

PLYMOUTH CITY COUNCIL

Subject: Review of Petitions Guidance
Committee: Audit and Governance Committee
Date: 10 December 2018
Cabinet Member: Councillor Peter Smith, Deputy Leader
CMT Member: Giles Perritt, Assistant Chief Executive
Author: Linda Torney, Assistant Head of Legal Services
Contact details: linda.torney@plymouth.gov.uk
Ref:
Key Decision: No
Part: I

Purpose of the report:

The purpose of this report is to provide information to the Audit and Governance Committee for its review of the Petitions Guidance.

To ensure that the petitions guidance is suitable and to maintain open and transparent decision making.

Corporate Plan:

Maintenance of the Constitution is a central element of the Democratic process of the Council which supports the Democratic values of the Corporate Plan.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land:

As this is a change to internal business processes there are no anticipated financial implications.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

None.

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

Review the Petitions guidance contained within the constitution and agree whether it remains fit for purpose.

Reason: To ensure that the current guidance remains fit for purpose.

Alternative options considered and rejected:

Not reviewing the petitions guidance would not allow democratic scrutiny of this element of the constitution.

Published work / information:

None

Background papers:

Title	Part I	Part II	Exemption Paragraph Number						
			1	2	3	4	5	6	7

Sign off:

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Originating SMT Member – Giles Perritt													
Has the Cabinet Member(s) agreed the content of the report? Yes													

1.0 Background

Council has established guidance on how to deal with petitions. Following a recent petition the Audit and Governance Committee has been asked to review that guidance.

1.1 Key elements of the guidance

The guidance says that the Council will consider all petitions received and will arrange for a debate about the issues raised in the petition if the petition has more than 2,500 signatures.

1.2 Petitions with more than 5,000 signatures

If the petition has received 5,000 signatures it will automatically trigger a debate at the next ordinary city Council meeting. In this case, we will confirm the date of the next meeting and the petition organiser will be given five minutes to present the petition and put forward his / her case for the action requested.

At the meeting, Councillors will decide how to respond to the petition and the petition organiser will receive written confirmation of this decision, which will also be published on the Council's website as part of the minutes for that meeting.

1.3 Petitions with more than 2,500 signatures

If the petition contains at least 2,500 signatures, the person organiser can ask for a senior Council officer (Chief Executive, Assistant Chief Executive, Directors and Assistant Directors) to give evidence at one of the Council's Scrutiny Panels (eg to explain progress or to explain the advice given to Councillors to assist their decision making). The Panel may also require the relevant Cabinet Member to attend the meeting. Panel members will ask the questions at this meeting. The organiser can suggest questions to the Chair of the Panel by contacting the Democratic Support team before the meeting.

1.4 Arrangements in neighbouring authorities

In Cornwall they will consider all petitions that have a minimum number of 250 signatures and decide what to do on an individual basis. In Devon they will consider all petitions received and will arrange for a debate at Council if a petition has more than 6000 signatures. In Torbay any petition with more than 25 signatures will be seen at Council and the petition organiser will have the opportunity to speak on the matter. The petition will then be referred to the decision maker for a decision. Petitions with 1000 or more valid signatures can be presented to Council for a full debate.

2.0 Issues for Review

2.1 Is 5000 signatures the correct level of response to require a debate at Council in Plymouth?

2.2 Is 2500 signatures the correct level of response to lead to a Scrutiny meeting in Plymouth?

2.3 What must be included in a petition?

Petitions must include:

- a clear statement covering the subject matter
- what the petitioners want the Council to do and
- the name, address and signature of everyone supporting the petition.

Now that petitions can be sent in by email what do we mean by the requirement for a person to give an address – is it sufficient for the petitioner to give their city of residence plus contact details or is a postal address also wanted? Would it be better to ask for a postcode and email address?

Should we include any other requirements?

What is excluded?

A petition will not be accepted or dealt with:

- if it is considered to be vexatious, abusive or otherwise inappropriate
- it relates to matters where there are ongoing legal proceedings
- it targets individuals
- it applies to a matter where there is already a right of appeal (e.g. planning or licensing)

Applications or statutory petitions (such as that for requesting a referendum on having an elected mayor) will be dealt with under separate arrangements

Are these the correct criteria to be used?

Remedies

If a person feels that the Council has not dealt with his or her petition properly, the petition organiser has the right to ask the relevant scrutiny panel to review the Council's response. The petition organiser should give a short explanation as to why the Council's response is not felt to be adequate.

That scrutiny panel will try to consider the request at its next meeting. Once the appeal has been considered the petition organiser will be informed of the results within 5 working days and they will be published on the Council's website as part of the minutes for that meeting.

Does this continue to be the correct remedy?