has made available at the offices of the council for inspection by the public and published on the council's website, a copy of the notice given pursuant to the above (a); and
 - (c) after five clear days have elapsed following the day on which the proper officer made available the notice referred to above.
- 16.2 As soon as reasonably practicable after the proper officer has complied with the above he or she must -
- (a) make available at the offices of the council a notice setting out the reasons why compliance with paragraph 15.2 is impracticable; and
 - (b) publish that notice on the council's website.

17. SPECIAL URGENCY

- 17.1 Where the date by which a key decision must be made, makes compliance with paragraphs 15.2 and 16.1 impracticable, the decision may only be made where the decision maker has obtained agreement from -
- (a) the chairman of the relevant Scrutiny Panel, or
 - (b) if there is no such person, or if the chairman of the relevant Scrutiny Panel is unable to act, the Mayor, or
 - (c) where there is no chairman of either the relevant Scrutiny Panel or of the Council, the Deputy Mayor,
- that the making of the decision is urgent and cannot reasonably be deferred
- 17.2 As soon as reasonably practicable after the decision maker has obtained agreement that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must -
- (a) make available at the offices of the council a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred, and
 - (b) publish that notice on the council's website.

18. REPORT TO COUNCIL

- 18.1 When a Scrutiny Panel can require a report

If a Scrutiny Panel thinks that a key decision has been taken which was not:

- (a) treated as being a key decision, or
- (b) are of the opinion that the decision should have been treated as a key decision

The Panel may require the Cabinet to submit a report to the Council within such reasonable time as the Panel specifies. The power to require a report rests with the Panel, but is also delegated to the Proper Officer who shall require such a report on behalf of the Panel when so requested by the Chairman or any 5 members. Alternatively the requirement may be raised by Resolution passed at a meeting of the relevant Scrutiny Panel.

- 18.2 Cabinet's Report to Council

The Leader must submit to the Council at least annually a report containing details of each executive key decision taken during the period since the last report was submitted to the authority where the making of the decision was agreed as urgent in accordance with rule 17.

A report submitted for the purposes of the above must include -

- (a) particulars of each decision made, and
- (b) a summary of the matters in respect of which each decision was made.

19. RECORD OF DECISIONS

After any meeting of the Cabinet or any of its committees, whether held in public or private, the proper officer or, where no officer was present, the person

presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include -

- (a) a record of the decision including the date it was made
- (b) a record of the reasons for the decision
- (c) details of any alternative options considered and rejected by the decision making body at the meeting at which the decision was made
- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision making body which made the decision and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Council's Head of Paid Service.

20. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET

20.1 Reports intended to be taken into account

Where an individual member of the Cabinet receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.

20.2 Provision of copies of reports to Scrutiny Panels

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chair of every relevant scrutiny panel as soon as reasonably practicable, and make it publicly available at the same time.

20.3 Record of individual decision

As soon as reasonably practicable after the decision has been taken by an individual member of the Cabinet, or a key decision has been taken by an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, The record will include -

- (a) a record of the decision including the date it was made
- (b) a record of the reasons for the decision
- (c) details of any alternative options considered and rejected by the member/officer when making the decision
- (d) a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the council's Head of Paid Service

The provision of Rule 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political or mayor's assistant.

21. INSPECTION OF DOCUMENTS FOLLOWING KEY DECISIONS

- 21.1 After a meeting of a decision making body at which an executive decision has been made, or after an individual member or officer has made an executive decision the Proper Officer must ensure that a copy of –
- (a) any records prepared in accordance with the above and
 - (b) any report considered at the meeting or, as the case may be, considered by the individual member or officer and relevant to a decision recorded in accordance with rules 19 and 20.3, where only part of the report is relevant to such a decision, that part, must be available for inspection for members of the public as soon as reasonably practicable at the offices of the council and on the council's website.

22. SCRUTINY PANELS ACCESS TO DOCUMENTS

22.1 Rights to copies

Subject to Rule 22.2 below, a scrutiny panel (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and contains material relating to

- a) any business transacted at a public or private meeting of the Cabinet or its committees
- b) any decision taken by an individual member of the Cabinet (where this is subsequently allowed within the Constitution).
- c) Any decision that has been made by an officer of the Authority in accordance with executive arrangements.

Cabinet must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after Cabinet receives the request.

22.2 Limits on rights

A scrutiny panel will not be entitled to:

- a) any document that is in draft form;
- b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- c) the advice of a political adviser.

23. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

23.1 Material relating to previous business

All members will be entitled to inspect any documents which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies

- a) it contains exempt information falling within paragraph 1,2, 4, 5 and 7 of the categories of exempt information; or
- b) it contains Confidential information as defined in these procedural rules
- c) it contains the advice of a political adviser.

23.2 Material relating to key decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive or its committees which relates to any key decision unless paragraph (a) or (b) above applies.

Any document which is required to be available for inspection by a member of the council must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

23.3 Nature of rights

These rights of a member are additional to any other right he/she may have.

ARTICLE 3 – APPENDIX 2

PETITION SCHEME

North East Lincolnshire Council welcomes petitions as one way in which you can let us know your concerns. We set out below how the Council will respond to petitions which you send us.

1.1 What is a petition?

We treat as a petition any communication which is signed by or sent to us on behalf of a number of people. For practical purposes, we set a requirement for at least 20 signatories or petitioners before we treat it as a petition. This applies whether you live, work or study in North East Lincolnshire or if you are visitor.

1.2 What should a petition contain?

A petition should include –

- 1.2.1 A clear statement of your concerns and what you want the Council to do. This must relate to something which is the responsibility of the Council, or over which the Council has some influence. Where a petition relates to a matter which is within the responsibility of another Council or public body, we will ask the petition organiser whether s/he would like us to redirect the petition to that other Council or public body. Where a petition relates to a matter over which the Council has no responsibility or influence, we will reject the petition and return it to the petition organiser with an explanation of that decision;
- 1.2.2 the name and contact details of the "petition-organiser" or someone to whom you would like any correspondence about the petition to be sent. Contact details may be either a postal address or an Email address. Where an email address is given the Council reserves the right to call for a postal address at its discretion;
- 1.2.3 the names of at least 20 petitioners (which can include the petition organiser). Where the petition is in paper form, this can include an actual signature from each petitioner, but actual signature is not essential. Where the petition is in electronic form, a list of the names of the petitioners will suffice. You may include the addresses of petitioners, which may be useful to the Council, for example, in assessing the degree of local support or opposition to a planning application, but this is not essential. If you want your petition to be debated at a meeting of the Council ("A Petition for Debate"), your petition will need to contain a higher number of signatories or petitioners (see below);
- 1.2.4 If you are submitting the petition in response to our consultation on a specific matter, please identify the matter which it relates to, so that we can ensure that your petition is considered along with original matter.

1.3 Who should you send a petition to?

Where you submit a petition in response to consultation by the Council, please

address it to the return address set out in the consultation invitation. This will ensure that it is reported at the same time as the matter to which it relates is considered.

Alternatively, you can e-mail your petition to democracy@nelincs.gov.uk

We will ensure that your petition is acknowledged within 5 working days of receipt. Details of the petition will also be published on the Council website in order to provide key information about the progress of the petition.

1.4 What type of Petition?

There are four different types of petition, as set out below. How we deal with a petition depends on which type of petition you submit –

1.4.1 Ordinary Petitions

These are petitions which do not come within any of the following specific types. Please note that petitions which raise issues of possible Councillor misconduct will be taken as complaints arising under North East Lincolnshire Councils arrangements for dealing with Standards allegations under the Localism Act 2011, rather than considered under this Petition Scheme.

1.4.2 Consultation Petitions

These are petitions in response to an invitation from the Council for representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions or speed limits. Consultation petitions which are received by the response date in the consultation invitation will be reported to a public meeting of the person or body which will be taking the decision on the application or proposal.

1.4.3 Statutory Petitions

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council, Cabinet or relevant Committee in accordance with the statutory requirements.

1.4.4 Petitions for Debate

If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 1,000 signatories or petitioners (this is reduced to 400 signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the Council's area).

1.5 Petitions and the Council's Website

1.5.1 When a petition is received, within 5 working days the Petitions Officer will open a new public file within the website and will put in that file the subject matter of the petition, its date of receipt and the number of signatories or petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.

As soon as it is decided who the petition will be considered by within the Council, and when that consideration will occur, this information will be entered on the website at the same time as it is sent to the petition organiser. Once the petition has been considered, the Council's decision will be notified to the petition organiser and put on the website within 5 working days of that consideration.

Petitions are presented on the petitions website in the order in which they are received, but the website can be searched for key-words to identify all petitions relating to a particular topic. All petitions are kept on the website for 2 years from the date of receipt.

1.6 The role of Ward Councillors

- 1.6.1 When a petition is received which relates to a local matter (particularly affecting a specific ward or wards), a copy of the petition will be sent to each relevant Ward Councillor at the same time as acknowledging receipt of the petition to the petition organiser.
- 1.6.2 When the petition is reported to the person or body within the Council who can take a decision on the matter to which it relates, the relevant Ward Councillor will be invited to attend and to address the decision-taker for no more than 3 minutes (or 3 minutes each), immediately after the petition organiser.

1.7 What happens when a petition is received?

Whenever a petition is received –

- 1.7.1 In some cases, it may be possible to resolve the petitioners' request directly, by getting the relevant Cabinet Member or officer to take appropriate action. Where this is done, the petition organiser will be asked whether s/he considers that the matter is resolved.
- 1.7.2 Unless the matter has been resolved to the satisfaction of the petition organiser, within 5 working days of receipt of the petition, a response will be sent to the petition organiser acknowledging receipt of the petition and setting out who the petition will be reported to for consideration, when and where that will take place and inviting the petition organiser to attend that meeting and to address the meeting for up to 5 minutes on the issue covered by the petition. The invitation to the petition organiser to address the meeting forms part of existing public speaking rights at that meeting. All correspondence will be via email where possible.
- 1.7.3 Whilst the Council is committed to dealing with petitions promptly, a petition will normally need to be received at least 10 working days before a relevant meeting if it is to be reported to that meeting. Where it is necessary to undertake a significant amount of work to collect information and advice to enable the matter to be properly considered, it may be necessary to hold the petition over until the following meeting of the relevant body.
- 1.7.4 At each stage of the consideration of the petition, within 5 working days of any decision, the key petition information will be updated on the Council's website to ensure that petitioners can track progress of their petition.

- 1.7.5 What happens next depends on the type of petition being considered, as explained below.

1.8 What happens to a Consultation Petition?

- 1.8.1 Consultations Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal or application, such as a planning or licensing application or a proposed traffic regulation order.
- 1.8.2 The petition will be reported to the person or body who will take the decision on the proposal or application at the meeting.
- 1.8.3 The Council's Constitution defines who will take different types of decision, as set out in the Scheme of Delegations and the terms of Reference of Committees and Sub-Committees. However, all Planning applications are determined by the Planning Committee (with one exception), all Licensing applications are determined by the Licensing and Community Protection Committee, and traffic regulation orders are determined by the Cabinet Member (or Portfolio Holder) with responsibility for environmental matters. The one exception in respect of planning applications is that the Council's Executive Director for Environment, Economy and Resources and/ or the Statutory Planning Officer have delegated power to determine domestic planning applications where no objection has been received. So, where a petition has been received amounting to a material objection to the grant of planning permission, the application would be reported to the Planning Committee for decision. Where the petition supports the planning application and there are no other objections received, it may be determined by the Statutory Planning Officer
- 1.8.4 Where the petition relates to a matter which is within the delegated power of a Council officer, s/he will not exercise those delegated powers. The petition will be referred to the relevant Cabinet member, for decision.
- 1.8.5 Where the petition relates to a matter which is within the delegated powers of an individual Cabinet Member, s/he may decide not to exercise those delegated powers but to refer the matter to Cabinet for decision.

1.9 What happens to a Statutory Petition?

- 1.9.1 Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, it will be reported it to the next available meeting of the Council, Cabinet or relevant Committee in accordance with the statutory requirements.

1.10 What happens to Petitions for Debate?

- 1.10.1 Petitions for Debate will be reported to the next convenient meeting of Council. Petitions will not be considered at the Annual Meeting of Council, the annual Mayor Making Ceremony or at Extraordinary (or Special) Meetings of Council which are not convened to consider the subject matter of the petition.
- 1.10.2 The petition organiser will be invited to address the meeting for up to 5 minutes

on the subject of the petition.

1.11 What happens to an Ordinary Petition?

- 1.11.1 Each Ordinary petition will be reported to the next convenient meeting of the relevant Cabinet Member, for a decision.
- 1.11.2 At the meeting, when the matter to which the petition relates is considered –
- 1.11.3 Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting, and will be considered in the order in which they were received, unless the Chair at the meeting determines otherwise. A maximum of 30 minutes will be allowed at each meeting for considering such petitions and any petitions not reached in the time allowed will be referred to the relevant Cabinet Member for consideration or deferred until the next meeting.
- 1.11.4 Any petitions relevant to particular items of business, such as petitions relating to planning applications or proposed traffic regulation orders, will be taken together with that item of business, in the normal order of business.
- 1.11.5 The decision-taker or the Chairman of the meeting may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address him/her for up to 5 minutes. The Cabinet Member/Chair may then ask questions of the petition organiser, and will then invite any relevant Ward Councillors present to address him/her on the matter for up to 3 minutes (each). The Cabinet Member/Chair will then invite a relevant officer(s) to advise him/her/the meeting, after which the matter will be open for debate among members of the decision-making body. Before reaching a final decision, the relevant Cabinet member may require further investigations to be carried out and the results of such investigations included in the report to the relevant Cabinet member / body prior to a final decision being taken on the subject matter of the petition.
- 1.11.6 Within 5 working days of the consideration of the petition by the relevant Cabinet Member / decision making body, the petition organiser will be notified of the Cabinet Member's decision and advise him/her that if s/he is not satisfied with that decision, s/he may require the matter to be reported to the next convenient meeting of the appropriate Scrutiny Committee (or Panel) for review.

1.12 Appeal to Scrutiny

- 1.12.1 If the petition organiser is not reasonably satisfied with the outcome of the Council's consideration of his/her petition, he/she may appeal to Scrutiny by notifying the Monitoring Officer of his/her intention to appeal within 20 working days of being notified of the Council's decision on the petition. This right of appeal applies to ordinary petitions only.
- 1.12.2 Within 5 working days of receipt of intention to appeal, the petition organiser will be notified of the time, date and place of the next convenient meeting of the

Scrutiny Committee (or Panel) and will invite the petition organiser to attend the meeting and to address the Panel for up to 5 minutes on why s/he considers that the decision on the petition is inadequate.

- 1.12.3 Scrutiny may not over-ride the decision of any Cabinet Member, but the Cabinet Member must consider any recommendations made by Scrutiny.

1.13 The role of the Petition Organiser

- 1.13.1 Where the petition is not accepted for consideration (see below for grounds for rejection of petitions), the petition organiser will be advised of the rejection and the grounds for such rejection.

- 1.13.2 Where the petition is accepted for consideration, the petition organiser will receive acknowledgment of receipt of the petition within 5 working days of receipt by the Council and will be advised as to who the petition will be considered by, and the date, time and place of the meeting at which it will be considered, and will be invited to address the meeting for up to 5 minutes. The meeting may then ask the petition organiser questions on the subject matter of the petition.

- 1.13.3 The petition organiser may nominate another person to address the meeting and to answer any questions on the matter.

- 1.13.4 The petition organiser will be regularly informed of any decisions in respect of the petition and will be formally notified of the outcome of the petition's consideration within 5 working days of such decision.

1.14 Petitions which will not be considered

1.14.1 Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

1.14.2 Repeat Petitions

A petition will not normally be considered where a petition on the same issue and seeking the same outcome has been received within the last 6 months, whether or not from the same petition organiser.

1.14.3 Rejected Petitions

Petitions will not be reported if in the opinion of the Council's Monitoring Officer, they are rude, offensive, defamatory, scurrilous, time-wasting, reasonably perceived (at the sole discretion of the Monitoring Officer but in consultation with political group leaders) to attempt to usurp or undermine the decision making process or any provision of the Constitution or do not relate to something which is within the responsibility of the Council, or over which the Council has some influence.

ARTICLE 3 - APPENDIX 3

Public Speaking at Planning Committee

1. Introduction

- 1.1 Most planning and related applications do not go to the Planning Committee for a decision. Instead, they are dealt with by a Senior Council Officer and his team under powers delegated to him by the Planning Committee. This approach is widespread to Councils across the country and, at North East Lincolnshire Council, includes all non-controversial applications. In such cases, written comments are positively encouraged and are fully considered before a decision is taken; but there is no opportunity to speak to the Planning Committee.
- 1.2 More information about those applications which do go to Planning Committee can be found in the Council's Constitution (see Part 3 Section 5 powers delegated to the Executive Director for Environment, Economy and Resources).
- 1.3 The planning applications which are to be considered at Planning Committee are published in an agenda. This is available at least 5 full days beforehand.
- 1.4 Planning Committee normally meets every four weeks on a Wednesday -- at 9.30am in Grimsby Town Hall.
- 1.5 Public speaking will be permitted each time a planning, or related, application is considered by the Planning Committee. However, in order to do so you must register your intention to speak, more details about which are given below.
- 1.6 It is important that people affected by a development are able to speak at Planning Committee in order to reinforce their written comments. It is equally important that the applicant, or their representative, can speak to the Planning Committee and respond to issues raised. Local parish and ward councillors may also wish, and are entitled, to speak.
- 1.7 This document explains the related procedures, to ensure that the entitlement to speak to the Planning Committee is clear.

2 Registering an Intention to Speak - what you must do before Planning Committee

- 2.1 You are only able to speak to the Planning Committee if:
 1. You are the applicant or a person acting on their behalf; or
 2. You, or someone you represent, have previously made written comments on the application to the Council.
- 2.2 Separate rights also exist for Ward and Parish Councillors which are explained below.
- 2.3 You must let us know that you would like to speak by, at the very latest, 5pm on the Monday before the Wednesday meeting. This is so that we can make

suitable arrangements for those who wish to speak. This can be done by 'phoning (01472) 324124, or by emailing Planning@nelincs.gov.uk. Alternatively, a form (found here: <https://www.nelincs.gov.uk/planning-and-development/planning-committee/#1450871718717-b6cf6844-eb08>) can be posted or emailed.

3 Speaking at Planning Committee

- 3.1 Public speaking will be permitted each time a planning, or related, application is considered by the Planning Committee.
- 3.2 **Local residents and others**, who have previously written to the Council about an application, may speak to the Planning Committee. Up to 2 supporters may speak for no more than 5 minutes in total and up to 2 objectors may also speak for no more than 5 minutes in total. If more than two people have requested to either support or object to an application, their details, with their permission, will be shared with other objectors / supporters at the time they register to speak. This is in order that they can agree who will speak at Planning Committee and how they will split their time.
- 3.3 In those cases where a petition has been submitted, a spokesperson, on behalf of the petitioners, will continue to need to register a request to speak at Planning Committee. Their entitlement to speak will not extend beyond the 5 minutes as set out above.
- 3.4 At the discretion of the Chair, and in the case of major strategically significant proposals, additional public speakers may be permitted. In such cases there may be a wider range of views and opinions which it would be valuable for Planning Committee to hear, before taking a decision or making a recommendation to national government.
- 3.5 Additional plans, photographs or information which local residents and others wish to present to Planning Committee to supplement their case should be submitted at the earliest possible opportunity and at the latest by the Monday before the Wednesday Committee meeting. This is in order that we can circulate the information to Councillors and to the applicant. The submission of additional plans, photographs or information will **not** normally be allowed on the day of Planning Committee.
- 3.6 **Ward Councillors** may speak to the Planning Committee, for up to 5 minutes each, about an application in their ward. They may also speak for up to 5 minutes on a planned major development which is not within their ward, if the Chair agrees that it has a wider interest beyond a single ward.
- 3.7 **Parish Councils** may send a representative to speak to the Planning Committee for up to 5 minutes about an application in their parish. They may also speak for up to 5 minutes on a planned major development which is not within their parish, if the Chair agrees that it has a wider interest beyond a single parish.

- 3.8 **Applicants and/or their agents** may speak to the Planning Committee for up to a total of 5 minutes and no more. This maximum time may be used by up to two people. Additional plans or material to support an application will not normally be accepted on the day of Planning Committee. Any additional plans received on the day of the Committees may result in an application being taken off the agenda, to be considered at a later date, so as to give proper time for the amended details to be looked at.
- 3.9 The use of electronic presentation media (such as PowerPoint) is acceptable. However, in order for suitable arrangements to be made for this it should be sent as early as possible, via email, to the Development Management officer dealing with the application or to Planning@nelincs.gov.uk. The latest that such presentations should be sent is 5pm on the Monday before Planning Committee.

4 Arriving at the Planning Committee Meeting

- 4.1 It is helpful, in order to assist the smooth running of the meeting, that on arriving at the committee room in Grimsby Town Hall, people who have registered to speak make themselves known to the Committee Clerk. This then helps the Planning Committee Chair know which applications most people have come to hear. The Committee Chair will, as a result, normally vary the order in which items on the agenda are considered so that those with the most public interest are heard first of all.
- 4.2 Once a public speaker has spoken to Planning Committee there is no further right to speak at the meeting or add additional comments; this must all be done within the allotted 5 minutes.

5 Planning Committee – Order of Business

- 5.1 The discussion of applications is, in each case, in the following order:
1. Chair of Planning Committee announces the application.
 2. Executive Director for Environment, Economy and Resources, or his representatives, presents the application and outline the main points and recommendation contained within a detailed written report in front of the Committee. This presentation is normally supported by extracts from the plans submitted with the application and photographs of the site and its surroundings being shown to the Planning Committee via a large screen.
 3. Objector(s) address Committee.
 4. Developer/applicant/agent or supporter(s) address Committee
 5. Ward Members (not on Planning Committee) address the Committee
 6. Parish Councillors address Committee
 7. Executive Director for Environment, Economy and Resources, or his representatives, at the invitation of the Chair, respond to any issues raised.
 8. Councillors on Planning Committee debate the application and may ask questions of the Council officers present.
 9. A Planning Committee councillor proposes what should happen to the application (normally approval with conditions, refusal or deferral for a site

visit or further information).

10. In the event that the above proposal is seconded by another Planning Committee member the Committee votes, with the permission of the Committee Chair, on the proposition.

6 Getting the Best from Speaking at Planning Committee

- 6.1 When speaking at Planning Committee it is recommended that you restrict your comments to those matters which the Planning Committee can take into account when it makes a decision. If detailed comments are made about matters which the Committee cannot take into account then Council officers present will advise the Committee Chair that this is so. The matters which the Planning Committee cannot take into account are prescribed nationally and normally include land ownership issues, the perceived impact of a development on land and property values and existing businesses and the loss of a private view. Further advice on this is available here: <http://www.nelincs.gov.uk/resident/planning-and-development/commenting-on-a-planning-application/>
- 6.2 Anyone can attend any Planning Committee, whether you are speaking or not. If you think you might want to speak to the Committee in the future, you may find it useful to attend an earlier meeting to see how they work.
- 6.3 We recognise that public speaking can be an intimidating experience for anyone. But please be assured that everyone speaking to the committee is made welcome and will be treated with respect. If you would like further reassurance, please contact the Development Management team on (01472) 324213

7 Councillors

- 7.1 Councillors at North East Lincolnshire Council must comply with a Code of Conduct (as set out in the Constitution). The rules set out are to ensure that Councillors behave properly and lawfully at all times.

ARTICLE 3 – APPENDIX 4

Public Question Time at Scrutiny

- A person resident in North East Lincolnshire, if the question has been submitted in writing to the Assistant Director Policy Strategy and Resources (in their role as Statutory Scrutiny Officer) at the Municipal Offices, Town Hall Square, Grimsby, no later than 5 working days before the date of the relevant scrutiny panel, can ask the scrutiny panel any question relating to the remit of the panel.
- The Assistant Director Policy Strategy and Resources will be responsible for confirming which Scrutiny Panel the question will go to. Any question may be edited by the Assistant Director Policy Strategy and Resources, in consultation with the Monitoring Officer, to bring it into proper form and to secure reasonable brevity. The Assistant Director Policy Strategy and Resources, in consultation with the Monitoring Officer, shall be responsible for deciding the extent to which the answer to a question should reveal information which is exempt information within the meaning of Schedule 12A of the Local Government Act 1972.
- Public questions will appear as an agenda item (as the first agenda item after apologies and declarations of interest) for the relevant scrutiny panel, as and when there are questions.
- The agenda item on public questions will not exceed 15 minutes in total, with 3 minutes allocated to each individual question. Supplementary questions shall not be permitted.
- If the person asking the question is present at the meeting, they shall be given the opportunity of putting the question to the panel and will receive a copy of the response in writing after the meeting. The person asking the question needs to be made aware that it may not be possible to provide a full response at the meeting, as it may depend on the panel or a partner organisation (e.g. one of the NHS Trusts) reviewing the issue in greater detail, or referring the matter to the relevant Portfolio Holder or Officer before a final response is provided.
- If the person asking the question is not present at the meeting, they will be sent a copy of the response to their question in writing.
- No more than 2 questions may be asked by any one person at the meeting.
- Questions and answers shall not be the subject of debate by the Panel unless the Panel Chair, on advice from the legal representative, considers it to be appropriate and necessary.
- Questions and summarised answers will be included in the minutes.