

ITEM 9(a) – FOR INFORMATION

CABINET	AGENDA ITEM No.
28 JULY 2014	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr David Seaton, Cabinet Member for Resources	
Contact Officer(s):	Phil McCourt, Interim Head of Governance	Tel. 452576

PETITION SCHEME

R E C O M M E N D A T I O N S	
FROM: Director of Governance Constitution Review Working Group (all party)	Deadline date : 8 October 2014
<p>1. That Cabinet adopt and recommend to Council:</p> <p style="margin-left: 40px;">a. The draft petition Scheme set out as Appendix 1:</p> <p style="margin-left: 40px;">b. The levels of valid signatures, as the Cabinet may determine, required in a petition to trigger the varying procedural responses within the Scheme; and</p> <p style="margin-left: 40px;">c. To authorise the Director of Governance to make such minor, technical and procedural changes as she considers it necessary to ensure the Scheme meets standards of best practice in public administration</p>	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet the adoption of revised Standing orders by Council and the withdrawal of the Authority's former petition scheme.

2. PURPOSE AND REASON FOR REPORT

2.1 A Constitution Review Group, a Member Working Group, (CRG) has been undergoing a process of updating the Council's Constitution. Following the CRG's first tranche of work to assess the standing orders applying to meetings of the Council and its Committees and Sub-Committees, it looked to the adoption of revised petition provisions, resulting in the recommendations contained within this report.

2.2 This report is for Cabinet to consider under its terms of reference no. 3.2.5 'to review and recommend to Council changes to the Council's Constitution, protocols and procedure rules'.

3. TIMESCALE (If this is not a Major Policy item, answer **NO** and delete second line of boxes).

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	n/a
Date for relevant Council meeting	Sep 14	Date for submission to Government Dept (please specify which Government Dept)	n/a

4. BACKGROUND AND CONSIDERATIONS

- 4.1 A Constitution Review Group, a Member Working Group, (CRG) has been undergoing a process of updating the Council's Constitution. The first tranche of work was to assess the standing orders applying to meetings of the Council and its Committees and Sub-Committees, resulting in the adoption of new Council Standing Orders.
- 4.2 In considering the new Standing Orders there was adopted a direct provision that a petition could be submitted to the meeting of full Council, with the lead petitioner or their ward councillor speaking for one minute in presenting it. The petition would then be referred on to the appropriate place without further discussion or comment.
- 4.3 CRG considered that, rather than having the petition scheme set out in the standing orders, submission of petitions to be referred on in a straightforward way and supported by a new petition scheme, which would be produced to bring to Cabinet and for recommendation on to Council.
- 4.4 The previous petition scheme was a statutory construct, which was introduced in 2009 and then later withdrawn on recognition of the comments from councils. The Government stated that it had recognised the disproportionate level of prescription and bureaucracy that it placed on local authorities.
- 4.5 That previous scheme had at its heart a right for the public to call officers to account before a scrutiny committee and, more particularly, a right for the subject of the petition to be debated by full Council where the petition was made up of more than 500 valid signatures.
- 4.6 The principles discussed by the CRG included whether or not to keep the trigger for a full Council debate on the petition. The CRG agreed that it should be kept and similarly triggered by receipt of a set number of valid signatures.
- 4.7 Also discussed was the ability of a petitioner to address the Cabinet, on either a stand-alone subject or where the petition related to an item of business being considered by the Cabinet or a Cabinet Member. Likewise, the ability of a petitioner to address an overview and scrutiny committee or commission where the petition is on an item of their business or on a matter that is not a function of the Council but is relevant to the area of the City.
- 4.8 The CRG considered that the ability to address Cabinet or a scrutiny committee/commission should not be automatic, as it is at a number of authorities, but should similarly be triggered by a certain level of support for a petition. CRG considered that it would be easier for petitioners and the Council if the level of support required were the same for Cabinet and a scrutiny committee/commission.
- 4.9 The CRG felt that the petition scheme should otherwise remain the same where the provisions were thought to be simple, straightforward and assisted transparency. These were namely that
- The scope of a petition to be valid should remain
 - The minimum number to form a petition should be twenty
 - The petitioners could deliver the petition directly to officers if they wished
 - That e-petitions would be noted but could not otherwise be actioned in the same way as a written petition
 - That the outcome of petitions would be recorded and the outcome presented to Cabinet
- 4.10 The CRG therefore asked that a new petition scheme be drawn up and presented to Cabinet for recommendation to Council. The framework of the petition scheme should be:

- a) All petitions as accepted as valid for the Council to consider could be presented at full Council if the leading petitioner wishes and may speak for 1 minute (as now adopted in Standing Orders)
- b) Over a certain number of valid signatures will result in a report and/or the ability to speak on the topic concerned for 4 minutes at the Cabinet if an executive function, Regulatory Committee for those functions and relevant Scrutiny for all else
- c) Over a certain number of valid signatures will result in a debate at full Council
- d) Other petitions will be referred to the relevant officer and the outcome will be recorded in a regular petitions report to Cabinet.

A draft Petition Scheme of that nature is attached as Appendix 1.

- 4.11 The only difference of opinion between the CRG members was over the numbers needed to trigger a process. As a result, discussion was had between the officers and each political group in turn, the outcome of which was reported to the CRG. Nonetheless, this issue has not been able to be resolved.
- 4.12 The views ranged between 2,500 to trigger a cabinet or committee presentation and 5,000 for a Council debate to no trigger (beyond the minimum 20 for a petition) and 500.
- 4.13 By comparison, other authorities that have consciously moved away from the old statutory scheme introduced limits to trigger a full council debate at the following levels:
 - Cornwall 5,000
 - Bristol 3,500
 - Lambeth 3,000
 - Bath 1,000
- 4.14 Triggers for a similar right to speak at Cabinet or Committee is harder to find as these tend either not to exist, are part of separate public participation provisions or are part of individualistic schemes.
- 4.15 Cabinet is therefore asked to determine appropriate levels of valid petition signatures and consider the proposed scheme to adopt and recommend to Council.

5. ANTICIPATED OUTCOMES

- 5.1 A petition Scheme may be adopted by the September 2014 meeting of Council following Cabinet's decision.

6. REASONS FOR RECOMMENDATIONS

- 6.1 Petitions are recognised by the Council, through its Standing Orders and current practice, as a valid and helpful means of communicating the concerns of those who live or work within the City to the Council. An adopted Scheme will assist the petitioners and the Council alike in determining how best to make, receive and respond to a petition.

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 The likeliest alternative was to adopt separate provisions in the standing orders or terms of reference to each committee or the cabinet. This will not be as easy to understand or navigate.

8. IMPLICATIONS

- 8.1 It is no longer a legal requirement to adopt a petition scheme but is considered best practice. Not having a scheme can create confusion and frustration.

8.2 There are financial implications in administering a scheme and responding to a petition in the form of officer and Member time.

9. BACKGROUND DOCUMENTS

No relevant documents not otherwise published were used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)