

Corporate Governance and Standards Committee Report

Ward(s) affected: All

Report of the Director of Corporate Services

Author: John Armstrong

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Relevant Lead Councillor: Nigel Manning

Tel: 01252 665999

Email: nigel.manning@guildford.gov.uk

Date: 14 January 2016

Proposed Amendments to the Council's Petition Scheme

Executive Summary

Following the Council's formal determination of its response to the Clay Lane Link Road petition, at its meeting on 7 October 2015, the petition organisers submitted a written request to ask scrutiny to review the steps that the Council took in responding to their petition.

The petition organisers were not satisfied that a full and fair debate took place at the Council meeting and felt that their petition had been ignored. At its meeting on 1 December 2015, the Customer and Community Scrutiny Committee undertook the review and concluded that the Council had not dealt with the petition adequately because the formal response had not replied specifically to the question set out in the petition. Consequently, the Committee referred the matter back to full Council on 10 February 2016 to enable the Council to clarify its response to the request in the petition.

As part of the review, the Committee had also considered suggested amendments to two sections of the Council's Petition Scheme and had referred these formally to this Committee as it is responsible for monitoring the operation of the Constitution.

Recommendation to the Committee:

The Committee is asked to recommend to Council, in the light of the recent review by the Customer and Community Scrutiny Committee of the steps taken by the Council in responding to the Clay Lane Link Road Petition, approval of the suggested amendments to the Council's Petition Scheme set out in paragraph 4 of this report.

The Committee is also asked to consider whether implementation of any decisions pertinent to a petition under review by overview and scrutiny should be delayed until completion of the review process.

Reason for Recommendation:

To ensure that the Council's processes for responding to petitions remains robust and fit for purpose.

1. Purpose of report

- 1.1 The purpose of this report is to ask the Committee to consider suggested amendments to the Council's Petition Scheme (which is appended to Public Speaking Procedure Rules in Part 4 of the Constitution), to clarify the process for dealing with petitions and requests for future reviews.

2. Strategic Priorities

- 2.1 Formal consideration of the amendments proposed to the Council's petition scheme described in this report is consistent with the Council's desire to be open and accountable to its residents and to deliver improvements and enable change across the Borough.

3. Background

- 3.1 At its meeting on 1 December 2015, the Customer and Community Scrutiny Committee considered, for the first time, a review of the steps taken by the Council in responding to a petition. The organisers of the petition objecting to the Clay Lane Link Road, which was debated at the Council meeting on 7 October 2015, were dissatisfied with the adequacy of the Council's response and subsequently requested one of the scrutiny committees to conduct such a review in accordance with the provisions of paragraph 10 of the Council's Petition Scheme.
- 3.2 The Customer and Community Scrutiny Committee reviewed the steps taken by the Council in its response to the petition and decided that the Council had not dealt with the petition adequately because the formal response had not replied specifically to the question set out in the petition. Consequently, the Committee referred the matter back to full Council on 10 February 2016 to enable the Council to clarify its response to the request in the petition.
- 3.3 As part of the review, the Committee also considered suggested amendments to two sections of the Council's Petition Scheme and has referred these formally to this Committee as it is responsible for oversight of Constitutional matters.

4. Suggested improvements to the Petition Scheme

- 4.1 It was evident from the review undertaken by the scrutiny committee that the Council's adopted arrangements for dealing with petitions had not, until then, been tested as to their efficacy. The review (and the circumstances that prompted it) had provided a learning opportunity and a chance to improve and refine the guidance in the Petition Scheme.
- 4.2 The purpose of having a petition scheme is to provide clear advice and guidance to the public in respect of the matters on which petitions may be submitted to the Council, the relevant signature thresholds that apply that determine which part of the Council will respond to a petition and the procedures that will be followed. It is important that this guidance sets out a clear and transparent process for the consideration of a petition and the formal response given to the petition organiser. Bearing this in mind, the scrutiny committee has suggested two amendments to the Petition Scheme, which are described below.

- 4.3 Since the Council adopted its Petition Scheme in June 2010, any petitions referred to full Council for debate have been dealt with at the Council meeting by way of a motion proposed and seconded which sets out a suggested formal response to the petition. This accords with the accepted rules of debate, as set out in Council Procedure Rules. However, there is no reference in the Petition Scheme that, where a petition is referred to full Council for debate, a motion proposing a formal response to it will be put to the meeting. Furthermore, in light of the issue raised in this case, it is suggested that, not only should the Petition Scheme make reference to a motion, it should also provide, for the avoidance of doubt, that such motion must include a direct response to the request in the petition.
- 4.4 The second area in the Petition Scheme which would benefit from some amplification is in paragraph 10, where it is suggested that it should include details of the procedure to be adopted at a scrutiny meeting in considering future requests for a review of the steps taken by the Council in responding to a petition.
- 4.5 It is therefore suggested that the following amendments be made to the Petition Scheme:

(1) Substitute the following in place of paragraph 6.3 of the Petition Scheme:

“6.3 The Council will decide how to respond to the petition at the meeting. The Council may decide to support the action the petition requests, or not. *A motion suggesting a formal response to the petition shall be proposed and seconded at the meeting and dealt with under the normal rules of debate, provided that any such motion must explicitly respond to the request in the petition i.e. that part of the petition which asks the Council to take some form of action. Alternatively, the Council may refer the matter to the Leader/ Executive or the Overview and Scrutiny Committee for further consideration. The petition organiser will receive written confirmation of any decision taken”.*

(2) Substitute the following in place of paragraph 10.2 of the Petition Scheme:

“10.2 The request for review will be referred to the next available meeting of the Overview and Scrutiny Committee. *The Council will endeavour to consider the review at the next available meeting of the Overview and Scrutiny Committee although on some occasions this may not be possible and the review will then take place at the following meeting. The petition organiser shall be invited to attend that meeting. The procedure for conducting the review at the meeting shall be as follows:*

- (a) *The petition organiser (or any person authorised by them) shall be invited to address the Committee for no more than five minutes in respect of their request for review.*
- (b) *Councillors to ask the petition organiser any questions relevant to the review arising from their statement to the Committee.*

(c) *The Committee to review the steps taken by the Council in responding to the petition and to consider whether the Council has dealt with the petition adequately. Dependent on whether the formal response to the petition was given by*

- *a director or a service leader,*
- *a lead councillor, or*
- *full Council*

this may include asking the relevant director/service leader or relevant lead councillor to attend and answer questions from the Committee.

(d) *Prior to making a decision on the review, the petition organiser (or any person authorised by them) shall have a right of reply on the debate, for which they will be given five minutes.*

(e) *The Committee to formally determine the review – deciding either that the Council has dealt with the petition adequately or that it has not. If the latter, the Committee must then decide one of the following options:*

- (i) *to investigate the matter further;*
- (ii) *to make recommendations to the Leader/Executive; or*
- (iii) *to arrange for the matter to be considered at a meeting of full Council.”*

4.6 Paragraph 3.2 above indicated that the Customer and Community Scrutiny Committee had decided that the matter should be referred back to Council on 10 February 2016 to clarify its response to the request in the petition. As the project plan for Clay Lane Link Road scheme had anticipated the submission of a planning application by the end of January 2016, the Lead Councillor for Infrastructure and Environment confirmed to the meeting that any formal planning application in respect of this matter would be delayed until *after* Council had clarified its response on 10 February 2016.

4.7 This prompted the Customer and Community Scrutiny Committee to also ask this Committee to consider whether implementation of any decisions pertinent to a petition under review by overview and scrutiny should be delayed until completion of the review process.

4.8 There will be circumstances in the future where a review by the Overview and Scrutiny Committee of the steps taken by the Council to respond to a petition, and possibly a reference back to full Council, may impinge upon the Council's ability to implement, for example, a major capital scheme in accordance with a previously agreed timeframe. However, officers are of the view that we should deal with such matters on a case-by-case basis and, where necessary, convene special meetings of the Overview and Scrutiny Committee and/or full Council for this purpose.

5. Financial Implications

5.1 There are no direct financial implications arising from the Committee's formal review of the steps taken by the Council in response to this petition.

6. Legal Implications

- 6.1 The suggested amendments to the Petition Scheme have been referred to this Committee as its terms of reference include responsibility for monitoring and reviewing the operation of the Constitution, and making recommendations to Council for adoption.

7. Human Resource Implications

- 7.1 There are no direct HR implications arising from the Committee's formal consideration of the suggested amendments to the petition scheme.

8. Background papers

None

9. Appendices

Appendix 1: Petition Scheme showing the proposed amendments