

CONSTITUTION AND STANDARDS COMMITTEE

Tuesday, 14 December 2021

REPORT TITLE:	REVISION OF THE PETITION SCHEME
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The report provides the Constitution and Standards Committee with a proposed revised petition scheme for consideration and adoption.

The Committee resolved to undertake a review of the existing petition scheme in February 2021 to ensure that it accorded with the revised Constitution as adopted in September 2020. This report details the outcome of that review and the options available to the Committee in adopting a revised petition scheme.

RECOMMENDATION/S

The Constitution and Standards Committee is recommended to:

1. Consider its preferred approach for a Petition Scheme in relation to:
 - a. The time allowed to present a petition
 - b. The required notice period for a petition to be considered by a Committee or Council
 - c. The inclusion of a call for evidence for officers and members and if so the number of signatories required to trigger it
 - d. The inclusion of a full council debate and if so the number of signatories required to trigger it
 - e. The inclusion of an option to prevent repetitive petitions
 - f. The inclusion of a right to review
 - g. Options for how the Council will respond

2. Refer to Council for decision the adoption of the revised Petition Scheme.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To ensure that the petition scheme is fit for purpose and in accordance with the constitution that was adopted in September 2020.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Not to review the Petition Scheme at the present time.

3.0 BACKGROUND INFORMATION

- 3.1 The Council's existing Petition Scheme sets out the framework for which residents of the borough are able to submit petitions to the Council, and how those petitions will be dealt with.
- 3.2 The requirement for a Petition Scheme of this kind to form part of the Council's Constitution no longer applies, following the repeal of the requirement to have such a scheme in that form, and was removed from the Constitution in the 2020 re-write introducing the committee system form of governance.
- 3.3 Following the adoption of a new Constitution by the Council at the Annual Meeting held on the 28th September 2020, therefore, the processes set out in the existing petition scheme no longer align with the new governance arrangements and remains as an outstanding area to be reviewed.
- 3.4 The Governance Working Group has considered proposals relating to a revised version of the scheme at its meetings on 4 August 2021 and 21 October 2021 and set out a number of key elements for inclusion within the revised scheme, which have been incorporated into the proposed scheme at Appendix 2.
- 3.5 There were a number of elements within the scheme where the Governance Working Group sought further information and tasked officers to undertake research on other authorities' petition schemes. The scheme as detailed in Appendix 2 presents several options for the Constitution and Standards Committee to consider, and Appendix 1 provides the research undertaken into other authorities' schemes to assist members.
- 3.6 The Constitution and Standards Committee is recommended to consider its preferred approach in relation to:
- a. The time allowed to present a petition
 - b. The required notice period for a petition to be considered by a Committee or Council
 - c. The inclusion of a call for evidence for officers and members and if so the number of signatories required to trigger it
 - d. The inclusion of a full council debate and if so the number of signatories required to trigger it
 - e. The inclusion of an option to prevent repetitive petitions

- f. The inclusion of a right to review
- g. Options for how the Council will respond

4.0 FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 The Constitution and Standards Committee is charged by full Council to keep the Council's constitutional arrangements under review and to make recommendations as to amendments and improvements to the Council's constitution, including codes and protocols.

5.2 The previous requirement for local authorities to have a Petition Scheme was set out in the Local Democracy, Economic Development and Construction Act 2009, alongside other initiatives such as 'calling to account'. These provisions were generally considered to be difficult to manage in practice and overly prescriptive in detail and were repealed by the Localism Act 2011. The Council's petition scheme was based on those formerly mandatory requirements.

5.3 There is no mandatory requirement for the Council to have a petition scheme.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no direct resource implications arising from this report.

7.0 RELEVANT RISKS

7.1 There are no direct risks arising from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 The cross-part Governance Working Group has been engaged throughout the review.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

9.2 There are no direct equality implications arising from this report and therefore an Equality Impact Assessment has not been undertaken.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The maintenance of an effective e-petition system enables residents to petition the council without the need for excessive use of paper and travelling to collect signatures.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are no direct Community Wealth implications arising from this report.

REPORT AUTHOR: Dan Sharples

Principal Democratic and Member Services Officer
telephone: 0151 666 3791
email: danielsharples@wirral.gov.uk

APPENDICES

Appendix 1 – Research into Other Local Authorities’ Petition Schemes

Appendix 2 – Proposed Revised Petition Scheme

BACKGROUND PAPERS

Constitution

Local Democracy, Economic Development and Construction Act 2009

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Constitution and Standards Committee	24 February 2021