

# **Review of the Council's Petition Scheme and Amendment to Scheme of Public Participation**

Report of the Corporate Portfolio Holder

## **Recommended:**

- 1. That the Council's Petition Scheme be amended as set out at Annex 1 to this report.**
- 2. That the Council's Scheme of Public Participation be amended as set out at Annex 2 to this report.**

## **SUMMARY:**

- A change to the Council's Petition Scheme is proposed to ensure that a petition is considered by the Council decision-making body with power to make a decision on the subject-matter of the petition.
- A small change to the Council's Scheme of Public Participation is proposed to ensure the public may speak under the Public Participation Scheme in relation to petitions presented to Full Council.

## **1 Introduction and background**

- 1.1** A review of the Council's Petition Scheme and Scheme of Public Participation has been carried out to address the issues of:
  - (a) A petitioner being able to request that a petition is considered by a Council body other than that body which has the ability to make a decision in relation to a matter; and
  - (b) The Scheme of Public Participation as currently drafted does not allow public participation at Full Council where a matter (which would include a petition) is not listed as a motion on notice.
- 1.2** Local Authorities are no longer required to maintain petition schemes. Previously, the Local Democracy, Economic Development and Construction Act 2009 ("the Act") and the Local Authorities (Petitions) (England) Order 2010 required Local Authorities to have petition schemes and set out certain requirements for the content of those schemes.
- 1.3** Statutory guidance issued under the Act contained a model Petition Scheme which the majority of Local Authorities adopted and which most schemes reflect or have evolved from.
- 1.4** The Localism Act 2011 repealed the previous legislation referred to above.

- 1.5 The Council's Petition Scheme as currently drafted enables a petitioner (subject to the required number of signatories) to bring a petition to Full Council even though Full Council may not be the decision-making body in respect of the subject matter of the petition.
- 1.6 This resulted in an instance last year where a petitioner quite properly brought a petition to Cabinet which was the appropriate decision-making body for the subject matter of the petition. The petitioner spoke to their petition and there was public participation.
- 1.7 Thereafter, under the current "Petitions for Debate" provisions the petitioner also brought their petition to Full Council. As the petition had the requisite number of signatories, in accordance with the Petition Scheme it was placed on the Council agenda. By the time the petition came to Council, Cabinet had properly made its decision resulting in the situation that Council was presented with a petition in respect of which it had no decision-making powers and in respect of which the relevant decision had in any event been made.
- 1.8 It is recommended that the current divisions of "ordinary", "consultation", "statutory" and "petitions for debate" are replaced by one class of simple petition which will be reported (subject to the required number of signatories) to the Council body with decision making power for the subject matter of the petition.
- 1.9 The reason for this recommendation is to simplify the Council's Petition Scheme and to ensure that the petitions submitted under the Scheme are reported to the Council body with decision-making power for the subject matter of the petition.
- 1.10 A copy of the Petition Scheme is attached at Annex 1, track-changed to show the recommended amendments.
- 1.11 Similarly at Annex 2 the Scheme of Public Participation is attached with the recommended amendments shown in track-changed format.
- 1.12 In making the above amendments, the opportunity has been taken to recommend simplification of the wording of both documents.
- 1.13 An additional provision has added to the list of petitions which will not be accepted; namely petitions which the Council's Monitoring Officer acting in consultation with the Chief Executive consider to be vexatious, abusive, discriminatory or otherwise inappropriate or unreasonable.

## **2 Options and Option Appraisal**

- 2.1 This report recommends amending the Council's Petition Scheme and Scheme of Public Participation in accordance with the track-changed drafts contained in the Annexes to this report.
- 2.2 Adoption of these changes simplifies the Petition Scheme and ensures that Petitions are reported to the Council decision-making body with power to make a decision in respect of the subject matter of the petition.

2.3 The option of leaving the Petition Scheme as it stands presently may result in the situation where a petition may be brought to a meeting of Council which is not the decision-making body in respect of the subject matter at hand.

2.4 It is also recommended that the Scheme of Public Participation is amended to delete the provision limiting matters at which the public can speak at Council Meetings to enable Public Participation upon Petitions which are not listed as a motion on notice.

### **3 Risk Management**

3.1 A risk assessment has been carried out and an evaluation of the risks indicate that the existing controls in place mean that no significant risks have been identified at this time.

**4 Resource Implications** None are identified.

### **5 Legal Implications**

5.1 An amendment to the Council's Petition Scheme and Scheme of Public Participation, being as they are part of the Council's Constitution is a matter for Full Council.

### **6 Equality Issues**

6.1 This report does not identify any issues relating to equality.

### **7 Conclusion and reasons for recommendation**

7.1 It is recommended that the Council's Petition Scheme is amended to ensure that Petitions are reported to the Council body with decision-making power in relation to the subject matter of the Petition and that the Scheme of Public Participation is amended to enable public participation in relation to Petitions reported to Full Council.

#### Background Papers (Local Government Act 1972 Section 100D)

The Council's Petition Scheme and Scheme of Public Participation.

#### Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	2	File Ref:	N/A
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(Portfolio: Corporate) Councillor Flood

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Report to:	Council	Date:	10 April 2019
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