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| CONSTITUTION AND ETHICS COMMITTEE | AGENDA ITEM No. 6 |
| 14 JULY 2021 | PUBLIC REPORT |

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| Report of: | Fiona McMillan, Director of Law and Governance and Monitoring Officer | |
| Cabinet Member(s) responsible: | Councillor Cereste, Cabinet Member for Digital Services and Transformation | |
| Contact Officer(s): | Pippa Turvey, Democratic and Constitutional Services Manager | Tel. 452460 |

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| UPDATE TO PETITION SCHEME |
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| RECOMMENDATIONS | |
| FROM: <i>Fiona McMillan, Director of Law and Governance and Monitoring Officer</i> | Deadline date: <i>N/A</i> |
| <p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> 1. Endorse the proposed amendment to the Petition Scheme so as to include grounds for refusing a petition in circumstances where it relates to a decision that has already been taken by the Council; and, 2. If agreed, refers the proposal to the next meeting of Full Council for approval. | |

1. ORIGIN OF REPORT

1.1 This report is submitted to the Constitution and Ethics Committee following a referral from the Monitoring Officer.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is for the Constitution and Ethics Committee to review the Council's Petitions Scheme in relation to decisions that have already been taken by the Council. This is in light of recent decisions taken by the Council, including decisions taken by the Council's Planning and Environmental Protection Committee.

2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1

Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.

3. TIMESCALES

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| Is this a Major Policy Item/Statutory Plan? | NO | If yes, date for Cabinet meeting | N/A |
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4. BACKGROUND AND KEY ISSUES

PETITION SCHEME – DECISIONS ALREADY TAKEN

4.1 Following feedback in relation to the practicality of the Council's Petition Scheme, the below addition at 4.4 is suggested. This addition would disqualify any petitions that sought action on a decision that had already been taken. The aim of this addition would be to avoid receiving petitions that could not then be actioned.

This area was examined by the Committee in October 2020 and it was agreed at that stage not to recommend any alterations to the scheme to Full Council.

4.2 This area has been highlighted by the planning application in relation to the Ken Stimpson School and the erection of a fence around part of the playing fields which was approved by the Planning and Environmental Protection Committee on 10 March 2020.

4.3 A number of subsequent petitions were received by the Council, including a petition to implement and 'open space triple lock' in January 2021. This again requested that the Council consider the planning requirements around decisions on public open spaces, as a more general response to the above-mentioned Ken Stimpson School fence proposal.

4.4 3.4 Petitions will not be considered if they are:

- Abusive.
- Vexatious (intending to cause only annoyance, frustration or worry)
- Presented for the purpose of making mischief.
- Related to a function the Council is not responsible for and/or could not influence.
- Related to a decision by the Council that has already been taken.
- Otherwise inappropriate.

5. CONSULTATION

5.1 Consultation has been undertaken with officers within Constitutional Services who support the Full Council and committee meetings.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 It is anticipated that should the recommendation on the petition scheme be agreed at Full Council that petition scheme will be amended accordingly.

7. REASON FOR THE RECOMMENDATION

7.1 To ensure that the Council's resources are used in an effective and efficient manner while maintaining an open and transparent decision-making process

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 To keep the current petition scheme as it is and not making any further recommendations.

9. IMPLICATIONS

Financial Implications

9.1 There are none.

Legal Implications

9.2 There are none.

Equalities Implications

9.3 There are none.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Council Petitions Scheme

11. APPENDICES

11.1 None.

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