

HERTFORDSHIRE COUNTY COUNCIL

CABINET
MONDAY, 22 FEBRUARY 2016 AT 2.00PM

COUNTY COUNCIL
TUESDAY, 23 FEBRUARY 2016 AT 10.00AM

Agenda Item No.

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Agenda Item No.

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CHANGES TO THE COUNTY COUNCIL'S PETITION SCHEME

Report of the Chief Legal Officer

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Executive Member: R Gordon, Leader of the Council

1. Purpose of report

- 1.1 To seek Members' views on proposed changes to the Council's Petitions Scheme.

2. Summary

- 2.1 Following discussions with Group Leaders, it is proposed that the provisions of the Council's Petitions Scheme relating to the presentation of petitions to Cabinet Panels is revised. The proposed revisions would mean that petitions which affect two or more divisions would qualify for an officer report; petitions which affect only one division would be presented to panel but without an officer report.
- 2.2 The proposed revisions do not affect the current procedures concerning petitions which relate to a report that is already on the Agenda for the Cabinet Panel.
- 2.3 The Petitions Scheme forms part of the Council's Constitution. Changes to the Constitution need approval by the full Council after consideration of a report from the Chief Legal Officer. The recommendations of the Resources and Performance Cabinet Panel will be reported to Cabinet on 22 February who will in turn make a recommendation to full Council on 23 February.

3. Recommendations

- 3.1 The Resources and Performance Cabinet Panel will consider a report on this item of business at its meeting on 12 February 2016. The Panel will be invited to recommend

“That Cabinet recommends to County Council:

- 1. That the revisions to the Petitions Scheme, attached as an Annex to the report, be approved and incorporated into the County Council’s Constitution at Annex 22.*
 - 2. That the Chief Legal Officer be authorised to make such amendments as are necessary to the standing orders for Cabinet Panels and elsewhere in the Constitution ensure that the principles of the Petitions Scheme (as revised) are incorporated into the Constitution.”*
- 3.2 The Panel’s recommendation/s to Cabinet will be reported orally at the Cabinet meeting and circulated to Members in the Cabinet Order of Business.
- 3.3 Cabinet’s recommendation/s to Council will be circulated to Members in the Council Order of Business.

4. Background

- 4.1 Following revisions to the Council’s Petitions Scheme in November 2013, petitions which have 100 signatures and do not relate to an item which is otherwise on the agenda can be presented to a Cabinet Panel provided that they are submitted more than 20 clear days before the relevant meeting. The Petitions Scheme provides that officers must prepare a report for such petitions setting out the background to the petition and other relevant information. There is a limit of two such petitions for each panel meeting.
- 4.2 These provisions mean that an officer report is prepared for every petition which is presented to Panel no matter how localised the subject matter may be and the two petitions limit means that petitions can be ‘bumped’ to meetings later than that to which the petition organiser would have liked to present the petition – this is particularly relevant for Highways Cabinet Panel which receives more petitions than other Panels.
- 4.3 Group Leaders asked that consideration be given to varying the Petitions Scheme in relation the presentation of Petitions to Cabinet Panels which do not relate to reports on the Agenda as follows:
- if the subject matter of the petition affects 2 or more divisions then an officer report will be prepared (and limit of 2 such petitions per panel)

- all other petitions - petition presented and then handed over to officers for a response; no limit on the number of such petitions

- 4.4 In addition to the points mention above, it is suggested that there will be a period of 30 minutes for petitions for the presentation and consideration of petitions which do not relate to items already on the Agenda. This is suggested as a way of trying to manage the Panel meetings so that there is a balance between the Panel's substantive work and ensuring that matters of concern to the public (which they wish to raise at Panel) are brought to members' attention.
- 4.5 The threshold for petitions to be presented to Cabinet Panel would remain at 100 signatures. Petitions which relate to a report which is already on the Agenda for the Panel meeting would be presented at the time that the Report is considered as per the current procedure.

5. Revisions to the Petitions Scheme

- 5.1 Attached as an Annex to this Report are revisions to the provisions of the Petitions Scheme relating to the presentation of petitions to Cabinet Panel incorporating the principles mentioned above. Paragraph 36 has been revised by the addition of wording to reflect the practice that has been adopted where there have been more than two petitions relating to a report on the Agenda. All other provisions of the current Petitions Scheme remain unchanged.
- 5.2 The revisions to the Petitions Scheme in relation to the presentation of petitions which do not relate to an item that would otherwise be on a Panel Agenda are as follows:
- (a) There will be an overall time limit of 30 minutes for considering such petitions
 - (b) Petitions which affect two or more divisions will qualify for an officer report. Petitions which qualify for an officer report will be subject to discussion at Panel. These are referred to in the revisions to the Petitions Scheme annexed to this paper as 'Petitions for Debate'. The Chief Officer of the service to which the petition relates in consultation with the relevant Executive Member will determine if the petition affects two or more divisions.
 - (c) Where the Cabinet Panel is considering a Petition for Debate then a total time of 10 minutes will be allocated for the presentation of the petition and consideration of the item by members. The petitioner can have up to 3 minutes to present the petition.
 - (d) There will be a maximum of two Petitions for Debate at each Cabinet Panel.

- (e) Where a petition is to be presented, but there is no officer report, the Petition Organiser will have two minutes to present the petition. These petitions are referred to as 'Petitions for Presentation' in the revisions to the Petitions Scheme annexed to this paper.
- (f) There can be as many Petitions for Presentation at each Panel as the 30 minute petition time slot allows, taking into account the number (if any) of Petitions for Debate on each Agenda. It will be for the Democratic Services Officer to liaise with petitioners to ensure that an appropriate number of Petitions for Presentation are scheduled for a particular Panel meeting – advising prior to the meeting whether it is likely that a petition can be accommodated within the time allowed.

5.3 Following agreement to the revisions to the Petitions Scheme Standing Orders for Cabinet Panels, meetings would also have to be revised to reflect the new procedures.

6. Financial Implications

There are no financial implications arising from this report.

Background Information

Current petitions scheme Link: [Petition Scheme](#)

Annex

Proposed Revisions to the Petitions Scheme (Annex 22 to the Constitution)

Presentation to Cabinet Panel

23. If a petition contains 100 or more signatures and is to be presented to Cabinet Panel, the following paragraphs of this section will apply.
24. In this section:
‘Petition for Debate’ means a petition the subject matter of which affects two or more electoral divisions and which relates to a matter which is not scheduled to be on the Agenda of the Cabinet Panel to which it is to be presented. The Chief Officer of the service to which the petition relates in consultation with the relevant Executive Member will determine if the petition affects two or more divisions.
- ‘Petition for Presentation’ means a petition the subject matter of which affects one electoral division only and which relates to a matter which is not scheduled to be on the Agenda of the Cabinet Panel to which it is to be presented.
- ‘Petition Time’ means the period of thirty (30) minutes following confirmation of the minutes during which any Urgent Petitions, Petitions for Debate and Petitions for Presentation which satisfy the criteria set out in paragraphs 25 and 27 below will be considered.
- ‘Report Petition’ means a petition relating to an item on the Agenda of the Cabinet Panel to which it is to be presented.
- ‘Urgent Petition’ is a petition which the Executive Member determines should be presented to the Panel Meeting as mentioned in paragraph 27 below.
25. The Cabinet Panel will endeavour to consider the petition at its next meeting as long as it is submitted at least 5 clear days before the meeting if it is a Report Petition or a Petition for Presentation and 20 clear days before the meeting if it is a petition for Debate (subject to paragraph 27 below).
26. Subject to the petition complying with paragraph 25, if the petition is a Petition for Debate officers will prepare a Report for members setting out the background and other relevant information of which they are aware relating to the subject matter of the petition, but will not give a recommendation as to how the petition should be dealt with.

27. If a Petition for Debate is received less than 20 clear days but more than 5 clear days notice before the meeting then, if the subject matter of the petition needs to be considered urgently (as determined by the relevant Executive Member), the petition may be presented to the Cabinet Panel meeting but no officer report will be prepared.

At the Cabinet Panel Meeting

28. At the Cabinet Panel meeting:
- 28.1 the Petition Organiser for a Report Petition, Petition for Debate or an Urgent Petition will be given three minutes maximum to present the petition and will not otherwise be allowed to speak
- 28.2 the Petition Organiser for a Petition for Presentation will be given two minutes maximum to present the petition and will not otherwise be allowed to speak
29. If the petition is a Report Petition then the petition will be presented immediately prior to consideration of the relevant item.
30. Petitions for Debate, Urgent Petitions and Petitions for Presentation will be considered during Petition Time as follows:
- 30.1 firstly, each Urgent Petition followed by a discussion on that Urgent Petition subject to a maximum period of 10 minutes in total for presentation and consideration of each Urgent Petition;
- 30.2 secondly, each Petition for Debate followed by a discussion on that Petition for Debate subject to a maximum period of 10 minutes in total for presentation and consideration of each Petition for Debate;
- 30.2 then Petitions for Presentation
31. No further petitions shall be presented after the expiry of Petition Time save that at the discretion of the Chairman of the Panel if a Lead Petitioner is presenting their petition at the expiry of Petition Time they may finish their presentation.
32. Following presentation of a Petition for Presentation there will be no discussion on the petition and the petition will be referred (at the discretion of the Chairman) to the next appropriate meeting of the Panel, or to officers for consideration and report to the local member and Group Spokesmen.
33. Following consideration of a Petition for Debate or an Urgent Petition the Panel can make a recommendation as follows:
- refer the matter to Cabinet
 - make a recommendation to officers as to how to respond to the

petition

- request officers undertake further work and either liaise with the Local Member and relevant Executive Member before responding to the petition or bring the matter back to Panel
- Acknowledge the petition but recommend that no further action is taken.

Generally

34. On some occasions it may not be possible for a petition which meets the time requirements set out above to be considered by a Cabinet Panel and if this is the case, consideration of the petition will then take place at the next appropriate meeting.
35. No more than two Petitions for Debate or Urgent Petitions in total will be considered at any one meeting of the Cabinet Panel.
36. No more than two Report Petitions shall be presented in respect of any one item at a Cabinet Panel. If there are more than two report Petitions at the discretion of the Chairman the Petition Organiser(s) for the additional petitions may be invited to attend the Panel meeting and advise Members of the text of their petition and the number of signatories to it.
37. The order of receipt of the petitions above shall govern priority.
38. Where two or more petitions are received in time for a particular meeting supporting the same outcome on a particular matter, each Petition Organiser will be treated as an independent Petition Organiser, but only the Petition Organiser for the first petition to be received will be invited to address the meeting with members being informed that the other petition(s) has/have been received.

All subsequent provisions of the Petitions Scheme to be re-numbered