

Decision maker: Governance & Audit & Standards Committee - 27 June 2013
Full Council - 9 July 2013

Subject: Modification to the Petitions Scheme

Report by: Local Democracy Manager

Wards affected: All

Key decision (over £250k): No

Full Council Decision Yes

1. **Purpose of report**

To present to Council proposals to revise the petitions procedure arising out of the full council meeting held on 11 June 2013.

2. **Background/reason for report**

- 2.1. The Council in June 2010 adopted a Petitions Scheme in accordance with the requirements of the Local Democracy, Economic Development and Construction Act 2009. The Council's Scheme drew upon the model Petitions Scheme published by Department of Communities and Local Government.
- 2.2. Last year, the provisions of the 2009 Act which related to petitions were repealed by the Localism Act. Consequently the Council is no longer bound by a prescribed scheme and is able to make any changes to address anomalies highlighted through the current scheme's operation.
- 2.3. At the last Full Council meeting on 11 June, the Council was presented with three petitions, each supported by in excess of a 1000 signatories which, in accordance with the current scheme, consequently triggered a Full Council debate. All three petitions concerned Cabinet related matters which the Council was therefore precluded from determining (see paragraph 2.4 below).
- 2.4. Under the Executive model of corporate governance, by law most non regulatory functions are delegated to the Cabinet to discharge with a number of prescribed powers reserved to the Full Council and these are set out under Article 4 of the Council's constitution and include setting the Council tax, approving the budget and certain specific corporate strategies.
- 2.5. The Scheme also allows for petitions with a least 500 signatures, to hold an officer (first and second tier officers) to account through an open meeting of the appropriate scrutiny Panel, although this has not been activated to date.

- 2.6. Petitions received by the Council which fall below these thresholds are considered by officers in consultation with (when Executive matters are involved) the appropriate Cabinet Member or Full Cabinet, especially when they form part of a consultation process undertaken by the Authority.
- 2.7. At the last Council meeting, in light of the experience, Members requested that a specific change be made to the petition scheme, namely that petitions containing at least 1000 signatures, should, in future, be presented to and considered by the Body of the Council with the power to determine the issue which is the subject of the relevant petition. This it was considered would be more helpful to the petitioners and a more effective way for the Council to conduct its business.
- 2.8. It is also proposed that the above change be on the basis that the relevant decision Body has not already determined the matter which is the subject of the petition. For petitions received on matters after they have been determined by the relevant Body of the Authority, a threshold of at least 5000 signatures would be required to trigger a debate by the appropriate decision making body,
- 2.9 The City Solicitor will be approaching the Information Commissioner's Office seeking the issue of guidance on how the Council can allow greater disclosure of petitioner information in the spirit of the transparency and openness agenda and to help inform its decision making process.

3. Recommendations

That the Committee recommends to Council that

- 3.1 The petition scheme be changed so that Petitions for debate submitted with the support of at least 1000 signatures, be reported to and considered by the relevant decision making Body of the Council, on the basis that the relevant decision making Body of the Council has not already determined the matter which is the subject of the petition.**
- 3.2 Further to (3.1) above, for petitions received on matters that have been determined by the Authority, a threshold of at least 5000 signatures would be required to trigger a debate by the appropriate decision making Body of the Council,**
- 3.3 The City Solicitor be authorised to make the requisite changes to the scheme and associated supporting documents to reflect the above:**
- 3.4 Standing Order 13 (f) be amended by the inclusion of the following words in brackets after "receive and debate written petitions" (submitted from the public at least 12 days before the meeting and which contain at least 1000 signatures and are on issues within the power of, but have not already been determined by Full Council. For petitions concerning issues which the Council has already determined, at least 5000 signatures would be required to trigger a Council debate.**

Debates will commence with the lead petitioner being given 6 minutes to present their petition, followed by the Administration proposing its response to the petition and the normal rules of debate applying).

4. Equality impact assessment (EIA)

An equality impact assessment is not required as the recommendations do not have a negative impact on any of the protected characteristics as described in the Equality Act 2010

5. City Solicitor's Comments

These are dealt with in the report and it is within the powers of the Committee to make these recommendations to Council.

6. Head of finance's comments

Not applicable in the context of this report

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Signed by:

Appendices: None

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location