

DECISION-MAKER:	GOVERNANCE COMMITTEE COUNCIL		
SUBJECT:	CHANGES TO THE COUNCIL'S CONSTITUTION – COUNCIL PETITION SCHEME		
DATE OF DECISION:	23 SEPTEMBER 2013 20 NOVEMBER 2013		
REPORT OF:	DIRECTOR OF CORPORATE SERVICES		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

Not applicable

BRIEF SUMMARY

The purpose of this report is to consider a change to the Council's Petition Scheme. The changes need to be considered and discussed by the Governance Committee in its governance role and by Full Council as the ultimate decision-making body as to the Council's Constitution.

RECOMMENDATIONS:

GOVERNANCE COMMITTEE

- (i) To consider and recommend the changes to the Constitution as set out in this report;

COUNCIL

- (i) To agree the changes to the Constitution as set out in this report; and
- (ii) To authorise the Head of Legal, HR and Democratic Services to make the changes to the Council's Petition Scheme.

REASONS FOR REPORT RECOMMENDATIONS

1. It is appropriate for the Council to keep its Constitution under regular review and to amend it, both to reflect experience and changing circumstances.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. The Council resolved in May 2002 to review its Constitution on an annual basis. Therefore, it is appropriate that this report is considered by Members. Members have the option of approving or rejecting the changes set out in this report.

DETAIL (Including consultation carried out)

3. Local Authorities were required to adopt a Petition scheme, setting out the detail the way in which they would respond to petitions that achieved a certain number of signatures. Whilst the Localism Act 2011 has repealed the statutory obligation on the Council to have a petition scheme, it is considered that it remains useful to the public to use this route should they wish to bring to the Council's attention any significant issues. Therefore, Council resolved in May 2012 that the Council's petition scheme should remain as part of the Council Constitution.

As a result, petitions containing 1,500 signatures (a qualifying petition) or more will require a debate at a Council meeting.

4. The Constitution currently states that a petition that requires a debate (over 1,500 signatures) at Full Council will be managed at the discretion of the Mayor and in accordance with the Council's Procedure Rules, after which a vote will be put.
5. This is the regime that the Council has in place and reflects the fact that whilst the Council is no longer legally obliged to have a Petition Scheme, it has in essence retained much of the thrust of the original approach, giving people the right to have petitions debated at Full Council.
6. At its meeting held on 15th May 2013, Council considered a report setting out its annual review of the Constitution, which included a number of changes to the Council's Petition Scheme. These changes reflected the practicalities of operating the scheme and the need to allow more flexibility with the scheme. These changes were approved by Council.
7. On the same agenda for the Council meeting on the 15th May, was a qualifying petition containing over 1,500 signatures concerning the NHS and thus requiring a debate at the Council meeting.
8. Previously, such requests for petitions that had triggered a debate at Council had required a motion to be prepared in response from the Executive. The Executive's motion was shared with the other Group Leaders and circulated at the meeting. Such motions had not previously been formally included on the Council Summons for the meeting.
9. One of the issues that arose from the Council meeting was the lack of a formal documented process concerning such debates on petitions. In order to address this issue, it is suggested that an amendment is made to the Council Procedure Rules, specifically Council Procedure Rule 10.4b as follows:
10. "For the purposes of initiating such a debate at Full Council, the Leader, who may direct any other member to instigate this on his behalf, shall submit a motion in accordance with CPR 13.1A, which shall, like all other motions, be printed on the Council agenda, and shall be subject to all the normal Council Procedure Rules in relation to amendment, alteration, etc and the timeframes for such activities as set out within these Council Procedure Rules. This rule may be varied by the Mayor"
11. It is therefore, suggested that, in the interests of openness and transparency, this revision to Council Procedure Rules is adopted. This

will therefore mean that such motions are formally included and printed on the Council agenda which will clarify and formalise the procedure.

RESOURCE IMPLICATIONS

Capital/Revenue

None

Property/Other

None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

The Executive Arrangements and Constitution are dealt with under the Local Government Act 2000.

Other Legal Implications:

None

POLICY FRAMEWORK IMPLICATIONS

None

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	None
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SUPPORTING DOCUMENTATION

Appendices

1.	None
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Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None