

Agenda Reports & Other Papers

Presented to the
Meeting of the
County Council on
Tuesday
17 May 2016



HERTFORDSHIRE COUNTY COUNCIL

THE COUNTY COUNCIL

SUMMONS AND AGENDA

for the meeting to be held on Tuesday, 17 May 2016 at 10.00a.m. in the Council Chamber, County Hall, Hertford.

GROUP MEETINGS

Conservative Group	10.00 a.m.	9 May 2016 Council Chamber
Liberal Democrat Group	8.30 a.m.	17 May 2016 Group Room
Labour Group	9.15 a.m.	17 May 2016 Group Room

PRAYERS at 9.50 a.m.

Prayers led by Padre Stewart Shaw, Chaplain at Northwood Permanent Headquarters

Members are reminded that all equalities implications and equalities impact assessments undertaken in relation to any matter on this agenda must be rigorously considered prior to any decision being reached on that matter.

PART I (PUBLIC) AGENDA

1. ELECTION OF CHAIRMAN OF THE COUNCIL

To elect a Chairman of the Council to hold office until the Annual Meeting of the Council next following (23 May 2017).

2. ELECTION OF THE VICE-CHAIRMAN OF THE COUNCIL

To elect a Vice-Chairman of the Council to hold office until the Annual Meeting of the Council next following (23 May 2017).

3. MINUTES

To confirm the Minutes of the meeting of the Council held on 22 March 2016 (circulated separately).

4. **REVIEW OF POLITICAL PROPORTIONALITY AND APPOINTMENTS TO SCRUTINY AND OTHER COMMITTEES**

The Chief Legal Officer reports that the current allocation of places in the three political groups on Committees is in accordance with the rules of political proportionality save for Overview and Scrutiny and Health Scrutiny Committees where political proportionality was waived by Council at its meeting on 19 May 2015. If Council wishes to waive political proportionality in respect of these committees it will need to do that again at this meeting, with no member voting against.

The Council is then asked to appoint County Councillor members to serve on the following Committees for the ensuing year (save as mentioned below):

- Overview and Scrutiny (10 [6:2:2])* (*Note (1)*)
- Health Scrutiny (10 [6:2:2]) * (*Note (2)*)
- Audit (10 [6:2:2])
- Development Control (10 [6:2:2]) – *and Substitute Members*
- Employment (5 [3:1:1])
- Pensions (10 [6:2:2])
- Standards (5 [3:1:1])
- Health & Wellbeing Board (*Leader of the Council's nominations*)

(members to remain in office unless there is a resolution to the contrary)

**Political Proportionality to be waived*

[*Notes: (1) In addition the Committee comprises 6 Parent Governor and Church Representatives when considering Education matters.*

(2) In addition the Committee comprises 10 District Councillors nominated by the Hertfordshire Leaders Group.]

5. **APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES**

To appoint the Chairman and Vice-Chairman of the following Committees for the ensuing year:

- Audit
- Development Control
- Employment
- Health & Wellbeing Board (*appointment of Chairman only, Vice-Chairman is appointed by the Board*)
- Health Scrutiny
- Overview and Scrutiny

- Pensions
- Standards

6. REPRESENTATION ON THE LOCAL GOVERNMENT ASSOCIATION AND COUNTY COUNCIL'S NETWORK


To appoint four representatives to serve on the Local Government Association General Assembly, four representatives to serve on the County Council's Network until the Annual Meeting of the Council next following (May 2017), and to determine the allocation of votes between them.

7. PROPOSED REVISIONS TO STANDING ORDERS FOR COUNTY COUNCIL MEETINGS ON 17 MAY 2016

Report of the Chief Legal Officer
(attached)

8. PROPOSED REVISIONS TO THE COUNTY COUNCIL'S PETITIONS SCHEME

Report of the Chief Legal Officer
(attached)



**KATHRYN PETTITT
CHIEF LEGAL OFFICER**

Full copies of all reports may be found on the internet at link
<https://cmis.hertsdirect.org/hertfordshire/CabinetandCommittees.aspx>

HERTFORDSHIRE COUNTY COUNCIL

CABINET

MONDAY, 16 MAY 2016 AT 2.00 PM

COUNTY COUNCIL

TUESDAY, 17 MAY 2016 AT 10.00 AM

COUNTY COUNCIL – EXTRAORDINARY MEETING

TUESDAY, 17 MAY 2016 AT 10.30 AM or on the rising of the Annual General Meeting of the County Council whichever is the later

Agenda Item No.

Cabinet

9

County Council
AGM

7

County Council
Extraordinary
Meeting

3

PROPOSED REVISIONS TO STANDING ORDERS FOR COUNTY COUNCIL MEETINGS ON 17 MAY 2016

Report of the Chief Legal Officer

Author: Kathryn Pettitt, Chief Legal Officer (Tel: 01992 555527)

1. Purpose of report

- 1.1 To obtain Council's approval (a) to vary Standing Order 6(1) of Annex 6 of the Constitution for the Annual Meeting of Council on 17 May 2016 so as to allow consideration of a Report on proposed revisions to the Council's Petitions Scheme and (b) to suspend Standing Order 2(3)(e) of Annex 6 of the Constitution for the Extraordinary Council Meeting on 17 May 2016 so as to permit motions to be considered that are submitted after the meeting of Cabinet on 16 May 2016.

2. Summary and Background

- 2.1 Group Leaders have agreed that a report on Proposed Revisions to the Council's Petitions Scheme will be considered at the Annual Meeting of Council. Standing Order 6(1) of Annex 6 to the Constitution specifies the order of business for the Annual Meeting. This Standing Order will need to be varied to allow the report on Proposed Revisions to the Council's Petitions Scheme to be considered at that Meeting.
- 2.2 An Extraordinary Meeting of the Council is to be held on Tuesday, 17 May 2016 at 10.30a.m. or immediately after the end of the Annual Meeting of the Council to be held on that day, whichever is the later. The purpose of the Extraordinary Meeting will be to consider a proposal to authorise a petition to the House of Lords opposing the High Speed Rail (London- West Midlands) Bill.

- 2.3 Standing Order 2(3)(e), which governs the calling of extraordinary meetings of the Council, requires that when the summons for the Extraordinary Meeting is sent notification should be given to Members of the time and date by which written notice of motions in relation to the business to be transacted at the Extraordinary Meeting shall be lodged with the Chief Legal Officer. However, that time and date shall be no later than 5pm on the second day before the extraordinary meeting.
- 2.4 As the decisions of Cabinet which are to be considered by the Extraordinary Meeting of the Council will not be available until after the time period specified in Standing Order 2(3)(e), in calling the Extraordinary Meeting of the Council the first item of business should be to consider any motion that may be moved to suspend Standing Order 2(3)(e).
- 2.5 The Constitution provides that changes to Standing Orders for Council can only be varied after consideration of a report from Cabinet.

3. Recommendations

That Cabinet supports any motions that may be moved that Council:

- 3.1 Varies Standing Order 6(1) of Annex 6 of the Constitution for the Annual Meeting of Council on 17 May 2016 so as to allow for consideration of a report on amending the Council's Petitions Scheme;
- 3.2 Suspends Cabinet Standing Order 2(3)(e) of Annex 6 of the Constitution for the Council Extraordinary Meeting on 17 May 2016 so as to permit:
- (a) a motion relating to an item considered by the Executive at its meeting on 17 May 2016 and relating to the High Speed 2 (HS2) – Formal Response of Hertfordshire County Council to be moved and discussed notwithstanding that notice of the motion has not been lodged in accordance with the time and date specified under Standing Order 2(3)(e), provided that notice in writing of the motion has been lodged in accordance with Standing Order 9(4); and
 - (b) an amendment to any such motion to be moved and discussed provided that notice in writing of the proposed amendment has been lodged in accordance with Standing Order 10(3)(b).

4. Financial Implications

- 4.1 None arising from this Report.

Background Information

None

HERTFORDSHIRE COUNTY COUNCIL

**CABINET
MONDAY, 16 MAY 2016 AT 2.00PM**

**COUNTY COUNCIL
TUESDAY, 17 MAY 2016 AT 10.00AM**

<u>Agenda Item No.</u> 10
<u>Agenda Item No.</u> 8

PROPOSED REVISIONS TO THE COUNTY COUNCIL'S PETITION SCHEME

Report of the Chief Legal Officer

Author: Kathryn Pettitt, Chief Legal Officer (Tel: 01992 555527)

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 Discussions have taken place with Group Leaders over the last few months concerning proposed revisions to the Council's Petitions Scheme. It was intended that a Report be considered by Council at its March meeting but further reflection was needed and since March 2016 more discussions have taken place with Group Leaders on the revisions to the Petitions Scheme. The discussions have related to the criteria which a petition needs to fulfil to be presented to Panel (including the number of signatories) and the process for dealing with petitions once they have been submitted.

2.2 The proposed revisions would mean that petitions must have a minimum of 250 signatories to be presented at Cabinet Panel and (if the petition does not relate to an item that would otherwise be on the Agenda) would also have to relate to a matter of policy or affect two or more divisions.

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.

- 2.4 Cabinet will consider a report on this item of business at its meeting on 16 May 2016 and the recommendations of Cabinet will be reported to Council.

3. Recommendations

- 3.1 That Cabinet recommends to County Council:
1. That the revised Petitions Scheme, attached as Annex 1 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 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 the Petitions Scheme be varied in relation to the presentation of Petitions to Cabinet Panels. The proposed revisions would mean that petitions must have a minimum of 250 signatories to be presented at Cabinet Panel and (if the petition does not relate to an item that would otherwise be on the Agenda) would also have to relate to a matter of policy or affect two or more divisions. Petition Organisers for all petitions with more than 100 signatories would be given an opportunity to meet with the Executive Member and, if the matter was one of a local nature, with Local Members.

5. Revisions to the Petitions Scheme

5.1 Attached as Annex 1 to this Report is a revised Petitions Scheme incorporating the revisions discussed with Group Leaders. The highlighting on the document shows the changes that have been made to the current Petitions Scheme. Annex 2 to this Report is a flowchart which is intended to assist in identifying the process specified in the Petitions Scheme for petitions which would not otherwise be on the Agenda for a Cabinet Panel.

5.2 The revisions to the Petitions Scheme incorporate the following amendments in relation to petitions that would not otherwise be on the Agenda for the Cabinet Panel meeting:

5.2.1 Petitions that have 250+ signatures and either (a) affect more than 1 division or (b) relate to a matter of Policy (see paragraph (g) below for determination of these matters) will be dealt with as follows:

(a) the Petition Organiser will be given the opportunity to raise the issue direct with the Executive Member and the Local Members (if the Petition affects more than 1 division) or the Executive Member (if the Petition relates to a matter of policy)

(b) If the Petition Organiser does not achieve a resolution satisfactory to the Lead Petitioner following raising the issue in (a) above or chooses not to raise the issue with members then they can present the Petition to the relevant Cabinet Panel and an Officer Report will be prepared in respect of that petition ('Petition for Debate')

(c) the Petition Organiser will have up to 3 minutes to present the Petition at the Cabinet Panel

(d) Time allocated to each Petition for Debate will be 20 minutes (presentation + discussion time). Chairman will have discretion to vary the time period

(e) No more than 2 Petitions for Debate can be presented to any Cabinet Panel

(f) If more than 2 Petitions for Debate are notified within time for a Cabinet Panel then the subsequent petitioners (if a satisfactory resolution is not achieved following raising the issue with members or the petitioner chooses not to raise the matter with members) will be asked whether they wish either to:

- Attend the next Cabinet Panel meeting and read the text of the petition to members and inform members of the number of signatures. In this case the Chairman will then refer the petition to officers for a response. Maximum of 3 such petitions to be presented; or

- Postpone presentation of their petition to a future meeting where it will be dealt with as a Petition for Debate – this will usually be the next meeting of the Panel but this will depend on number of other petitions which fall into this category
- (g) Whether a petition affects more than 1 division or relates to a matter of policy will be determined by the Chief Officer of the service to which the Petition relates in consultation with the relevant Executive Member
- (h) Submission timetable:
- Petitions will not be considered under the Petitions Scheme for presentation at a member meeting unless at the time of submission they have the requisite number of signatures/they have achieved that number of signatures on the Council's e-petition scheme
 - Petitions must be submitted 30 calendar days before the relevant Panel – this does not apply to petitions which relate to items that are already on the Cabinet Panel Agenda where the current 5 day notification period will apply
 - The Petition Organiser will be contacted 15 calendar days before the Panel meeting to see if a satisfactory resolution has been achieved. If a satisfactory resolution has not been achieved or the Petition Organiser has chosen not to raise the matter with members then if the Petition was one of the first two notified for that Panel then it will be referred to Panel as a Petition for Debate the Petition and an officer report will be prepared.
 - If the Petition is the third or subsequent petition notified for that Panel meeting the Petition Organiser will be asked whether they want to attend the next Panel meeting and read the text of the Petition to members but not otherwise speak (a 'Petition for Presentation') or defer the Petition to the next Panel when it can be presented and debated.

5.2.2 Petitions containing 100 + signatures and less than 250 signatures or those which contain 250 or more signatures but relate to one division only or which do not relate to a matter of policy and which are not dealt with as above will be dealt with as follows:

The Petition Organiser will be given the opportunity to raise the issue direct with the Executive Member and the Local Member(s) (if the petition affects a division(s)).

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

6.1 There are no financial implications arising from this report.

Background Information

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

HERTFORDSHIRE COUNTY COUNCIL**PETITIONS SCHEME**

The Council welcomes contact from the public and is committed to listening to concerns raised and dealing with them promptly and effectively. Members of the public should make contact firstly with their local member to discuss any issue of concern. The local member will seek to address the issue quickly and effectively.

PETITIONS

The Council wishes to enable all people who are resident in or work in Hertfordshire to be able to raise issues of concern with the Council. Petitions are one way that people can raise their concerns and this Petitions Scheme sets out how petitions can be submitted to the Council.

In this document 'You' means the organiser of the petition or someone nominated by the Petition Organiser.

Please note that a petition will not be considered under this Petitions Scheme for presentation at either full Council, Cabinet or Cabinet Panel unless:

- (a) it has been submitted to the County Council's Democratic Services Manager (Elaine Shell: *County Hall, Hertford SG13 8DE* or email elaine.shell@hertfordshire.gov.uk or telephone 01992 555565) and when submitted contains the requisite number of signatures for presentation to the relevant member meeting; or
- (b) it is a petition which has been created on the Council's e-petition facility on its website and contains the requisite number of signatures for presentation to the relevant member meeting when notification is given of intention to submit the petition

Local Member

1. Before considering whether or not to raise a petition to the Council you may want to discuss your issue with your local county councillor (<http://www.hertsdirect.org/your-council/> (member). Your local member will be able to advise whether the matter is one for the Council and also whether a petition is the best form of engagement with the Council on the matter which you wish to raise.
2. Where the Local Member receives a petition he/she will discuss with the Petition Organiser how the petition could be handled within the Council. This will not necessarily be presenting the petition to a formal meeting of members but could

be giving/presenting the petition to the relevant Executive Member or Chief Officer.

3. If you decide not to submit a petition to the Council, and the matter is one that is relevant to the functions of the Council, your local member will be able to explain how to make representations on the particular subject to the right person at the Council.

How to create and submit a Petition

4. Petitions can be created **either** by using our e-petition facility, which enables petitions to be created, signed and submitted online (<https://cmis.hertsdirect.org/hertfordshire/Petitions.aspx>) **or** by you preparing a paper petition.
5. Further information on the e-petition facility is at paragraph [63] and following below.

What are the guidelines for submitting a petition?

6. Petitions submitted to the Council must include:
 - a clear and concise statement covering the subject of the petition
 - a statement about what action the petitioners wish the Council to take
 - the name and address and signature of any person supporting the petition
7. Petitions should be accompanied by contact details, including an address, for the petition organiser ('Petition Organiser'). This is the person we will contact to explain how we will deal with the petition. If the petition does not identify a Petition Organiser, we will contact the first named signatory on the petition and deal with them as the Petition Organiser.
8. The Petition Organiser should be resident in Hertfordshire and all other signatories to the petition should either be a resident in or work in Hertfordshire
9. A petition **will not be accepted under this Scheme** where:
 - it is considered to be vexatious, abusive or otherwise inappropriate
 - it refers to a decision for which there is an existing right of appeal, for example, school admissions
 - it refers to a development plan, specific planning or rights of way matter where there is an existing right of appeal
 - it is a statutory petition (for example requesting a referendum on having an elected mayor) as such petitions have their own procedures.

10. The petition must relate to a matter over which the County Council has control (e.g. the provision of local services for which the Council has responsibility, such as local libraries, services for young people or road safety) or which affects the County of Hertfordshire in some significant way.
11. If your petition is about something for which the Council has no direct responsibility we will consider whether we can still deal with the matter. The Council works with a large number of local partner organisations and, where possible, will work with these partners to respond to your petition. If we are not able to do this for any reason then we will set out the reasons for this to you.
12. If your petition is about something that a different council, or other body, is responsible for, we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other council or body, but could involve other steps. In any event we will always notify you of the action we have taken.
13. If a petition does not follow the guidelines set out in this Scheme, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.
14. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.
15. This Petition Scheme sets out how petitions **will be dealt with by the Council and how petitions which meet certain criteria** can be presented to either full Council, Cabinet or a Cabinet Panel. There are separate procedures relating the presentation of petitions to Development Control Committee (Constitution Annex 11) and Health Scrutiny Committee (Constitution Annex 9) and they can be accessed here: [Constitution Annexes](#) .

How many people must support the petition?

16. Your rights to present a petition to a meeting of members of the Council depends on the type of meeting and number of people who have signed the petition – please see the table below for the minimum number of signatories:

Type of Meeting	Number of signatures required
County Council*	1000
Cabinet*	250
Cabinet Panel	250

***Please note** that:

- (1) full Council and Cabinet have different functions and if your petition relates to executive functions, whilst the petition can be presented to Council, the

Council will be able to take no effective action other than to refer it to Cabinet (with or without recommendations). If you require any clarification as to whether the subject matter of your petition relates to an executive or Council function please contact the Democratic Services Manager (Elaine Shell: email elaine.shell@hertfordshire.gov.uk or telephone 01992 555565) who will be able to assist you.

- (2) a petition can only be presented to Cabinet if it relates to a Report on the Cabinet Agenda and the matter which is the subject of the Petition has not been considered previously by a Cabinet Panel.

Petitions on the same subject matter not usually to be presented again within a six month period

17. If the subject matter of the petition has been considered by either full Council, Cabinet or a Cabinet Panel then a petition relating to the same matter will not be considered again by any member meeting within the following six month period unless there has been a change of circumstances. Whether there has been a change in circumstances will be determined by the Chief Legal Officer in consultation with the Chairman of the Council (if it is proposed that the new petition be presented to Council) or the Leader of the Council and the relevant Executive Member (if it is proposed that the new petition is presented to Cabinet or a Cabinet Panel).

Dates of Meetings

18. Dates of the meetings referred to above are on our website (http://www.hertsdirect.org/your-council/civic_calendar/).

What will the Council do with your petition?

19. You will receive an acknowledgement from the Council within 10 working days of receipt of the petition. This acknowledgement will set out the proposed next steps. If the petition is not accepted we will explain the reasons for this in our acknowledgement of the petition.
20. 1 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.
- 20.2 If the petition has enough signatures to trigger a Council debate then the acknowledgement will confirm this.
- 20.3 If the petition has 250 or more signatures and either (a) affects more than 1 division or (b) relates to a matter of Policy then the acknowledgement will confirm this and set out the procedure for dealing with such petitions as referred to in paragraph 28. Whether a petition affects more than 1 division or relates to a

matter of policy will be determined by the Chief Officer of the service to which the petition relates in consultation with the relevant Executive Member.

20.4 If the petition contains either (a) 100 or more signatures but less than 250 signatures or (b) 250 or more signatures but relates to one division only then the acknowledgement will inform you of your ability to raise the matter with the Executive Member and, if relevant, the Local Member(s)

21. If the petition needs more investigation, we will tell you the steps that we plan to take.
22. If the petition relates to a planning matter or other matter where there is already an existing right of appeal, or is a statutory petition, it will not be dealt with under this Scheme as other procedures will apply. In such cases we will advise you of the procedures that apply and the action that will be taken.

Raising petition issue with the Executive Member and Local Members

Petitions with a minimum of 100 signatures

23. If your petition contains either (a) 100 or more signatures but less than 250 signatures or (b) 250 or more signatures but relates to one division only the Petition Organiser will be given the opportunity to raise the issue direct with the Executive Member and, if the petition affects a division(s) the Local Member(s).
24. Raising the issue with the Executive Member and, if relevant, the Local Members does not mean necessarily that the Petition Organiser will meet with the relevant members; the issue could be raised via email or by other means.
25. If your petition meets the criteria in paragraph 23 when your petition is acknowledged you will be asked if and how you wish to raise the issue with members

Petitions with a minimum of 250 signatures which affect more than one division or relate to a matter of policy

26. If your petition meets the criteria set out in paragraph 20.3 the Petitioner Organiser will be given the opportunity to raise the issue direct with the relevant Executive Member and, if the petition affects more than one division, the Local Members and/or also to present the petition to a Cabinet Panel.

27. Raising the issue with the Executive Member and, if relevant, the Local Members does not mean necessarily that the Petition Organiser will meet with the relevant members; the issue could be raised via email or by other means.

28. If your petition meets the criteria in paragraph 20.3:

28.1 you will be asked if and how you wish to raise the issue with the Executive Member and, where relevant the Local Members;

28.2 you will be advised of the next Cabinet Panel meeting to which your petition might be presented if the issue of the petition is not resolved satisfactorily following raising the issue with the Executive Member and, where relevant, the Local Members;

28.3 you will be informed how many other petitions which satisfy the criteria in paragraph 20.3 have at the date of acknowledgement already been submitted in time for that Cabinet Panel meeting;

28.4 if, your petition is the third or subsequent petition submitted in time for that Cabinet Panel meeting, you will be informed that only two petitions can be debated at each Cabinet Panel meeting and that if the Petition Organisers for earlier submitted petitions choose to present their petitions to the Cabinet Panel for debate your petition will not be eligible to be debated at that Cabinet Panel meeting and that, if that is the case, then you need to inform us whether you wish to either:

- attend the next Cabinet Panel meeting and read the text of the petition to members and inform members of the number of signatures but you will not otherwise be allowed to speak (such a petition is referred to later in this Scheme as a 'Petition for Presentation'); or
- postpone presentation of your petition to a future meeting where it can be presented and debated – this will usually be the following meeting of the Cabinet Panel but this will depend on number of other petitions which fall into this category

29. If the Petition Organiser does not achieve a resolution satisfactory to the Petitioner Organiser following raising the issue with the Executive Member and the Local Members or chooses not to raise the issue with Executive Member and, where relevant, the Local Members then subject as mentioned elsewhere in this Petitions Scheme the Petition can be presented to the relevant Cabinet Panel and an Officer Report will be prepared in respect of that petition (such a Petition is referred to later in this Scheme as a 'Petition for Debate').

[note: a maximum of two Petitions for Debate only can be considered at anyone Cabinet Panel meeting]

Presentation to Cabinet Panel

30. If a petition contains 250 or more signatures and is to be presented to Cabinet Panel the following paragraphs of this section will apply.

31. In this section:

'Agenda Petition' means a petition relating to an item on the Agenda of the Cabinet Panel to which it is to be presented

'Petition for Debate' means a petition to which paragraph 20.3 applies and which under this Scheme falls to be considered by the Cabinet Panel

'Petition for Presentation' means a petition where the Petition Organiser is to inform members of the text of the petition and the number of signatures but will not otherwise speak

'Urgent Petition' is a petition which the Executive Member determines should be presented to the Panel Meeting as mentioned in paragraph [34] below.

32. 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 an Agenda Petition and 30 clear days before the meeting if it relates to a Petition for Debate or a Petition for Presentation (subject to paragraph [34] below).
33. Subject to the petition complying with paragraph 32, 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.
34. If the petition satisfies the criteria mentioned in paragraph 20.3 but is received less than 30 clear days but more than 5 clear days notice before the meeting and the petition is not an Agenda Petition 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

35. At the Cabinet Panel meeting the Petition Organiser for an Agenda 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. The Petition

Organiser for a Petition for Presentation will inform members of the text of the petition and the number of signatures but will not otherwise speak.

36. If the petition is an Agenda Petition then the petition will be presented immediately prior to consideration of the relevant item.

37. Petitions for Debate, Urgent Petitions and Petitions for Presentation will be considered following confirmation of the minutes as follows:

37.1 firstly, each Petition for Presentation

37.2 secondly any Urgent Petition followed by a discussion on that Urgent Petition subject to a maximum period of 20 minutes in total for presentation of the Urgent Petition by the Petition Organiser and consideration of the Urgent Petition provided that at the discretion of the Chairman of the Panel this period of time can be varied;

37.3 then, each Petition for Debate followed by a discussion on that Petition for Debate subject to a maximum period of 20 minutes in total for presentation and consideration of each Petition for Debate provided that at the discretion of the Chairman of the Panel this period of time can be varied;

38. 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.

39. 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.

Generally

40. 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.

41. No more than two Petitions for Debate in total or one Urgent Petition or three Petitions for Presentation in total will be considered at any one meeting of a Cabinet Panel.
42. No more than two Agenda Petitions shall be presented in respect of any one item at a Cabinet Panel. If there are more than two Agenda 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 but will not otherwise be allowed to speak.
43. The order of receipt of the petitions above shall govern priority.
44. 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.

Presentation to Cabinet

45. If a petition contains 250 or more signatures and relates to a matter on the Cabinet Agenda which has not been considered by a Cabinet Panel the following paragraphs of this section will apply.
46. The petition must be received by the Chief Legal Officer at least 5 clear days before the meeting.
47. The petition will be presented immediately prior to consideration of the relevant item. The Petition Organiser may address the Cabinet for no more than three minutes on the subject of the petition, but thereafter shall not have the right to speak further. The petition will then be considered as part of the discussion on the relevant Agenda item.
48. No more than two petitions shall be presented at any one meeting of the Cabinet unless the Chairman of Cabinet so allows. The order of receipt of the petitions shall govern priority.
49. Where more than two 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.

Full Council

Before the Council meeting

50. If a petition contains 1,000 or more signatures and is to be presented to full Council the following paragraphs of this section will apply.
51. The Council 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 the petition relates to an item on the Agenda and **20 clear days** before the meeting if it relates to a matter which is not scheduled to be on the Agenda (subject to paragraph 53 below).
52. Subject to complying with paragraph 51, if the petition relates to a matter not otherwise scheduled to be on the Agenda for the Council Meeting, 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.
53. If the petition is received less than 20 clear days but more than 5 clear days before the meeting and the petition does not relate to a matter scheduled to be on the Agenda then, if the subject matter of the petition needs to be considered urgently (as determined by the Chairman of the Council), the Petition may be presented to the Council meeting but no officer report will be prepared.

At the Council Meeting

54. At the Council meeting the Petition Organiser will be given three minutes maximum to present the petition and will not otherwise be allowed to speak.
55. If the petition relates to a matter that was already on the Agenda then the petition will be presented immediately prior to consideration of the relevant item.
56. If the petition relates to a matter that would not otherwise have been on the Agenda then it will be presented and the officer report on it will be considered early in the Council meeting in accordance with the standing orders relating to the order of business. There will then be a short debate by the Council.
57. The Council will decide how to respond to the petition at the meeting. They may decide to take the action the petition requests or not to take the action requested for reasons put forward in the debate. Where the issue is one on which the Council executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. If the Council do not decide to deal with the petition in some other way, it will (at the discretion of the Chairman) be referred to the Overview and Scrutiny Committee, the appropriate

Cabinet Panel or to officers for consideration and report to the local member and Group Spokesmen.

58. If the petition is one which the Chairman determines needs to be considered urgently (see paragraph 53 above) then one member from each of the Groups on the Council may speak and the petition will then be referred (at the discretion of the Chairman) to the Overview and Scrutiny Committee, the appropriate Cabinet Panel, or to officers for consideration and report to the local member and Group Spokesmen.

Generally

59. On some occasions it may not be possible for a petition which meets the time requirements set out above to be considered by Council and, if this is the case, consideration of the petition will then take place at the next appropriate meeting.
60. No more than two petitions in total will be considered at any one meeting of the Council pursuant to paragraphs 55 and 56 above and, in addition, no more than two petitions that relate to an item that is already on the Agenda. The order of receipt of the petitions shall govern priority.
61. 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.
62. Petitions to Council can be on any matter which relates to something that is the responsibility of the County Council or which significantly affects the County of Hertfordshire, but, if it relates to an Executive function, the Petition Organiser will be advised that Council cannot make a decision on the matter which will bind the County Council – although Council can refer the matter to Cabinet with their comments/views.

E-petitions

63. In addition to paper petitions the Council welcomes e-petitions which are created, signed and submitted through our website <https://cmis.hertsdirect.org/hertfordshire/Petitions.aspx> must follow the same guidelines as paper petitions.
64. The person who raises the e-petition will need to provide us with their name, postal address, post code and email address. You will also need to decide how long you would like your petition to be open for signatures. We recommend

allowing petitions to run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months. The Council will then organise for the petition to be published on-line.

65. When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
66. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. A summary of the petition and the reason why it has not been accepted will also be published under the 'rejected petitions' section of the website.
67. When an e-petition has closed for signature, it will be submitted to the Council. If you would like to present your e-petition to a meeting of the Council, please contact us to seek advice.
68. The response to the petition which is published on the website is automatically emailed to everyone who has signed the e-petition and elected to receive this information.
69. Any paper signatures that are collected can also be added to an e-petition. Please forward these to the Chief Legal Officer, County Hall, Hertford, SG13 8DE. In doing so, please make it clear that you would like to link these signatures to the relevant e-petition.

How do I 'sign' an e-petition?

70. You can see all the e-petitions currently available for signature here <https://cmis.hertsdirect.org/hertfordshire/Petitions.aspx>
71. When you sign an e-petition you will be asked to provide your name, your postal address and your postcode. People visiting the e-petition will be able to see your name and the city or town in which you live in the list of those who have signed it, but the remainder of your details will not be publicly visible. You will also have the opportunity to sign up for e-mail updates on the progress of any petition that you sign.

Informing councillors and officers

72. When a petition is received the relevant Cabinet member, opposition spokespersons and Chief Officer will be sent a copy of the petition.

73. If the petition relates to a local matter in a particular electoral division the relevant local county councillor will also be sent a copy of the petition.

Clear Days

74. In this scheme 'clear days' means clear calendar days.

Scheme Review

75. The Council may review these arrangements from time to time and make alternative arrangements.

KATHRYN PETTITT
CHIEF LEGAL OFFICER
MAY 2016

Petitions Scheme

Flowchart for Petitions which would not otherwise be on Agenda for Panel

Annex 2

