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### **Cabinet Member for Policing and Equalities**

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**Time and Date**

2.00 pm on Thursday, 18th June, 2015

**Place**

Diamond Room 2 - Council House

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**Public Business****1. Apologies****2. Declarations of Interest****3. Changes to the Constitution (Pages 3 - 22)**

Report of the Executive Director of Resources

**4. Amendments to the Constitution - Proposed Amendments to the Petitions Scheme (Pages 23 - 38)**

Report of the Executive Director of Resources

**5. Any Other Business**

To consider any other items of business which the Cabinet Member decides to take as a matter of urgency because of the special circumstances involved.

**Private Business**

Nil

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Chris West, Executive Director, Resources, Council House Coventry

Wednesday, 10 June 2015

Note: The person to contact about the agenda and documents for this meeting is Usha Patel Tel: 024 7683 3198

Membership: Councillors R Auluck (Deputy Cabinet Member) and P Townshend (Cabinet Member)

By invitation Councillor A Andrews (Shadow Cabinet Member)

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting  
OR if you would like this information in another format or  
language please contact us.

**Usha Patel**

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**Public Report**

**Cabinet Member Policing and Equalities  
Council**

18 June 2015  
23 June 2015

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities - Councillor P Townshend

**Director Approving Submission of the report:**

Executive Director of Resources

**Ward(s) affected:**

All

**Title:** Changes to the Constitution

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**Is this a key decision?**

No

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**Executive Summary:**

Two new statutory instruments have come into force which require changes to be made to the Council's Constitution. This report sets out proposed changes to take account of the change in the law and asks that the amendments be approved. The changes arise because of a legal requirement to incorporate into the Council's Standing Orders provisions relating to voting at budget or council tax setting meeting and provisions relating to the dismissal of the Head of Paid Service, the Chief Financial Officer and the Monitoring Officer.

**Recommendations:**

**Cabinet Member is recommended to:**

1. Consider the draft changes to the Constitution set out in the report and in the Appendix to the report and any views of the Constitutional Advisory Panel; and

2. Recommend to Council that:
- (1) the draft changes be incorporated into the Constitution; and
  - (2) Ethics Committee be recommended to appoint an additional Independent Person under the Localism Act 2011 to ensure that the Council has two Independent Persons available to sit on any Panel.

**Council is recommended to:**

1. Approve the draft changes to the Constitution; and
2. Request the Ethics Committee to appoint an additional Independent Person under the Localism Act 2011 to ensure that the Council has two Independent Persons available to sit on any Panel.

**List of Appendices included:**

Employment Procedure Rules

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

Constitution Advisory Panel

**Will this report go to Council?**

Yes

## Report title: Changes to the Constitution

### 1. Context (or background)

1.1 The Government has published two statutory instruments which require the Council to make changes to its Constitution. These are:

- The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 and;
- The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

1.2 The 2014 regulations require local authorities to take a recorded vote on decisions which approve the budget or set the council tax. The Council must amend its standing orders to reflect this requirement.

1.3 The 2015 regulations amend the procedures dealing with disciplinary proceedings involving statutory officers of the Council (the Head of Paid Service, Monitoring Officer and Chief Finance Officer). They require the removal of the requirement for a Designated Independent Person to investigate allegations of misconduct by these senior officers.

1.4 The final decision to dismiss any statutory officer (and not just the Head of Paid Service as now) must be taken by full Council. Before taking that decision, Council must invite at least two Independent Persons to be members of a Panel, and Council must take into account any recommendation of that Panel before taking a final decision to dismiss. The Independent Persons are those persons appointed as such under the Localism Act 2011 to act as Independent Persons in connection with Code of Conduct complaints against elected members.

1.4 The invitations to be members of the Panel should be sent in accordance with the following priority order:

- an Independent Person who has been appointed by the council and who is a local government elector,
- any other Independent Person who has been appointed by the council, and
- an Independent Person who has been appointed by another council or councils.

The Regulations provide that the Panel is to be a committee of the authority and so it is subject to all the legal requirements for committees, including the proportionality rules.

1.5 The Regulations also provide that the remuneration that should be paid to Independent Persons on the panel should be limited to the level of the remuneration which they would normally receive as an Independent Person in the conduct regime, i.e. a modest annual allowance or small meeting fee.

1.6 Local authorities must now modify their Standing Orders to give effect to the new arrangements. The 2015 Regulations require that this be done at the first ordinary Council meeting held after the 7 May 2015 elections.

## 2. Options Considered

2.1 The Council must amend its standing orders to reflect the changes introduced by the regulations. Set out in the following section are suggested changes to the Constitution to bring the Council's procedures into line with the legislation relating to recorded votes at budget and council tax setting meetings. More significant amendments are required to the Employment Procedure Rules to bring them into line with the 2015 Regulations. The current Rules are set out in Appendix 1 to this report: text to be deleted is struck through and text to be added is underlined.

### 2.2 Recorded Vote on Budget and Council Tax Setting

2.2.1 Currently a recorded vote is required where any two councillors require one to be taken immediately before the outcome of a vote is declared. It is recommended that the following changes are made to Standing Orders. In each case, current text is shown with suggested amendments underlined and deletions struck through:

#### 2.2.2 Part 3A: Council Procedure Rules

##### **15.18 Council Tax/Budget Debate Process**

- (a) *The proposer of the recommendation will move the budget. This speech will not be time limited.*
- (b) *This will be seconded and the seconder will speak or reserve the right to speak.*
- (c) *The Leader of the Main Opposition Group (or nominated speaker) will move any amendment to the recommendation. This speech will not be time limited.*
- (d) *The Deputy Leader of the Main Opposition Group (or nominated speaker) will second the amendment and speak or reserve the right to speak.*
- (e) *The debate on the amendment will take place; the vote on the amendment will take place and the amendment will be carried or lost. If carried, this would become the substantive motion.*
- (f) *The Leader of the largest of the minority Groups (or nominated speaker) will move any amendment to the motion. This speech will not be time limited.*
- (g) *A representative of that Group will second the amendment and speak or reserve the right to speak.*

- (h) As (e) above.
- (i) *The Leader (or nominated speaker) of any of the remaining minority Groups will move any amendment (in the order in which they catch the eye of the Lord Mayor). These speeches will not be time limited. Representatives of those Groups will second the amendment and speak or reserve the right to speak. This will apply to any remaining minority Groups.*
- (j) As (e) above.
- (k) *Any further amendments will be moved in the order in which the proposer catches the eye of the Lord Mayor.*
- (l) *When there are no more amendments, the debate on the substantive motion takes place and the vote is taken.*

- Notes: 1. In accordance with the Council Procedure Rules, the mover of the original motion (or substantive motions if the original motion is amended) is entitled to speak on any amendment immediately before the reply by the mover of the amendment.*
- 2. Should adjournments be necessary during the course of the meeting, rooms will be made available.*
- 3. If the proposer of the recommendation is not the Leader of the Council, then the Leader of the Council will be given one opportunity for a speech that is not time-limited.*
- 4. Procedure Rule 18.5 shall apply to any vote taken on any motion, amendment or substantive motion relating to the approval of the budget or setting of council tax.*

18. **VOTING**

- 18.1 *The vote on every question will be taken by the voice, except where by law or in these Rules it is otherwise provided, but if the Lord Mayor is unable to decide upon the voices or if any two Councillors challenge his or her decision thereon, the vote will be taken by a show of hands. Councillors are required to be seated in their allocated position when the vote is taken.*
- 18.2 *If, before the Lord Mayor finally declares the result of the vote (whether taken by the voice or by show of hands), any 2 Councillors require a recorded vote, this will supersede any vote taken under 18.1 above.*
- 18.3 *A recorded vote will be taken immediately afterwards and recorded in the minutes. A Councillors vote will only be recorded if the Councillor personally answers "For", "Against" or "Abstain" immediately after his or her name is called by the City Solicitor.*
- 18.4 *Where any Councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.*
- 18.5 *A recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Members who cast a vote for the motion/amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2001, it cannot be suspended under Council Procedure Rule 23.*
- 18.56 *In the case of an equality of votes, the Lord Mayor will have a casting vote in addition to his or her vote as a Councillor.*
- NOTE: As a matter of convention, at full Council meetings only where there is an equality of votes, the Lord Mayor will cast his or her casting vote in favour of the largest political group represented on the Council*
- 18.67 *If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.*



23. **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

23.1 **Suspension**

*All of these Council Rules of Procedure except Rules 18.5, 18.6 and 23.1 may be suspended by motion on notice or without notice. Suspension can only be for the duration of the meeting.*

2.2.3 Part 3C; Budget and Policy Procedure Rules

2.5 *If it accepts the recommendations of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise it may only make an "in principle" decision. In either case the decision would be made on the basis of a simple majority of votes cast at the meeting. Council Procedure Rule 18.5 in Part 3A of this Constitution will apply to the recording of votes taken relating to the approval of the budget or setting the council tax.*

**2.3 Dismissal of Statutory Officers**

2.3.1 The 2015 Regulations require that changes must be made to the Council's standing orders no later than the first ordinary council meeting after the Annual Meeting. In the case of Coventry, standing orders regulating the procedures to be followed when dismissal of a statutory officer is contemplated are contained in the Employment Procedure Rules. The Rules are set out in the Appendix to this report and proposed changes are shown with additional text underlined and deletions struck through.

**3. Results of consultation undertaken**

3.1 No consultation has been undertaken because the changes are statutory.

**4. Timetable for implementing this decision**

4.1 The amendments need to take effect as soon as they can be approved by Council. The changes to disciplinary procedures must be approved at the first ordinary council meeting after the Annual Meeting.

**5. Comments from the Executive Director of Resources**

5.1 Financial implications  
None.

5.2 Legal implications

The Council must make the changes to its Constitution to ensure that it reflects current statutory requirements.

## **6. Other implications**

### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The Constitution sets out the governance arrangements of the Council and it is important for the good governance of the Council that these reflect changes in legislation and are fit for purpose.

### **6.2 How is risk being managed?**

Having a Constitution that reflects changes in legislation structures will ensure that the Council meets its legal obligations.

### **6.3 What is the impact on the organisation?**

To put in place appropriate governance arrangements that reflect current statutory requirements.

### **6.4 Equalities / EIA**

None

### **6.5 Implications for (or impact on) the environment**

None

### **6.6 Implications for partner organisations?**

None

### **Report author(s):**

**Name and job title:** Carol Bradford, Solicitor, Place and Regulatory Team.

**Directorate:** Resources

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Helen Lynch	Place and Regulatory Team Manager	Resources	05/06/15	08.06.15
Chris West	Executive Director Resources	Resources		
Members: Councillor Philip Townshend	Cabinet Member Policing and Equalities		09.06.15	09.06.15

## Appendix 1

### **PART 3H: EMPLOYMENT PROCEDURE RULES**

#### **1. Recruitment and Appointment**

##### **1.1 *Recruitment Policy***

Recruitment of employees will be in accordance with the Council's adopted recruitment and appointment policy and the Council will recruit from the widest possible field and will appoint on the sole criteria of merit, except where race and gender is a genuine occupational qualification, or where the Council seeks to avoid redundancy by identifying alternative employment opportunities or there are exceptional circumstances.

##### **1.2 *Legislation***

The Council's Recruitment and Selection Policy and Procedures are governed by extensive legislation particularly the laws relating to discrimination. The Employment Procedure Rules reflect existing statutory provisions and in particular the Local Authorities (Standing Orders) (England) Regulations 1993 and 2001(as amended) and are based on the model provided by the Secretary of State for Communities and Local Government.

##### **1.3 *Declarations***

These will be considered as follows:-

- (a) The Council will draw up a statement requiring any candidate for appointment as an employee to state in writing whether they are related to or a partner of an existing Councillor or an employee of the Council, or the partner of such persons.
- (b) A candidate who fails to disclose such a relationship will be disqualified for the appointment and if appointed will be liable to dismissal without notice.
- (c) Every Member and employee of the Council at JNC for Chief Officers level will disclose to the Chief Executive any relationship known to him/her to exist between themselves and any person they know is a candidate for an appointment with the Council.
- (d) No candidate so related to any Member or an employee will be appointed to the same service unit without the authority of the Chief Executive or relevant Chief Officer.
- (e) Any employee who develops a personal relationship with a Councillor, or with another employee in the same service, or any employee covered by the JNC for Chief Officers who develops a

personal relationship with any other employee, will disclose that relationship to his/her manager.

- (f) The purpose of such disclosures is to ensure openness, probity, equality and effectiveness of management and Councillor/employee relationships.

#### 1.4 *Seeking support for an appointment*

- (a) Subject to Rule 1.5, the Council will disqualify any applicant who directly or indirectly seeks the support of any Member of the Council for any appointment with the Council.
- (b) Subject to Rule 1.5 below, no Member of the Council will seek support for any person for any appointment with the Council.
- (c) The content of this Rule will be included in any recruitment information.

#### 1.5 *References*

Nothing in Rule 1.4 above will preclude a Member of the Council from giving a written reference for a candidate for submission with any application for employment. Any member giving such a reference will take no part in the recruitment process.

## 2. **Recruitment of Chief Executive, Chief Officers and "Deputy Chief Officers"**

2.1 For the purpose of these employment procedure rules, a Chief Officer or "Deputy Chief Officer" is as defined in Sections 2(6)(7) and (8) of the Local Government and Housing Act 1989. The definition of a "Deputy Chief Officer" means a person who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to one or more Chief Officer. This definition applies to a number of senior employees in the City Council, as determined by the Chief Executive, who for the purpose of these procedure rules, are designated "Deputy Chief Officers".

2.2 Where the Council proposes to appoint a Chief Executive, Chief Officer or "Deputy Chief Officer" and it is not proposed that the appointment be made exclusively from among their existing employees, the Council will:

- (a) Draw up a statement specifying: the duties of the employee concerned; and any qualifications or qualities to be sought in the person to be appointed.
- (b) make arrangements for the post to be advertised in such a way that is likely to bring it to the attention of the persons who are qualified to apply for it; and

- (c) make arrangements for a copy of Rule 1.4 to be sent to any person on request.
- 2.3 The recruitment and appointment of employees other than those specified in Rules 3 and 4 (other than assistants to political groups) is the responsibility of the Chief Executive or his/her nominee.
- 2.4 No appointments except Chief Executive, Chief Officer or "Deputy Chief Officer" (as defined in Rule 2.1 above) (other than assistants to political groups) may be made by any Member or Members of the Council.
3. **Selection Process for Chief Executive and Chief Officers and "Deputy Chief Officers"**
- 3.1 Detailed arrangements with regard to the recruitment processes and selection techniques to be used, any additional procedures to those set out in these rules or the need for external advice will be decided by the Chief Executive or his/her nominee (unless excluded) on the advice of the appropriate senior HR Manager (unless excluded).
- 3.2 Any existing employee who is a candidate or a potential candidate or has any other personal interest in the recruitment process is excluded from taking any part in the process. In such circumstances Strategic Management Board will nominate a suitable replacement for that postholder.
- 3.3 The Chief Executive or his/her nominee (unless excluded) and the appropriate senior HR Manager (unless excluded) will identify all applicants who meet the requirements of the post, as detailed in the statement referred to in Rule 2 above, who will progress to the next stage of the selection process.
- 3.4 Applicants to posts of Chief Executive, Chief Officer and "Deputy Chief Officer" will then go through a screening and/or assessment process by a selection panel which will select candidates to go forward to the Appointments Panel. The selection panel will comprise of the following:-
- (a) The appropriate Cabinet Member(s), responsible for the service or services concerned.
  - (b) The Chief Executive or his or her nominee.
  - (c) The appropriate Senior Human Resources Manager or his or her nominee.
  - (d) For an appointment other than a Member of the Strategic Management Board, the Member of the Strategic Management Board responsible for the post.
  - (e) One other Member of the Strategic Management Board nominated by the Chief Executive at his/her discretion.

(f) An appropriate professional advisor.

3.5 Where no suitable qualified person has applied, arrangements will be made to re-advertise the post in accordance with the procedure set out in Rule 2.

#### 4. **Appointment of the Chief Executive**

4.1 The Appointments Panel for the appointment of any Chief Executive will be established by full Council on a recommendation from the Cabinet.

4.2 The Appointments Panel for the appointment of the Chief Executive must include at least one Member of the Cabinet and will comprise at least the following:-

(a) the Leader and the Deputy Leader of the Council or their respective nominees.

(b) The Chair of the Scrutiny Co-ordination Committee or nominee.

(c) Such other Opposition Member(s) of Scrutiny to ensure the political balance.

4.3 The full Council will approve the appointment of the Chief Executive following the recommendations of an Appointments Panel. No offer of appointment may be made before the appointment has been approved by the full Council.

4.4 The Appointments Panel will be advised by any relevant Chief Officer(s) (or Senior Manager) or external professional advisers as nominated by the Cabinet on advice from any relevant Chief Officer (for the Chief Executive or Senior Manager).

4.5 The Quorum for the Appointments Panel for the Chief Executive will be 3 Members.

#### 5. **Chief Officer and "Deputy Chief Officer" Appointments**

5.1 All Chief Officers or "Deputy Chief Officers" will be appointed by an Appointments Panel.

5.2 The Appointments Panel should comprise the following:-

(a) The Leader and/or Deputy Leader of the Council or their respective nominees;

(b) The appropriate Cabinet Member(s) having responsibility for the area of service concerned, determined by the Executive Director, Resources in consultation with the Leader of the Council or his or her nominee;

- (c) The Chair of the Scrutiny Co-ordination Committee or his or her nominee;
  - (d) Such other opposition non-Cabinet Member(s) to ensure the political balance.
- 5.3 The Appointments Panel will be advised by the Chief Executive and any other relevant Chief Officer(s) (or Senior Managers) or external professional advisers as nominated by the Chief Executive.
- 5.4 The appointment of the Monitoring Officer and Chief Finance Officer will be approved by full Council following a recommendation of an Appointments Panel.
- 5.5 The Assistant Director (HR and Workforce Services) will ensure that all appropriate Criminal Records Bureau (CRB) checks are obtained before an appointment is confirmed.
- 5.6 The Quorum for the Appointments Panel for Chief Officers or "Deputy Chief Officers" will be 3 Members.
6. **Offer of Appointment of Chief Officers and "Deputy Chief Officers"**
- 6.1 Any offer of employment to any post of Chief Officer or "Deputy Chief Officer" will only be made by an Appointments Panel where no well founded objection from any Member of the Cabinet has been received.
- 6.2 Before an Appointments Panel considers an appointment to Chief Officer or "Deputy Chief Officer" the Executive Director, Resources will be notified of the shortlisted candidates' names and any other relevant particulars.
- 6.3 The Executive Director, Resources will notify all Cabinet Members of the names, the relevant particulars and the period within which any objection to any of the shortlisted candidates can be made (this will be a minimum of three working days).
- 6.4 Any objection by a Cabinet Member must be notified to the Leader who will respond to the Executive Director, Resources on behalf of the Cabinet.
- 6.5 No appointment can be made until the expiry of the objection period and notification is received from the Leader that neither she/he nor any Member of the Cabinet objects to the appointment.
- 6.6 If an objection is received, the Executive Director, Resources will notify the Appointments Panel and the appointment can only be made if the Appointments Panel determines that the objection is not material or well-founded.



6.7 The terms "Chief Officer" and "Deputy Chief Officer" are the statutory definitions of those terms and these requirements are compulsory.

7. **Dismissal and Disciplinary Action**

7.1 Members of the Council will not be involved in any disciplinary action against or the dismissal of any employee other than Chief Executive, Chief Officer or "Deputy Chief Officer" except where such involvement is necessary for any investigation or inquiry into alleged misconduct. The Council's Disciplinary, Capability and related Procedures as adopted from time to time may allow a right of appeal to Members in respect of dismissals.

7.2 Subject to paragraph 10, any disciplinary action against Chief Officers and "Deputy Chief Officers" will be conducted strictly in accordance with the Joint Negotiating Committee for Chief Officers terms and conditions of service.

8. **Objections to Dismissal**

8.1 Any dismissal from any post of Chief Executive, Chief Officer or "Deputy Chief Officer" will only be made where no well founded objection from any Member of the Cabinet has been received.

8.2 When any person is minded to dismiss any Chief Officer or "Deputy Chief Officer", the Executive Director, Resources will be notified of the proposed dismissal and any other particulars relevant to the dismissal.

8.3 The Executive Director, Resources will notify all Cabinet Members of the name, the relevant particulars and the period within which any objection to the proposed dismissal is to be made.

8.4 Any objection by a Cabinet Member must be notified to the Leader who will respond to the Executive Director, Resources on behalf of the Cabinet.

8.5 If no objection is received within the specified period or if the Leader has stated that neither he nor any Member of the Cabinet objects to the proposed dismissal, the dismissal can be made.

8.6 If an objection is received, the Executive Director, Resources will notify the person proposing to make the dismissal and the dismissal can only be made if that person determines that the objection is not material or well-founded.

9. **Suspension of Chief Executive, Monitoring Officer and Chief Finance Officer**

The Chief Executive, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will last no longer

than 2 months, without being recommended for extension by an independent person.

10. **Independent Person Disciplinary Action and Dismissal involving Chief Executive, Chief Finance Officer and Monitoring Officer**

10.1 ~~No disciplinary action including dismissal may be taken in respect of the Chief Executive, the Chief Finance Officer or the Monitoring Officer ("the relevant officers") any of these employees except in accordance with the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001(as amended)-a recommendation in a report made by a designated independent person.~~

10.2 ~~Members of the Council will not be involved in a disciplinary action against any officer below "Deputy Chief Officer" except where such involvement is necessary for any investigation or inquiry into alleged misconduct. The Council's Disciplinary, Capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.~~

10.3 ~~For the avoidance of doubt, any disciplinary action against the Chief Executive, Monitoring Officer and Chief Finance Officer will be conducted strictly in accordance with the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 and any disciplinary action against Chief Officers and "Deputy Chief Officers" will be conducted strictly in accordance with the Joint Negotiating Committee for Chief Officers terms and conditions of service.~~

10.2 Before considering whether to dismiss the relevant officers, the Council will appoint a Panel (the Panel) for the purposes of advising the Council on matters relating to the dismissal of the relevant officers. The Panel will be a committee appointed by the Council under Section 102(4) of the Local Government Act 1972.

10.3 The Council will invite Independent Persons appointed under Section 28(7) of the Localism Act 2011 to be considered for appointment to the Panel with a view to appointing at least two such persons to the Panel. Independent Persons means any independent persons who have been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.

10.4 Subject to paragraph 10.5, the Council will appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 10.3 in accordance with the following priority order—  
(a) a relevant independent person who has been appointed by the Council and who is a local government elector;  
(b) any other relevant independent person who has been appointed by the Council ;  
(c) a relevant independent person who has been appointed by another authority or authorities.

- 10.5 The Council is not required to appoint more than two relevant independent persons in accordance with paragraph 10.4 but may do so.
- 10.6 The Council must appoint any Panel at least 20 working days before any meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer.
- 10.7 Before the taking of a vote at a meeting referred to in paragraph 10.6, on whether or not to approve such a dismissal, the Council must take into account, in particular—  
(a) any advice, views or recommendations of the Panel;  
(b) the conclusions of any investigation into the proposed dismissal;  
and  
(c) any representations from the relevant officer.
- 10.8 Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act, if any.
- 10.9 Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the dismissal of a relevant officer, the Council must approve that dismissal before notice is given to that person.

## **11. Assistants to Political Groups**

- 11.1 The appointment of any assistant to a political group will be made in accordance with the statutory provisions in that regard.
- 11.2 The appointment of an assistant to a political group will be made in accordance with the wishes of that political group.
- 11.3 There will be no political assistants unless such a post is allocated to all political parties that are so entitled. Any party that does not qualify may not have one. Before making any appointment to the post of political assistant, the Council must decide which group(s) would be entitled to such a political assistant.

## 12. **Interests in Employee Negotiations**

Any Councillor who is in the employment of any local authority or who is an official or an employee of a Trade Union whose Members include employees of the Council is prohibited by law from representing the interests of the Council in any negotiations with respect to the terms and conditions of Council employees. Nothing in this paragraph will prevent any member from taking part in any Appeal Panel not involving terms and conditions of service.

## 13. **Human Resource Matters**

### **Management of Employees**

13.1 All Members of the Strategic Management Board will be accountable to the Cabinet for the management of their Directorates or Departments.

13.2 In fulfilling this management role, all Members of the Strategic Management Board will comply with the City Council's human resource policies with regard to recruitment, selection and employment of employees, as may be agreed from time to time by the Cabinet.

13.3 All senior Managers are responsible for the effective recruitment, development and promotion of a workforce which is representative of the community and provides training and, if appropriate, adaptations for under-represented groups.

13.4 All employment policy and precedent advice to an Appeal Panel or member level dispute panel will be provided by the Assistant Director (HR and Workforce Services) or his/her nominee.

### **Proposals with Human Resource Implications**

13.5 Any proposal to establish or change policy must be supported by a written report to the appropriate Cabinet Member by the relevant Member(s) of the Strategic Management Board.

13.6 The Assistant Director (HR and Workforce Services) must report any breaches of the City Council's human resources policy, which may jeopardise the sound management of human resources within the City Council.

### **Human Resources Managers**

13.7 The Assistant Director (HR and Workforce Services) will, in consultation with each Member of the Strategic Management Board, designate an Employee as Human Resources Manager to help each Member of the Strategic Management Board ensure compliance with the human resource policies of the City Council.

13.8 Decisions of any Appointments Panel or Appeal Committee are not subject to call-in.

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## Public report

Cabinet Member for Policing and Equalities  
Council

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Cabinet Member for Policing and Equalities  
Council

18 June 2015  
23 June 2015

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities – Councillor P Townshend

**Director Approving Submission of the report:**

Executive Director of Resources

**Ward(s) affected:**

Not applicable

**Title:**

**Amendments to the Constitution – Proposed Amendments to the Petitions Scheme**

**Is this a key decision?**

No

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**Executive Summary:**

This report seeks approval to amendments to the Petitions Scheme, which forms part of the Constitution, in order to provide flexibility and to streamline current practice.

**Recommendations:**

- (1) The Cabinet Member for Policing and Equalities is requested:-
  - (i) To recommend that the City Council approves the proposed amendments to the Petitions Scheme, as detailed in the Appendix to this report, and that Part 31 of the City Council's Constitution be amended accordingly.
  - (ii) To recommend that the changes to the Petitions Scheme be reviewed by the Cabinet Member for Policing and Equalities – Constitutional Advisory Panel 12 months from the implementation of the changes.

- (2) The City Council is recommended to approve the proposed amendments to the Petitions Scheme, as detailed in the Appendix to this report, and that Part 31 of the City Council's Constitution be amended accordingly.

**List of Appendices included:**

Appendix 1 – Part 31 of the City Constitution with proposed amendments underlined

Appendix 2 – Details of responses received to consultation

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

Yes – Cabinet Member for Policing and Equalities - Constitutional Advisory Panel – 9 June, 2015

**Will this report go to Council?**

Yes – 23 June, 2015



## **Report title: Amendments to the Constitution – Proposed Amendments to the Petitions Scheme**

### **1. Context (or background)**

- 1.1 The City Council operates a Petitions Scheme, which forms part of its Constitution and each year receives a significant number of petitions from its residents. In the Municipal Years 2013/14, 114 petitions were received, and in 2014/15 a total of 130 petitions were received.
- 1.2 Petitions which relate to Licensing and Planning issues are referred directly to those bodies and are mainly considered in conjunction with the relevant application. No changes are proposed in relation to these petitions.
- 1.3 A high proportion of the “other” petitions (ie, those not relating to Licensing or Planning matters) received by the Council relate to issues covered by the portfolio for the Cabinet Member for Public Services and include, for example, requests for traffic safety measures, road and pavement repairs and parking measures. In 2013/14, 39 petitions were considered by the Cabinet Member for Public Services. In 2014/15, this number rose to 52 being considered with 18 still waiting to be considered (making a total of 70)
- 1.4 The current custom and practice for dealing with “other” petitions has been that the petitions are formally considered by the appropriate Cabinet/Cabinet Member and officers produce a formal report as part of that consideration. Depending on when the petition is received in the Cabinet/Cabinet Member cycle of meetings, it can take up to two months for a report to be prepared and considered.

### **2. Options considered and recommended proposal**

- 2.1 With a view to give flexibility and to streamline this current practise, it is proposed that, **with the written agreement of the Councillor who is the Petition Organiser or who is acting as its Sponsor, (in which case, together with the Petition Organiser), or the Petition Organiser where there is no Councillor acting as a sponsor,** “other” petitions may be dealt with or responded to without the need for formal consideration by a City Council body.
- 2.2 An example of a petition which may be dealt with in this way is a request for the resurfacing of a carriageway, which had already been identified for repair and resurfacing in the Transportation and Highways Maintenance Capital programme for the coming year. In such case, the relevant Councillor/Petition Organiser may have been satisfied to receive a letter from the City Council confirming that the repairs would be undertaken.
- 2.3 Each petition would be dealt with on an individual basis. The Cabinet Member would consider advice from officers on appropriate action to respond to the petitioners’

request, which in some circumstances, may be for the petition to be dealt with or responded to without the need for formal consideration by a City Council body. In such circumstances and with the approval of the Cabinet Member, written agreement would then be sought from the relevant Councillor/Petition Organiser to proceed in this manner. In the absence of written agreement, the petition would be referred via the formal process.

2.4 Petitions would still be submitted to full meetings of the City Council if the relevant Councillor so wishes, as this meeting only hears the petition and takes no formal decision on its contents, other than refer it to the appropriate Cabinet Member/body.

2.5 A copy of the Petition Scheme is attached as Appendix 1 to this report with the proposed amendments underlined.

2.6 If the Cabinet Member for Policing and Equalities is minded to approve the amendments, his recommendations will need to be considered by full Council as this will be a change to the Constitution.

### **3. Results of consultation undertaken**

3.1 All Councillors were consulted on the proposed amendments. A total of 5 responses were received. Three of the responses either supported or indicated they had no issues with the proposals. Appendix 2 to this report details the other two responses received.

### **4. Timetable for implementing this decision**

4.1 The changes would take effect immediately after the Council meeting at which they are approved. It is proposed that the impact of the changes be reviewed by the Cabinet member for Policing and Equalities – Constitutional Advisory Panel 12 months after their implementation.

### **5. Comments from Executive Director of Resources**

#### **5.1 Financial implications**

There are no specific financial implications arising from the recommendations within this report.

#### **5.2 Legal implications**

There are no specific legal implications arising from this report.

### **6. Other implications**

#### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

Not applicable.

#### **6.2 How is risk being managed?**

Not applicable

### 6.3 What is the impact on the organisation?

If implemented, the amendment to the Petitions Scheme would enable, in some instances, petitioners' requests to be responded to more efficiently.

### 6.4 Equalities / EIA

There are no public sector equality duties which are of relevance.

### 6.5 Implications for (or impact on) the environment

None

### 6.6 Implications for partner organisations?

None

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**PART 3I: THE PETITIONS SCHEME**

**1 General**

- 1.1 The Council welcomes petitions and recognises that these are one way in which citizens of Coventry can raise concerns.
- 1.2 The Council will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition and it has at least 5 signatories on it.
- 1.3 Petitions can be submitted by people who live, work or study in Coventry, or sponsored by a Councillor on their behalf. Where a petition is presented without a Councillor sponsor, ward Councillors will be offered sponsorship of the petition.
- 1.4 Petitions can be submitted in two ways:  
(a) on paper; a recommended form for use by petition organisers is available on the City Council's website ([www.coventry.gov.uk](http://www.coventry.gov.uk)) at [http://www.coventry.gov.uk/downloads/file/9207/petitions\\_template](http://www.coventry.gov.uk/downloads/file/9207/petitions_template), and  
(b) electronically via the Council's e-Petition facility <http://epetitions.coventry.gov.uk/submit-your-petition-now/>
- 1.5 Paper petitions should be sent to the Petitions Officer:  
City Solicitor and Assistant Director, Legal and Democratic Services  
Coventry City Council  
Council House  
Earl Street  
Coventry  
CV1 5RR

**2. Guidelines for Submitting a Petition**

- 2.1 Petitions submitted to the Council must include:-
- The topic being addressed and
  - The action required from the Council and
  - At least 5 signatories who live, work or study in Coventry
- 2.2 Petitions should be accompanied by contact details including an address for the Petition Organiser. This is the person the Council will contact to explain how it intends to respond to the petition. This can be, but does not have to be, a Councillor. That person will need to indicate which personal data can be published on the Council's website in order to enable the Council to meet its obligations under the Data Protection Act 1988. If the petition does not identify a Petition Organiser, signatories to the petition will be contacted, starting with the first signatory, to agree who will act as the Petition Organiser.

2.3 In the period immediately before an Election or referendum the Council may need to deal with the petition differently – if this is the case the Council will explain the reasons and discuss the revised timescales which will apply.

### 3. **Exclusions**

3.1 The general principle is that the Council will consider all petitions submitted but petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted.

3.2 Where applicable, the Council will contact the Petition Organiser to discuss with them the issues and advise on how the petition might be made acceptable.

3.3 Where the Petitions Officer considers that a petition should be rejected for any of the above reasons, the matter should be referred by the Petitions Officer to the Leader of the Council and the Leader of the main opposition group for adjudication and where there is no consensus, the matter would be decided by the Leader.

3.4 The Council will not accept petitions dealing with any matter which has been considered by the Council within the previous 6 months. The exception to this would be where there has been a material change affecting the topic of the petition. These should be referred by the Petitions Officer to the Leader of the Council and the Leader of the main opposition group for adjudication and where there is no consensus, the matter should be decided by the Leader.

### 4. **Petitions submitted or sponsored by a Councillor**

4.1 -Councillors may submit a petition as Petition Organiser or support an existing petition, acting as its 'Sponsor'.

(a) If a Councillor presents a petition to a meeting of the City Council the Councillor submitting the petition will be entitled to speak for two minutes;

(b) if a Councillor presents a petition to the Cabinet or appropriate Cabinet Member, the Councillor submitting the petition will be entitled to attend the meeting to present the petition and entitled to speak for two minutes in addition to the speaking time for the petition organiser; and

(c) if a Councillor presents a petition to either the Planning or the Licensing and Regulatory Committee, that Committee's rules with regard to speaking and responding will apply.

(d) If a Councillor who is the Petition Organiser or who is acting as its Sponsor (in which case, together with the Petition Organiser) indicates in writing that they are

agreeable, a petition may be dealt with or responded to without the need for formal consideration by a City Council body.

4.2 Where two or more Councillors present the same petitions, both Councillors will be entitled to speak for 2 minutes.

## 5. **Council Action on Receipt of a Petition**

5.1 A written acknowledgement will be sent to the Petition Organiser within five working days of receiving the petition (unless the Council is considering excluding the petition in accordance with Rule 3 above).

5.2 Details of the petition will be sent to the relevant ward Councillors. For citywide petitions, all Councillors will be notified. Any Councillor wishing to act as 'Sponsor' for a petition will need to contact the Petition Organiser and seek their agreement, and then inform the Petitions Officer. The Councillor's name will be added to the Petition Register. Both the Petition Organiser and a Sponsor will receive correspondence relating to the petition. Where the Petition Scheme states that the Petition Organiser will be informed, the Sponsor will also be informed.

5.3 The Petitions Officer will check that the petition complies with the requirements of the scheme and then publish details of the petition on the Council's website. This will be updated in the petitions Register. The details of the petition will be published within ten working days of receipt.

## 6. **How the Council will respond to Petitions**

6.1 When the Council accepts a petition, (other than those presented by a Councillor at full Council) the Petitions Officer will check which of the five different types of petitions apply:

- (a) A petition requiring Council debate (Rule 7)
- (b) A petition calling a senior officer to account (Rule 8)
- (c) A petition which relates to a current Planning application (Rule 9)
- (d) A petition which relates to a Licensing or Regulatory matter (Rule 9)
- (e) Other petitions (Rule 10)

6.2 When dealing with petitions the Council may consider one or more of the following responses :-

- (a) Taking the action requested in the petition
- (b) Taking no further action
- (c) Referring the petition to Cabinet, a Cabinet Member or relevant Committee
- (d) Referring the petition for consideration by the Council's Scrutiny Boards
- (e) Referring the petition to another organisation
- (f) Holding an enquiry into the matter
- (g) Undertaking research into the matter
- (h) Holding a public meeting
- (i) Holding a consultation
- (j) Holding a meeting with the petitioners

- (k) Calling a referendum
- (l) Writing to the Petition Organiser setting out the views of the Council about the request in the Petition
- (m) Any other appropriate action

6.3 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 the Council's website.

6.4 If the petition is a statutory petition or relates to a matter where there is already an existing right of appeal, such as Council Tax banding or non-domestic rates, other procedures will apply and the petition will not be routed in any of the four ways above by the Petitions Officer.

6.5 In all cases the Council will advise the Petition Organiser of the action it has taken and will publish the outcome on the City Council website ([www.coventry.gov.uk](http://www.coventry.gov.uk)).

6.6 In relation to other petitions (Rule 10) where a petition is not either sponsored or organised by a Councillor, the appropriate Cabinet Member or Chair will decide the process by which the petition will follow provided that it is agreed in writing by the Petition Organiser. In the absence of written agreement by the Petition Organiser, then the petition will be referred via the formal process to the appropriate City Council body.

## 7. **A Petition Requiring Full Council Debate**

7.1 If a petition is supported by 15,000 or more people it will be debated by a Full Council meeting when all Councillors can attend. The Council will endeavour to consider the petition at its next available meeting, although on occasions this will not be possible and the matter will be passed to the next Full Council meeting.

7.2 The Petition Organiser and Sponsoring Councillor(s) will each be allowed 3 minutes to present the petition at the Full Council meeting and the petition will then be discussed by Councillors – there is no time limit set for this.

7.3 The Council will decide how to respond to the petition at this meeting and may take any of the actions described at Rule 6.2.

## 8. **Petitions Requiring Attendance by a Senior Council Officer**

8.1 If a petition asks for a Senior Council Officer to give evidence at a public meeting about something for which the officer is responsible as part of their job, the petition must contain at least 10,000 signatures. Those senior officers that can be called to give evidence are as follows:-

- Chief Executive
- Executive Director, Resources
- Executive Director, People

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- Executive Director, Place
- Director of Public Health
- The Monitoring Officer

8.2 Only these officers can be called to give evidence under this section of the petition scheme.

8.3 If a petition has the requisite number of signatures, the Council's Scrutiny Co-ordination Committee will decide which of the Council's Scrutiny Boards the senior officer will be asked to attend before. The Scrutiny Co-ordination Committee may decide that it is better for a different officer to give evidence and may also decide to call the relevant Councillor to attend the meeting.

8.4 Scrutiny Board members will ask the questions at the meeting, but the Petition Organiser may suggest questions to the Chair of the Committee by contacting the Petitions Officer up to three working days before the meeting.

9. **Petitions which relate to matters by Planning Committee and Licensing and Regulatory Committee**

9.1 Petitions relating to planning, licensing or regulatory matters will be referred to the respective Committee by the Petitions Officer and proceed in accordance with the rules of procedure relating to that Committee.

9.2 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. 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 process, will automatically be considered by the relevant Cabinet Member and the petition put on file in planning or licensing for future reference.

9.3 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 Petition Organiser ( including any Councillor presenting the petition) 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 Development Manager on the 'late representations report' which is tabled at the meeting.

9.4 At Planning Committee, in line with the public speaking scheme, the length of the Petition Organiser'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.

## 10. Other Petitions

- 10.1 If a petition has at least 5 but less than 15,000 signatures on it, the Petitions Officer will review the content of the petition and decide whether the petition should be addressed to Full Council, Cabinet or Cabinet Member.
- 10.2 If the Petition has been presented by a Councillor as the Petition Organiser or Sponsor, then the Councillor will be able to present the Petition to a City Council body, unless the Councillor has agreed that the petition may be dealt with or responded to without the need for formal consideration by a City Council body.
- 10.3 Petitions can be presented to Full Council by a Councillor but will not be debated by them. Instead Full Council will refer the petition to the relevant Cabinet, Cabinet Member or Committee to deal with the matter.
- 10.43 The Petitions Officer will notify the Petition Organiser which Cabinet/ Cabinet Member/ Committee the matter has been referred to and, if the petition is to be formally considered by a City Council body, -advise them of the date of the meeting when the matter will be considered. The Petitions Officer will also notify the relevant Ward Councillor/s. If the Petition Organiser is a Councillor, he or she will not be entitled to vote at any meeting unless she/he is a member of the Cabinet or Committee or the Cabinet Member concerned.
- 10.45- The Petition Organiser (including any Councillor as Petition Organiser) may attend this meeting and speak about the petition. Only the Petition Organiser is entitled to speak and they should confirm their attendance to the Council at least 3 working days before the meeting.
- 10.65 Where more than one petition is presented in relation to a particular item the Petitions Officer will endeavour to ensure that all petitions are dealt with at the same meeting. In the event that petitions have an "opposing" viewpoint, the Petitions Officer will invite each Petitioner Organiser to nominate a spokesperson. Each spokesperson will be entitled to attend the meeting and speak about the petition. If a spokesperson is unable to attend, for any reason, the meeting will still consider the petition.
- 10.76 Where a petition is referred by the Petitions Officer to the Cabinet, appropriate Cabinet Member or appropriate City Council Committee, no discussion will take place on this matter in the City Council, except that the Councillor presenting a petition will be allowed to speak in full Council for not more than two minutes to explain the purpose of the petition.
- 10.87 The Cabinet, appropriate Cabinet Member or relevant Committee will decide how to respond to each petition and may take any of the actions described at paragraph 6.2.

## 11. **Withdrawing a Petition**

- 11.1 The Petition Organiser may request, in writing, the withdrawal of a petition. Such requests will be considered by the Petitions Officer on their merits, but in general it should be assumed that the Council will process all valid petitions received.
- 11.2 Where the Petitions Officer is minded to permit the Petition Organiser to withdraw a petition, the Chair of the body to which the petition would have been presented shall be consulted. In the absence of agreement, the matter should be referred by the Petitions Officer to the Leader of the Council and the Leader of the main opposition group for adjudication and, where there is no consensus, the matter should be decided by the Leader.

## 12. **Petitions – Right of request to review**

- 12.1 If the Petition Organiser considers that the Council has not responded to a Petition in line with this Scheme (except those petitions which are dealt with by the Planning, Licensing and Regulatory Committees) he or she has the right to request the Council's Scrutiny Co-ordination Committee to review the steps that the Council has taken in responding to the petition (not the outcome or decision). If a Petition Organiser wishes to operate his or her right to request a review they should write to the Council's Scrutiny Officer no later than 14 days after the Council notifies them of the outcome of the petition. The letter should set out the reasons why the Petition Organiser considers a review should be conducted.
- 12.2 The request will be considered by the Chair of Scrutiny consulting with the Scrutiny Officer. If it is felt that there is sufficient case to warrant a review the matter should then be referred to the Council's Scrutiny Co-ordination Committee for consideration. The Scrutiny Officer will arrange for the matter to be considered by the next available meeting of the Council's Scrutiny Co-ordination Committee and will notify the Petition Organiser of the date of this meeting.
- 12.3 If the Council's Scrutiny Co-ordination Committee considers the Council has not dealt with the petition in accordance with this scheme, it may use any of its powers to deal with the matter. This includes instigating an investigation, making recommendations to the Council's Cabinet or arranging for the matter to be considered at a meeting of Full Council.
- 12.4 Once the request has been considered the Petition Organiser will be informed of the results within 5 working days. The outcome of the request for a review will also be published on the Council's website as part of the Petitions register.

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**Responses to Consultation**

1. “4.1 (d) How will this work? I suggest a formal letter to the councillor acting as the petition sponsor asking for a formal response to the request. What would though trigger such a request and who would make the request? I would also say that just because one councillor may be happy to do this, it would not set a precedent for other petitions. For example, a similar issue or number of signatures. I would want something in the constitution to reflect this.”

Answer - An agreed process would be introduced as a result of any amendment to the current custom and practise. This would make it clear how the consultation with the Councillor/petition organiser would be carried out. The proposed amendment is clear that a petition would only be dealt with or responded to without the need for formal consideration by a City Council body with the agreement of the relevant Councillor/Petition Organiser and this would be done on an individual basis.

2. “6.6. Does this include planning and licensing? How will it be done? In writing I assume?”

Answer - The proposed amendments do not relate to Licensing and Planning petitions, which would continue to be dealt with in the current manner. An agreed process to seek agreement would be introduced.

3. “10.2. Isn't this a repeat of 4.1.9 (d)? How is it different?”

Answer - This paragraph is a cross reference to paragraph 4.1.9 (d).

4. “10.4. What does this mean? If it has been referred in the first instance to council, it will go to the relevant body otherwise, why go there in the first place? Why put this clause in about “if a petition will be formally considered....”

Answer - This paragraph indicates how the petition will be dealt with if it is to be formally considered by a City Council body. A petition may be heard by full Council prior to a decision being taken about how it will be considered/ dealt with.

5. “The only point I would make relates to 4.1(b), which I know, isn't in red! Two minutes is fine for the Council Chamber but it is normal for a Councillor to have more time to develop an argument when it goes to other meetings”

Answer – It is not proposed to make any changes to the timing of speaking on petitions, custom and practise is that this is done at the discretion of the Chair/Cabinet Member at the meeting.