



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

WEDNESDAY, 27 MARCH 2024

Report of the Director - Legal and Democratic Services

Revisions to the Constitution: Petition Scheme

1. Purpose

- 1.1 To agree an amendment to the Petition Scheme in the Constitution to include a procedure for debate.

2. Information and Analysis

- 2.1 Derbyshire County Council, like many other Councils, maintains a Petitions Scheme to promote and enhance public engagement with the democratic process. The Council's Petition Scheme is included at Appendix 2 to the Constitution. The Scheme sets out the guidelines for submitting a petition, what the Council will do when it receives a petition and how the Council will respond to a petition. The majority of petitions are referred to the relevant Cabinet Member for consideration, however if a petition receives more than 7,500 (just under 1% of the Derbyshire population) signatures or more, the Scheme requires it to be referred for a Full Council debate.
- 2.2 The Council Procedure Rules state: "10.1 Any petition signed by 100 or more members of the public and not received to be dealt with under a procedure regulated by law, shall be dealt with in accordance with the Council's Petition Scheme." The usual rules of debate at council meetings therefore do not apply.

The Petition Scheme then sets out how the Council will deal with any petition that triggers a full Council debate.

"Full Council Debates

If a petition contains more than 7,500 signatures it will be debated by the Full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition

will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

The petition organiser (or their nominee) will be given five minutes to present the petition at the meeting. The petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council's Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website."

- 2.3 The Council considered a petition at its meeting on 29 November 2023 and it is recognised that the information in the Petition Scheme could be improved to provide further clarity on how a petition should be debated. In reviewing the Scheme, officers have considered the approach taken by other authorities across England and the amount of detail varies. The proposed approach seeks to strike a balance between avoiding prescriptive wording and allowing flexibility at the meeting.
- 2.4 The changes propose that comments from individual councillors should be kept to three minutes as this will ensure that a greater number of councillors are able to take part in the debate. It is also made clear that for the subject matter of the petition to be acted upon, Council will need to pass a resolution. This may be a referral to Cabinet in the case of an executive matter that does not fall within the remit of Council to determine. The procedure also makes it clear that the petition will be referred to an appropriate officer to respond should council not agree a resolution.
- 2.5 It is therefore proposed that the Petition Scheme be amended so that the section regarding Full Council debates is as follows:

“Full Council Debates

If a petition contains more than 7,500 signatures it will be debated by the Full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

Petition debate process

The Chairman of the Council will invite the petition organiser (or their nominee) to present the petition at the meeting. Up to 5 minutes will be allowed for this.

The petition will then be debated by Councillors for a maximum of 15 minutes. This period may be extended at the discretion of the Chairman whose decision shall be final. All speeches are limited to a maximum of 3 minutes and no Councillor will be permitted to speak more than once. During his or her speech, any Councillor may move a motion for the Council's consideration relevant to matters in the petition (this does not require the suspension of the Council Procedure Rules). Following the debate, the Chairman will invite the relevant Cabinet Member or Committee Chair to respond to the matters raised, for up to 5 minutes.

The conventional standing orders for debating motions shall not apply to petition debates. For example, the proposer will not be entitled to a right to close the debate and a seconder may not reserve their right to speak. The ruling of the Chairman shall in all cases be final.

Following the petition debate any motion moved will be put to the vote. Where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

If no motion is agreed, the petition will stand referred to the relevant Executive Director for a written response within 28 days of the meeting.

The petition organiser will receive written confirmation of the outcome of the petition debate and this confirmation will also be published on our website.”

- 2.6 The amendments to the scheme were considered at the Governance Ethics and Standards Committee on 7 March. The Committee was supportive of the proposed changes to the petitions scheme but did recommend further clarification around the time limit for debate. The Committee felt that there should be discretion for the Chairman to increase the fifteen-minute time limit for debate for particularly significant issues. Wording to this effect has therefore been inserted into the petition debate process above.

3. Consultation

- 3.1 Not applicable

4. Alternative Options Considered

- 4.1 Not to recommend the amendment of the Constitution, however it is considered appropriate to provide clarity to both Members and members of the public on the process for debating petitions at full Council.

5. Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 None identified.

7. Appendices

7.1 Appendix 1 – Implications

8. Recommendation(s)

That Council:

Approves changes to the Petitions Scheme at Appendix 2 to the constitution, as set out in paragraph 2.5 of the report.

9. Reasons for Recommendation(s)

9.1 To provide clarity to both Members and members of the public on the process for debating petitions at full Council.

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Implications

Financial

1.1 None directly arising out of this report.

Legal

- 2.1 The Local Democracy Economic Development and Construction Act 2009 introduced an obligation on principal councils to make a scheme for the handling of petitions which are made to the authority. These provisions were repealed by the Localism Act 2011 and as a result the Council is no longer required to have a statutory petition scheme. The Council therefore has the discretion as to whether it wishes to retain a Petition Scheme and the manner in which it intends to deal with petitions received.
- 2.2 Article 22 of the Constitution makes it clear that changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Governance Ethics and Standards Committee. A report was considered by the Committee on 7 March that discharged this constitutional requirement.
- 2.3 The Council is required to prepare and keep up to date its Constitution as set out in Section 9P of the Local Government Act 2000 as amended. Approval by full Council of the recommendations in this report will enable the compliance with this duty.

Human Resources

3.1 None directly arising out of this report.

Information Technology

4.1 None directly arising out of this report

Equalities Impact

5.1 None directly arising out of this report

Corporate objectives and priorities for change

6.1 None directly arising out of this report

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None directly arising out of this report.