

**CONSTITUTION SUB-COMMITTEE – 29 SEPTEMBER 2020
POLICY AND RESOURCES COMMITTEE 30 SEPTEMBER 2020
EXTRAORDINARY COUNCIL – 6 OCTOBER 2020**

PART I – NOT DELEGATED

**7. REVIEW OF RULE 18 PETITIONS
(CED)**

1 Summary

1.1 To consider any revisions to Rule 18 based on the ideas discussed by the sub-committee at its meeting on the 9 September.

2 Details

2.1 *Rule 18*

2.2 The sub-committee discussed ideas as to how Rule 18 might be amended at its meeting on the 9 September and came up with the following:

- There should still be the right to have petitions heard at a Full Council meeting and clearly if the matter is for debate at the Council meeting that should continue.
- If the petition relates to “let’s have more bus shelters at every bus stop where we do not have them” then the petition is not presented at Full Council but referred to the appropriate Committee. This would allow Officer input at the Committee meetings which is not allowed at Full Council meetings.

2.3 Based on the above, Officers are of the view that no amendments are needed to Rule 18 assuming the number of signatures should remain unchanged at 25. Rule 18(4) already provides for petitions to be referred to Full Council.

3 Options and Reasons for Recommendations

3.1 To consider if the petitions process could be improved to make it more meaningful to ensure that members of the public have confidence in it, and to ensure that the petitions fit in with any consultation procedures taking place.

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are within budgets.

5 Financial, Legal, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

5.1 None specific.

6 Equal Opportunities Implications

6.1 Relevance Test

Has a relevance test been completed for Equality Impact?	No
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(A relevance test assesses whether a service or policy has any effect on the Council's legal equalities duties for different minority groups. If no, please state reason why e.g. there is no proposed change to current policy / service).	
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7 Staffing Implications

7.1 The Committee Team deals with and processes petitions received.

8 Communications and Website Implications

8.1 The Council Constitution is published on the Council website as a public document.

8.2 If the recommendations are agreed the website will be updated accordingly.

9 Risk and Health & Safety Implications

9.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

9.2 The subject of this report is covered by the Committee service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Members of the public lose confidence in the petitions process	Lack of engagement and potential impact on democratic process	Keep and update Rule 18	Tolerate	1:1

9.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ↓ Likelihood	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12

	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
	Impact			
	Low -----> Unacceptable			

Impact Score

4 (Catastrophic)

3 (Critical)

2 (Significant)

1 (Marginal)

Likelihood Score

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Remote (≤5%))

9.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

10 Recommendation

To Policy and Resources Committee and To Council:

10.1 That there be no changes to Rule 18.

Report prepared by: Anne Morgan, Solicitor to the Council

Sarah Haythorpe, Principal Committee Manager

Data Quality

Data sources:

Please list the sources of any data provided in the report

Data checked by:

James Baldwin, Deputy Monitoring Officer

Data rating:

1	Poor	
2	Sufficient	√
3	High	

Background Papers

None

APPENDICES / ATTACHMENTS

Appendix 1 - Rule 18 (current)

Appendix 1

RULE 18

PETITIONS

- (1) Any member of the public may ask to present a petition, either electronically or in paper form, signed by at least 25 residents other than Members of the Council. It must be relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority or part of it, or the inhabitants of that area or some of them. Subject to the provisions of the Petitions Scheme governing responses to ordinary petitions, the Group Leaders shall determine which ordinary petitions shall be presented to a Committee or to Council. A petition which asks for the Chief Executive or a Director to give evidence to a public meeting of a Committee must have a minimum of 100 signatures. A planning or licensing objection signed by more than 25 residents should not be deemed a petition for the purpose of this Rule. The Chairman and Spokespersons of Planning or Licensing Committee (as appropriate) shall be notified of its receipt and can exercise their right to require the matter to be determined by the appropriate Committee.
- (2) The terms of the petition and signatures shall be submitted in writing by noon on the Monday of the week prior to the meeting.
- (3) A maximum of three petitions shall be received at any meeting. Petitions shall be taken in the order of receipt.
- (4) The Group Leaders will determine which petitions should be presented to a Committee and will have discretion over where a petition should go, to ensure that it goes to the most appropriate committee. Exceptionally, a petition might be referred to Council. The title and subject matter of every petition received will be included on the agenda for the relevant Committee. The agenda will also indicate how petitions not being received at that meeting will be progressed.
- (5) One representative of the petitioners shall be allowed to address the meeting **for not more than three minutes**.
- (6) After the petition has been presented, the appropriate Member shall have the right to respond. The response shall be limited to no more than three minutes.
- (7) Except in extraordinary circumstances notified to the Chairman prior to the meeting, members of the public may not ask questions or make statements in relation to the subject matter of the petition. No member of the public may speak more than once and no speech shall last longer than three minutes.
- (8) A decision will be made on how to respond to the petition and a written reply with details of any action proposed will be sent to the representative of the petitioners.
- (9) No petition shall be considered within six months of a petition with the same or likewise objective.

(10) **E-Petitions**

- (a) E-Petitions, created and submitted through the Council's website, shall follow the same guidelines as paper petitions, as above.
- (b) The petition organiser shall provide his/her name, postal address and email address.
- (c) The E-Petition shall remain open for a maximum of three months.