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**Report to**  
Standards Committee  
Council

16<sup>th</sup> October, 2008  
28<sup>th</sup> October, 2008

**Report of**

Director of Customer and Workforce Services and Director of Finance and Legal Services

**Title**  
**Proposed Amendments to the Constitution – Petition Procedure Rules**

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**1. Purpose of the Report**

- 1.1 This report outlines proposed changes to the Constitution in relation to the Petition Procedure Rules set out in Part 4.9.

**2. Recommendation**

- 2.1 Standards Committee is requested to recommend that the City Council amends Part 4.9 of the Constitution relating to Petition Procedure Rules as follows:-

- i) That Paragraph 4.9.7.1 of the Constitution regarding the notification of decisions relating to petitions be amended to read as follows:-

"Following consideration of the petition, the Member submitting the petition, together with the petition spokesperson and the relevant Ward Councillors will be notified in writing by the Director of Customer and Workforce Services of the decision. Should any further action be required to the petition, the appropriate Directorate will keep the Member and petition spokesperson informed of any progress."

- ii) That the following be inserted at the end of Paragraph 4.9.4.2:-

"That any petition relating to a planning or licensing issue, for which an application has not been received within a 12 month period and where there is no on-going progress, the petition will automatically be considered by the relevant Cabinet Member and the petition put on file in planning or licensing for future reference"

### **3. Information/Background**

- 3.1 The majority of the City Council's Constitution has been operating in its current form since May 2003, and the Standards Committee has approved various amendments during the course of the last five years.
- 3.2 The Monitoring Officer has also made some minor rewording/redrafting amendments in accordance with the authority delegated by the Standards Committee.
- 3.3 The Constitution Working Group, which has cross-party representation, meets during the Municipal Year to give consideration to any issues that arise that may require amendments to the Constitution.

### **4. Proposal to be Considered**

#### **4.1 Notification of Decisions**

4.2 Over the last few months, a couple of issues have arisen in relation to the Petition Procedure Rules (a copy of which are attached to this report as Appendix 1) and the Constitution Working Group have met to consider these issues.

4.3 The first issue relates to the notification process once petitions have been considered. Currently, Paragraph 4.9.7 states:-

"Following consideration of a petition, the Member submitting the petition, together with the petition spokesperson and the relevant Ward Councillor will be notified in writing by the Director of Customer and Workforce Services of the decision and the Member and the petition spokesperson will then make arrangements to inform the petitioners accordingly."

4.4 In recent instances, some Members have interpreted this as meaning that each individual petitioner should personally receive some sort of notification about the decision. Where there are hundreds, or in some cases, thousands of signatures to a petition, there can be significant implications to the City Council in sending a copy of this letter to each petitioner. All of the decisions relating to the consideration of petitions are contained in the Minutes from the meeting, which are a public document and which can be accessed through the Committee Information Management System (CMIS). In addition, the outcomes of petitions are often reported in the local press.

4.5 It is therefore proposed to amend the wording of Paragraph 4.9.7.1 so that the only requirement is for the Member submitting the petition, the petition spokesperson and the Ward Councillors to be informed of the decision. In addition, where further action is required to be taken in relation to the petition, it is proposed to require the appropriate Directorate to keep the Member and petition spokesperson informed of any progress.

#### **4.6 Length of Time Petitions have been in System Without Being Considered**

4.7 The second issue relates to the length of time that some petitions have been in the system without being considered. Paragraph 4.9.2.3.7 of the Constitution indicates that petitions should normally be considered within two months of receipt. The exception to this are those petitions which relate to planning and licensing applications and which are considered at the same time as the application rather than within the two month period because of issues relating to the pre-determination of applications.

- 4.8 Currently, there are a number of petitions that relate to planning issues that are over two years old. The petitions have never been considered because a planning application has either never been submitted, or the application has not progressed as far as being considered by the Planning Committee. For example, there could have been a concern amongst the local community that a planning application **may** be submitted for a particular location, but in fact an application was never submitted.
- 4.9 Governance Services produce a "petition tracking report", which tracks the progress of all current petitions, up to their consideration. A copy of this report is sent out to all Members each month. Recently, there has been criticism that no action has been taken on these older petitions, and that they were lost in the system. In addition, there is some concern that, if an application were to be submitted a significant period after the petition was produced, what weight could be given to that petition? For example, if it was over two years old, would the petitioners have the same concerns? In addition, people may no longer live in the area and new residents may have a different view.
- 4.10 The Constitution Working Group have given consideration to introducing a time limit for all petitions relating to planning and licensing issues and raised concerns that petitioners were submitting petitions that potentially may never be considered. They also indicated that there was a clear difference between those petitions which related to an application that had been submitted and where there was ongoing progress, against those petitions where an application had/ may never been received.
- 4.11 It is therefore proposed that any petition relating to a planning or licensing issue, for which an application has not been received within a 12 month period and where there is no on-going progress, will automatically be considered by the relevant Cabinet Member (so avoiding the issue of pre-determination) and the petition be kept on file in planning or licensing for future reference. The petition would then be removed from the "petition tracking register". This would not preclude a new petition being submitted in the future, should the issue arise again.

5. Other specific implications

	Implications (See below)	No Implications
Best Value		✓
Children and Young People		✓
Climate Change and Sustainability		✓
Comparable Benchmark Data		✓
Corporate Parenting		✓
Coventry Community Plan		✓
Crime and Disorder		✓
Equal Opportunities		✓
Finance		✓
Health and Safety		✓
Human Resources		✓

	<b>Implications (See below)</b>	<b>No Implications</b>
Human Rights Act		✓
Impact on Partner Organisations		✓
Information and Communications Technology		✓
Legal Implications	✓	
Neighbourhood Management		✓
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

## 5.2 Legal Implications

The City Council's is required to have a Constitution in accordance with the Local Government Act 2000. It is important to ensure that the Constitution not only complies with the law but also reflects the changing practical requirements for the Council to function efficiently and effectively.

Part of the role and function of the Standards Committee is to review and recommend to the Council amendments to the Constitution (Article 2.15 of the Constitution refers).

## 6. Monitoring

- 6.1 The Constitution is monitored regularly through the Monitoring Officer, Governance Services and the Constitution Working Group in order that appropriate recommendations are made to the Standards Committee.

## 7. Timescale and Expected Outcomes

- 7.1 Provided that the Standards Committee approve the recommended changes to the Constitution, it is proposed that they are submitted to the City Council on 28<sup>th</sup> October 2008 and will come into operation with immediate effect.

	<b>Yes</b>	<b>No</b>
<b>Key Decision</b>		✓
<b>Scrutiny Consideration (if yes, which Scrutiny meeting and date)</b>		✓
<b>Council Consideration (if yes, date of Council meeting)</b>	✓ 28 <sup>th</sup> October, 2008	

List of background papers

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Papers open to Public Inspection

**Description of paper**

**Location**

City Council's Constitution

CH 59

4.9 **Petitions Procedure Rules**

4.9.1 **General**

4.9.1.1 Petitions dealt with under these Rules are those supported by a Councillor and will not be recognised as such unless signed by at least five people resident in Coventry or five business ratepayers or a combination of both, and the address of the signatories are provided.

4.9.1.2 This definition does not include any multi-signatory letters or petitions which are not supported by a Councillor but are received directly by the appropriate Directorate. They will be investigated by the Directorate and, if appropriate, be taken into consideration with regard to any related application.

4.9.1.3 Where a petition is received that is not supported by a Councillor, the appropriate Directorate will ensure that a copy of the petition is forwarded to the relevant Ward Councillors.

4.9.2 **Submission Of Petitions**

4.9.2.1 A Councillor will initially hand petitions into the Customer and Workforce Services Directorate where a form will be completed. The Councillor will decide how she/he wishes the petition to be dealt with and will determine a petition spokesperson.

4.9.2.2 Petitions will be entered on a register maintained by the Director of Customer and Workforce Services, which will indicate the Councillor submitting the petition, the date of receipt, the subject matter, the Directorate responsible for the issue and an anticipated date when the petition will be considered. A copy of the register detailing all outstanding petitions will be circulated to all Councillors and members of the Management Board on a monthly basis.

4.9.2.3 Petitions may be submitted by a Councillor either:-

4.9.2.3.1 To a meeting of the City Council. The Councillor submitting the petition will be entitled to speak for two minutes.

4.9.2.3.2 Directly to the Cabinet or appropriate Cabinet Member. The Councillor submitting the petition will be entitled to attend the Cabinet or Cabinet Member meeting to present the petition.

4.9.2.3.3 Directly to either the Planning or the Licensing and Regulatory Committee.

4.9.2.3.4 When a petition has been submitted by a Councillor, the Director of Customer and Workforce Services will write to the Councillor acknowledging receipt. A copy of this letter will be sent to the relevant Ward Councillors, petition spokesperson and appropriate Cabinet Member/Chair. A copy of the petition and letter will be sent to the appropriate Directorate.

4.9.2.3.5 Any petition presented to the City Council will automatically stand referred to a meeting of the Cabinet, appropriate Cabinet Member, appropriate City Council Committee or other appropriate body as determined by the Director of Customer and Workforce Services, having regard to the subject matter of the petition. Subject to any statutory requirements, the City Council may, upon motion proposed and seconded, order any petition relevant to any item of business before the meeting of the City Council to be considered when that item of business is reached on the agenda. In that event, no discussion will take place before such consideration.

4.9.2.3.6 Where a petition stands referred to the Cabinet, appropriate Cabinet Member or appropriate City Council Committee, no discussion will take place upon it in the City Council prior to its consideration by the Cabinet, appropriate Cabinet Member or appropriate City Council Committee except that the Councillor presenting a petition will be allowed to speak for not more than two minutes in explanation of the contents of that petition.

4.9.2.3.7 Except as detailed in paragraph 4.9.4.2, all petitions will normally be considered within two months of their receipt.

#### 4.9.3 **Consideration Of Petitions By Cabinet And Cabinet Members**

4.9.3.1 Petitions not relating to Planning and Licensing or Regulatory matters will be referred either via the City Council or directly to the Cabinet or appropriate Cabinet Member responsible for the matter to which the petition refers.

4.9.3.2 When a petition is due to be considered the Director of Customer and Workforce Services will give the Councillor who submitted the petition, together with a spokesperson representing the petitioners and the relevant Ward Councillors, notice of the meeting at which the petition will be considered together with any relevant report. The Councillor and spokesperson will be entitled to attend that meeting and to speak upon the consideration of the petition. The Member concerned will not be entitled to vote unless she/he is a member of the Cabinet [or the Cabinet Member concerned].

4.9.3.3 Where more than one petition is presented in relation to a particular item, then the Director of Customer and Workforce Services will endeavour to ensure that all petitions are dealt with at the same meeting. In the event that petitions have an "opposing" viewpoint, the Director of Customer and Workforce Services will invite the petitioners to nominate a spokesperson for each of the petitions to the meeting at which the petitions are to be considered. Each spokesperson will be entitled to attend the meeting and to speak upon the consideration of the petition. If a spokesperson is unable to attend, for any reason, this would not prevent the meeting considering all the petitions and coming to a decision.

4.9.3.4 The Cabinet or appropriate Cabinet Member will then have the following courses of action available:-

- (a) Make a decision on the petition.
- (b) Discuss the matter with an Advisory Panel and ask them for their advice.
- (c) Refer the petition to Scrutiny where it relates to a policy or service issue which is currently subject to a service or Best Value review.

4.9.3.5 A Cabinet Member may refer the petition to the full Cabinet if the petition subsequently appears to relate to a City Council-wide or cross-cutting issue

4.9.3.6 The ultimate decision of the Cabinet Member or Cabinet on the subject matter of the petition will be subject to Call-in.

#### 4.9.4 **Consideration of Petitions by Planning Committee and Licensing and Regulatory Committee**

4.9.4.1 Petitions relating to matters under the remit of the Planning or Licensing and Regulatory Committees will be referred either via the City Council or directly to those City Council Committees. The Director of Customer and Workforce Services will follow the same procedure detailed in paragraphs 4.9.2.3.4 and 4.9.3.2 above with regard to acknowledgement of the petition and notification of the meeting where the petition will be considered, except those 'late petitions' detailed in paragraph 4.9.4.3.

4.9.4.2 In the case of a petition that relates to a particular application, the petition will be considered at the same time as the application rather than within a period of two months.

#### 4.9.4.3 **Deadline for Receipt of Petitions to Planning Committee**

In relation to the receipt of petitions to Planning Committee, only those petitions received by 12.00 noon on the day before the meeting will be treated as a petition, with the Councillor presenting the petition, the petition spokesperson and the applicant (or their agent/representative) being invited to attend and speak at the meeting; and that any 'petition' received after this deadline be treated as a 'late representation' and summarised by the City Planning Manager on the 'late representations report' which is tabled at the meeting.

#### 4.9.4.4 **Length of Speeches at Planning Committee**

At Planning Committee, in line with the public speaking scheme, the length of the petition spokesperson's speech will be limited to three minutes. In addition, the applicant (or their agent/representative) will have the right of reply when a petition is presented in respect of a Planning Application. The Chair of the Planning Committee will have the discretion to ensure that any right of reply by an applicant (or their agent/representative) in response to a petition spokesperson's speech (which is limited to three minutes) will be of a proportionate amount of time.

#### 4.9.5 **Public Participation**

4.9.5.1 The Director of Customer and Workforce Services will make arrangements for one spokesperson for each petition to attend and to speak on behalf of the other signatories to that petition at:-

Cabinet Meetings  
Cabinet Member Meetings  
Planning Committee or Licensing and Regulatory Committee



Advisory Panels

Scrutiny Boards and Scrutiny Co-ordination Committee (subject to 4.9.6 below)

**4.9.6 Consideration Of Petitions By Scrutiny Boards And Scrutiny Co-ordination Committee**

4.9.6.1 Where a petition has been considered by a Cabinet Member or the Cabinet and the decision has been called in to Scrutiny, the Member who presented the petition and the petition spokesperson will be invited to speak at the meeting of the Scrutiny Board or Scrutiny Co-ordination Committee.

**4.9.7 Notification Of Decisions Relating To Petitions**

4.9.7.1 Following consideration of a petition, the Member submitting the petition together with the petition spokesperson and the relevant Ward Councillors will be notified in writing by the Director of Customer and Workforce Services of the decision and the Member and the petition spokesperson will then make arrangements to inform the petitioners accordingly.