

MAIDSTONE BOROUGH COUNCIL

COUNCIL

22 SEPTEMBER 2010

REPORT OF THE GENERAL PURPOSES GROUP HELD ON 25 AUGUST 2010

PETITIONS AT COUNCIL MEETINGS

On 25 August 2010, the General Purposes Group considered the report of the Head of Democratic Services concerning any amendments which are required to the Council's Petition scheme, which is within the Constitution, arising from the Local Democracy and Economic Development and Construction Act 2009.

The Local Democracy and Economic Development and Construction Act 2009 ("the Act") requires every principal Council to introduce a Petition Scheme. However this Council has had a Petition Scheme within its Constitution for at least 20 years and that scheme is currently sufficient to meet the requirements of the above Act. However in considering the principles within the Act it is felt that there was an opportunity to review the Scheme with the view to seeing whether it could be changed to allow more debate at the Council meeting.

Currently the existing Petition Scheme allows the opportunity for any petition to be debated at the Council meeting subject to certain rules such as a factual briefing note being provided. The petitioner will have an opportunity to speak for 5 minutes. The petition would then be debated for 20 minutes by Members and at the conclusion of that the debate the petitioner would have a further 3 minutes to comment on the issues raised during the debate. This meets the requirements set within the Act but in considering this matter it was wondered whether Members wished to consider the opportunity for opening up debate at the Council meeting by allowing an unrestricted debate at a Council meeting where the petition has 1,500 signatures which would be more significant than the current 20 minute debate.

Additionally, the new Act also has a requirement that senior officers should be held to account by an Overview and Scrutiny Committee when a petition has been received requesting that they attend an Overview and Scrutiny Committee. This Council already undertakes this practice in that senior officers of the Council will always attend meetings of the Overview and Scrutiny Committee when requested by that Committee but equally if a petition was received by an Overview and Scrutiny Committee and required attendance of an officer that officer would always attend that meeting. However, in order to meet the requirements of the Act it is

suggested that an amendment is made to the Scheme to add a provision that a senior officer will attend a meeting of an Overview and Scrutiny Committee when requested by a Petitioner. It is suggested that a senior officer is defined as Chief Executive, Director or Head of Service.

Within the existing Petition Scheme there is no power to reject a petition where it is considered to be vexatious, abusive or otherwise inappropriate such as within the requirements for Questions at the Council meeting. It is therefore suggested that the Scheme is amended to add this requirement. It is suggested that the delegated officer for this purpose could be myself, the Head of Democratic Services but undertaken in consultation with the Monitoring Officer.

The Act also indicates that by the end of the Calendar year the Council must have in place an E Petition Scheme by which members of the public can submit petitions to the Council. Having this facility should hopefully encourage a greater use of petitions and their eventual discussion at Council. The Council is able to do this using its Committee Administration package modern.gov and this should be in place in the autumn.

Recommendation

1. That an amendment is made to the Council's Petition Scheme to allow a debate, without time limit, by the Council of a petition with 1,500 signatures.
2. That the council's Petition Scheme be amended to include a provision whereby if a petition has been received with 100 signatures and requests that a senior officer of the council should attend a meeting of an Overview and Scrutiny Committee that officer will attend with such senior officer being defined as Chief Executive, Director or Head of Service.
3. That the Council's Petition Scheme be amended so that there is no age limit on who can sign the Petition or present the Petition to Council.
4. That the Councils Petition Scheme be amended to include an E-Petition facility.

Evaluation of the Standards Committee held on 1 September 2010

That in accordance with Article 15.02 (a) of the Constitution, the Standards Committee has evaluated the proposed amendments to the Council's Petition Scheme within the Constitution and believes that, subject to the provision to allow, without time limit, a debate by the Council on any petition with 1,500 signatures being reviewed in two years, their implementation will help to ensure that the aims and principles of the Constitution are given full effect by ensuring compliance with new legislation and providing opportunities for more debate at Council meetings.