

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

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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 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](#)