

REPORT OF COUNTY CLERK & MONITORING OFFICER

AGENDA ITEM: 8

PETITIONS REVIEW

Reason for this Report

1. To consider an administrative change to the Council Procedure Rules for Petitions (Rule 20).
2. To consider the model Petition Scheme established by the Local Democracy, Economic Development and Construction Act 2009, which applied to principal authorities in England and Wales – for Wales County Council and County Borough Councils. This would support the streamlining and provide clearer guidance to Elected Members, the public and officers on how petitions are dealt with by the Council.

Background

3. The Council on 27 March 2014, following a review undertaken by the Constitution Committee and a pilot period, adopted new Council Procedure Rules.
4. The Constitution Committee had as part of the review discussed in detail the rules relating to petitions; petition thresholds and how they would be dealt with. Rule 20 on Petitions was adopted as part of the new Council Procedure Rules.

Issues

Correction to Council Procedure Rule 20: Petitions

5. The Committee is requested to approve an administrative error in the Council Procedure Rules Rule 20 (b) Petitions as follows:

Deletion of the word 'four' to be corrected to three as addressed in sub paragraphs (i) – (iii) that follow

- (b) Petitions shall be divided into ~~four~~ *three* classes and shall be addressed as follows:

- (i) A petition bearing less than 20 signatures shall be dealt with by normal correspondence.
- (ii) A petition bearing 21-50 signatures shall be noted at the meeting and passed to a relevant officer of the Council for a written response.
- (iii) A petition bearing 51 or more signatures shall be noted and passed to the relevant Cabinet Member for consideration and a written response.

Review of Petitions Procedure and consideration of Petitions Scheme

- 6. The Council encourages public engagement with the democratic process and petitions are one avenue where the public can make the Council aware of specific concerns.
- 7. The Council's Regulatory Committees – Planning Committee and Licensing Committee have procedure rules which work well for the statutory requirements for consultation on planning and licensing matters.
- 8. Members have raised concerns about petitions that are submitted to Full Council meetings by Elected Members or ad hoc petitions from the public received directly by Cabinet Members; and there is no provision for Full Council debate on a major petition or referral to Scrutiny Committees; and with no public involvement in presenting petitions to Full Council.
- 9. At recent meetings of the Economy and Culture Scrutiny Committee the Chair has used his discretion under the Committee Procedure Rules to receive petitions at Committee where the subject matter of the petition directly relates to the topic under discussion.
- 10. The launch in March of Modern.Gov Committee Management System will provide the facilities for e-petitions. This would allow petitions and supporting information to be made available to a potentially wider audience than a traditional paper based petition.

Reasons for Recommendations

- 11. To amend the Constitution Council Procedure Rules to correct an administrative error.
- 12. To allow the Committee to consider the model Petition Scheme and whether they would wish further work be undertaken on the introduction of such a scheme with the provision of e-petitions within the new Committee Management System.

Legal Implications

- 13. The Local Democracy, Economic Development and Construction Act 2009 placed a duty on principal local authorities, defined for the purpose of Chapter 2 of the Act as (a) a County Council in England; (b) a District Council in England; (c) a London Borough Council; (d) the Common Council of the City of London in its capacity as a Local Authority; (e) the Council of the Isles of Scilly; (f) a County or County Borough Council in Wales to have a Petition Scheme agreed by Council.

14. The requirement of the Local Democracy, Economic Development and Construction Act 2009 was removed by Chapter 10 of the Localism Act 2011, but many authorities have chosen to maintain the Petition Scheme as good practice.

Financial Implications

15. There are no direct financial implications at this stage in relation to this report. However, financial implications may arise if and when the matters under review are implemented. Any report with recommendations for decision that would require Full Council approval will set out any financial implications arising from those recommendations.

Recommendation

The Committee is request to

1. note the minor amendment to Rule 20 on Petitions which will be actioned under the Monitoring Officer's delegated authority;
2. give consideration as to whether the Committee would wish further work to be undertaken on a Petition Scheme with the provision for e-petitions.

MARIE ROSENTHAL
COUNTY CLERK AND MONITORING OFFICER
9 January 2015

The following Appendix is attached:

App A – Extracts from Cardiff Constitution 8 December 2014 – Committee Procedure Rules & Planning Procedure Rules (Rules respectively) on Petitions

Appendix B – Model Petitions Scheme

The following Background Documents have been taken into account: