

COUNCIL

9 January 2017

PETITIONS GUIDANCE

Report of the Director for Resources

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|--------------------------------|--|---------------------------------------|
| Strategic Aim: | All | |
| Exempt Information | No | |
| Cabinet Member(s) Responsible: | Mr T C King, Leader and Portfolio Holder for Finance and Development | |
| Contact Officer(s): | Debbie Mogg, Director for Resources | 01572 758358 dmogg@rutland.gov.uk |
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| Ward Councillors | All | |

DECISION RECOMMENDATIONS

1. That Council approves the Petitions Guidance (Appendix A) and authorises the Monitoring Officer to incorporate the guidance into the Council's Constitution.

1 PURPOSE OF THE REPORT

- 1.1 To provide clear guidance to members of the public regarding presenting petitions to the council.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The RCC Petitions Scheme was last considered and approved by Full Council on 14 June 2010 (Report 128/2010).
- 2.2 That report and the appended petitions scheme was brought before Council in order to comply with The Local Democracy, Economic Development and Construction Act 2009 which required local authorities to establish a scheme for handling petitions made to them.
- 2.3 The Localism Act 2011 (Chapter 10, Section 46) repealed the requirements in the 2009 Act regarding Petition Schemes. However, many local authorities have kept their petition schemes in place or replaced them with more general guidance and it is considered best practice to do so.
- 2.4 It is therefore felt to be an appropriate time to update the guidance to members of

the public and incorporate this guidance into the Rutland County Council Constitution Procedure Rules (Revised Version at Appendix B) and include in Part 5 of the RCC Constitution (Codes and Protocols) so that it is readily available for anyone wishing to submit a petition to the council.

- 2.5 Rutland County Council received one request to submit a petition in 2016, this petition did not meet the criteria contained within the existing petitions scheme, but highlighted the need for the guidance to be amended in order to meet with changes in statutory and organisational requirements.

3 SUMMARY OF AMENDMENTS TO EXISTING SCHEME

3.1 The main amendments from the previous version are listed below:

- There is now a clear requirement that the signatories must live, work or study in the Rutland area to be valid.
- A minimum requirement of 50 valid signatories has been set to accept any petition under PDQ's (Petition, Deputations and Questions) section of the agenda (previously no minimum applied) .
- The limit of 1500 valid signatories to trigger a Full Council debate remains, but the 750 criteria to trigger a request for a senior officer to give evidence at a Scrutiny Meeting has been removed. There is already provision in Procedure Rule 204 of the Constitution for Scrutiny to request senior officers to give account at a Scrutiny Panel meeting, so it is considered that this additional criteria is no longer required.
- Under section 4 a degree of flexibility has been added to allow the Director for Resources to identify the most appropriate course of action on receipt of a valid petition.

4 CONSULTATION

4.1 The Constitution Review Working Group considered a draft of the new guidance at their meeting on 16 December 2016 and provided the following feedback:

- RCC receive very few requests to present petitions, the proposed new guidance was an improvement to the scheme in place, but should be reviewed in 2 years' time to ensure it is working well;
- Where the petition organiser felt that a petition had not been dealt with properly, they should be referred to the Councils Complaints Procedure;
- There should be clarity regarding the notice period to submit a petition in the guidance;
- Where a petition with over 1500 triggered a Full Council debate, this would appear as a separate agenda item. Members would be allowed 15 minutes to debate the item and this would include asking questions of the petition organiser.

5 ALTERNATIVE OPTIONS

5.1 The existing petitions scheme could remain in place, but it does not provide clear guidelines on the requirements to present a petition, nor is it incorporated into the RCC Constitution.

5.2 Alternatively there could be no scheme in place, as this is no longer a statutory requirement.

6 FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising from this report

7 LEGAL AND GOVERNANCE CONSIDERATIONS

7.1 Following the Localism Act 2011 (Chapter 10, Section 46), there is no longer a statutory requirement for a petitions scheme, however it is considered best practice to maintain a scheme in order to advise members of the public wanting to present their views to the council in this manner.

8 EQUALITY IMPACT ASSESSMENT

8.1 Equality Impact Assessment (EqIA) Screening has been completed. No adverse or other significant issues were found.

9 COMMUNITY SAFETY IMPLICATIONS

9.1 There are no community safety implications.

10 HEALTH AND WELLBEING IMPLICATIONS

10.1 There are no health and wellbeing implications.

11 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

11.1 Rutland County Council welcomes public participation in local governance and supports opportunities for the public to express their views in a public forum.

11.2 The amended guidance on presenting petitions will provide members of the public with clear instructions regarding presenting petitions to the council, along with the requirements for the petition to be considered and what members of the public can expect from the council. The guidance will be publically available as part of the RCC Constitution.

12 BACKGROUND PAPERS

12.1 There are no background papers to the report.

13 APPENDICES

13.1 Appendix A - Amended Petitions Guidance

13.2 Appendix B – Revised Procedure Rules

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.