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Council  
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Shefford SG17 5TQ



<b>CONSTITUTION ADVISORY GROUP</b>
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<b>DATE: 21 March 2011</b>
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<b>TITLE</b>	<b>Review of Arrangements for Petitions</b>
<b>REPORT OF</b>	Mel Peaston, Committee Services Manager tel: 0300 300 6076

<b>PURPOSE</b>	To review the arrangements in the Constitution for petitions.
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<b>ORIGIN OF PROPOSAL</b>	Informal comments made by Members and the public since the introduction of the Council's e-petitions scheme on 1 October 2011.
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<b>RECOMMENDATION:</b>
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| <p>(1) to identify procedural matters relating to petitions which need to be reconsidered to improve public ease of use and improved administration within the Council;</p> <p>(2) to provide guidance to the Officers on amendments to the Constitution in relation to petitions, with a view to submitting the final recommendations to Council on 14 April 2011.</p> <p>(3) that further to consultation with members of the Council on amendments to the petitions provisions, the Chairman be authorised to determine the recommendation to be submitted to Council on 14 April 2011.</p> |
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## **SUPPORTING INFORMATION**

1. The Council's Petitions Scheme includes provision for paper-based petitions and e-petitions. E-petitions became available for use by the public on 1 October 2010. Petitions were used extensively by the public to communicate their views in the lead-in period to setting the budget. Some petitions were entirely electronic, some were electronic supported by an additional paper section, and some petitions were paper only. Experience of these petitions led to Members and Officers considering whether any changes are necessary to the arrangements to make them more accessible by the public and more streamlined in their administration.
2. The parts of the Constitution which regulate petitions are at Part A4 – Citizens of the Council – Appendix A, Public Participation Procedure; and Annex 2, Petitions Scheme. These are attached to this report at **Appendices B and C**.

### **Matters identified for consideration**

3. Matters which have been identified as needing to be reviewed are:
  - Is seven clear days notice in writing to the Monitoring Officer necessary?
  - Is the threshold number of signatures for paper petitions appropriate?
  - How to handle petitions on planning matters
  - The time period to respond to petitions after Council meetings.

### **Clarification of Identified Matters**

4. 7 clear days notice to the Monitoring Officer – this is currently a requirement under Part A4 Annex 2 Petitions Scheme, para 1.1. This may be considered quite a lengthy period and therefore overly bureaucratic. Consideration could be given to a reduced period of time eg a week (ie 5 working days) and also to clarifying the meaning by stating “5 working days, not including the day of the meeting.”
5. Threshold for paper petitions – this is currently 10 which seems rather low, as petitions with few signatures on very parochial matters are presented at Council. All the threshold numbers in relation to signatures were originally determined as proportions of others. It may be appropriate to increase the number of signatures required on a paper petition to 25, which is a quarter of the number of e-signatures required on a paper petition. There seemed to be no difficulty in achieving the threshold of 100 signatures on e-petitions judging by the e-petitions received on budgetary matters.

6. Petitions on planning matters - Section 2 of the Public Participation Procedure (at Part A4, Appendix A, paragraph 2) sets out the General principles Governing All Public Participation.  
This states:  
2.1 Questions, statements, deputations or petitions are not permitted on:-  
2.1.1 Any matter relating to a planning decision (in respect of petitions only this exclusion shall include any matter about a development plan document or the community infrastructure levy.)
7. Whilst it is appropriate to provide procedures that assist Members (who may at a later stage take part in a planning decision) to avoid compromising their support for/vote against a particular course of action, the Council has a role in knowing what local people want.
8. People drew up petitions and collect signatures without necessarily informing themselves of the rules about petitions in the Council's Constitution. It seems a pity not to allow at least the registering of a petition for or against a particular course of action by the signatories even when it relates to a planning consideration.
9. Recent custom and practice has been that the ward member presents the petition at Council without speaking on it. The sense of the petition is then either included in a report to Development Management Committee or reported at the meeting.
10. It may be appropriate to make specific provision for this in the Constitution.
11. 2 days to respond to the lead petitioner after a petition has been received at Council – para 5.9 of part A4, Annex 2 Petitions Scheme. This is onerous in that in view of the very procedural nature of Council business, a number of matters including the drafting of the minutes and of letters relating to Motions of which Notice has been given, and Open Questions, must be dealt with after the meeting. It would be more reasonable to require a response to be provided to the lead petitioners within a week of the meeting.
12. There is no need to amend the 2-day requirement relating to a response to petitions which have been considered by the Executive. The Digest of decisions taken at Executive must be published within 2 days, and notifying the lead petitioners meshes with this timescale. This timeframe is needed to allow the Lead Petitioner to notify the Monitoring Officer of further action he/she requires.

### **Comments by the Public**

13. Many members of the public have found the e-petitions scheme easy to use but some experienced difficulties with it.
14. Two difficulties and their “remedies” are set out in **Appendix A**.

### **Additional matters for review**

15. Members of the Constitution Advisory Group are asked to identify any further matters relating to petitions which should be reviewed.

### **Process for reviewing the arrangements**

16. It is suggested that the Constitution Advisory Group consider which matters should be the subject of review and ask the Officers to draft appropriate amendments in accordance with a steer given by the Advisory Group.
17. The proposed amendments could be considered at a meeting of the Constitution Advisory Group towards the end of March with a view to making recommendations to the meeting of Council on 14 April 2011 or alternatively, the Advisory Group could authorise the Chairman to consider the drafted proposals and determine the recommendation to be made to Council on 14 April.
18. If the Advisory Group wishes to hold another meeting a date will need to be agreed.

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<b>Contact Officer Details:</b>	<b>Key Background Papers:</b>
Mel Peaston, Committee Services Manager	None