

Audit and Governance Committee

Dorset County Council



Date of Meeting	8 June 2016
Officer	Monitoring Officer
Subject of Report	Constitutional Changes
Executive Summary	<p>The Constitution is a living document and is updated from time to time. The Audit and Governance Committee has a specific role in commenting upon proposed changes to the Constitution prior to consideration by the full Council.</p> <p>This report proposes changes which have arisen and will need to be considered by the County Council at its meeting on 21 July 2016.</p>
Impact Assessment:	Equalities Impact Assessment: Not applicable.
	Use of Evidence: Evidence is detailed throughout each section of the report to describe the reasons for suggested changes to the Constitution.
	Budget: There are no consequential budget implications as a result of this report.
	Risk Assessment: Having considered the risks associated with this decision, the level of risk has been identified as: Current Risk: LOW Residual Risk LOW

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	<p>Other Implications: There are indirect Corporate Parenting and Safeguarding Children implications as proposed through the changes suggested through the terms of reference of the Corporate Parenting Board. These changes will contribute towards the improvement of monitoring and management of the members' responsibilities in respect of Corporate Parenting and Safeguarding Children.</p>
Recommendation	<p>That the Audit and Governance Committee recommend that the Petitions Scheme be updated as outlined in Appendix 1, and replaced in the Constitution by the County Council.</p>
Reason for Recommendation	<p>To contribute to the corporate aim to 'provide innovative and value for money services'.</p>
Appendices	<p>Appendix 1 – proposed updated Petitions Scheme Appendix 2 – current Petitions Scheme</p>
Background Papers	<p>None</p>
Report Originator and Contact	<p>Name: Lee Gallagher, Democratic Services Manager Tel: (01305) 224191 Email: l.d.gallagher@dorsetcc.gov.uk</p>

- 1.1 The Constitution is a living document and is updated from time to time. The Audit and Governance Committee has a specific role in commenting upon proposed changes to the Constitution prior to consideration by the full Council.
- 1.2 This report proposes three changes which have arisen and will need to be considered by the County Council at its meeting on 21 July 2016. These are set out below:

The County Council's Petition Scheme

- 3.1 The Council's Petition Scheme has been in operation since 2010. Through the Localism Act 2011 the Government relaxed the statutory guidance which prescribed the detail of schemes but left the general obligation in place. The Council still operates a petition scheme as an important link with the public in relation to matters of local concern.
- 3.2 In January 2014 the Committee considered an update to the scheme to amend the number of signatories required to trigger consideration by Committees (50 signatures+), to the Audit and Scrutiny Committee on request (500 signatures+), or to the County Council (1000 signatures+). Further to this, the Council considered a further change to the scheme on 23 July 2015 regarding the requirements when compiling a petition (and some consequential changes to simplify the general content of the scheme), which are:

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'Petitions submitted to the council **must** include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take.
- All or some of the following details of any person supporting the petition; name, address, postcode, signature, email address.
- The total number of signatures collected.'

3.3 The use of the scheme has become embedded in the committee arrangements for the Council since 2010 with reports being considered by the appropriate committee (50-999 signatures) or to the County Council (+1000 signatures). The Council has received no requests for the Audit and Scrutiny Committee to hold a senior officer to account (+500 signatures)

3.4 With major transformational changes to the way in which the Council operates its overview and scrutiny committees it is necessary to revisit the remit of the petition scheme to bring it up to date and to determine the most appropriate way of considering petitions in the future that is as customer friendly as possible. It is therefore suggested that the requirements relating to petitions to Council (+1000) and those relating to the call to account of a senior officer be retained, and that other petitions (50-999 signatures) be dealt with by a smaller customer focussed panel for each petition so that it can be heard within a shorter timescale than the current scheme and action, if any, can be taken as required.

3.5 It is suggested that the composition of each panel to consider petitions should be:

- The relevant Cabinet Member
- The Local Member
- Three other members to be drawn from the remainder of the Council's membership in order with particular interest or experience (not to be politically proportioned)

2.1 The panel would aim to meet with the petitioner within 6 weeks of the receipt of the petition in order to hear directly from the petitioner and agree to take action depending on what the petition asks for, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's audit and governance committee
- calling a referendum
- writing to the petition organiser setting out the panel's views

3.6 The Petition Scheme, and the suggested amendments are attached for information at Appendix 1, which include textual changes and a revised template for petitions.

PROPOSED SCHEME - Dorset County Council Petitions Scheme

If you wish to petition Dorset County Council you can either:

- Send the Council a paper petition signed by those who support your petition. The petition should be sent to: *Democratic Services, Dorset County Council, County Hall, Colliton Park, Dorchester, DT1 1XJ - 01305 225113 - l.a.eaton@dorsetcc.gov.uk*
- Use the e-petitioning facility on Dorset for You to organise your own petition or to support someone else's petition - <https://epetitions.dorsetforyou.com/list-petitions>

What are the guidelines for submitting a petition?

Petitions submitted to the council **must** include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take.
- All or some of the following details of any person supporting the petition; name, address, postcode, signature, email address.
- The total number of signatures collected.

Petitions should be accompanied by contact details, including an address, for the petition organiser.

The Council will respond to petitions organised and supported by people who live, work or study in Dorset. Most petitions will be of relevance only to local people. Some petitions will be of relevance to visitors and some will cross local authority boundaries and in such cases those from outside Dorset will be able to participate. In addition, children are welcome to petition the Council about an issue of particular concern to them.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons. Decisions about whether a petition is vexatious, abusive or otherwise inappropriate will be made by the Monitoring Officer.

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 5 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

- If your petition is supported by 50 or more signatories then it will be considered by a Petitions Panel.
- If your petition is supported by 1,000 or more signatories it will be scheduled for a debate at the next meeting of the full County Council.
- Alternatively a petition can call for a senior officer of the Council to be called to account at a meeting of the Audit and Governance Committee. This requires 500 or more signatures.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. The acknowledgment will confirm the arrangements for what will happen with the petition this and tell you when and where a meeting will take place. We will aim for your petition to be dealt with within 6 weeks of receipt.

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If the petition applies to a planning or rights of way application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, other procedures apply.

To ensure that people know what we are doing in response to the petitions they will be published on our website when they are reported to the Council or a committee, except in cases where this would be inappropriate. We will also keep available for inspection at our offices all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. All personal details are kept securely and are not passed to any third party for any purpose.

How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's audit and governance committee
- calling a referendum
- writing to the petition organiser setting out the panel's views

If your petition is about something that a different council or organisation is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Consideration at Full Council, Committees and Panels

If your petition is referred to the Council, the Audit and Governance Committee or a Petitions Panel, we will endeavour to consider the petition as soon as practicable. The petition organiser will be given ten minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes (full Council or committees) or as required (panels). A decision will then be made as to how to respond to the petition at this meeting. Where the Cabinet is required to make a decision, a recommendation will be made to the next available meeting. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Officers will be required to produce background information for any petition submitted. However, if your petition contains at least 500 signatures and requests a senior officer to be held to account, the relevant senior officer (Chief Executive, Directors and Heads of Service) will give evidence at a public meeting of the council's Audit and Governance Committee. You should be aware that it may be more appropriate for another officer to give evidence instead of any officer named in the petition. The Committee may also decide to call a relevant councillor to attend the meeting.

E-petitions

E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures, up to a maximum of

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12 months. When you create an e-petition, it may take 5 days before it is published online. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish.

When an e-petition has closed for signature, it will automatically be submitted to Democratic Services. You will then receive an acknowledgement within 5 working days.

CURRENT SCHEME - Dorset County Council Petitions Scheme

1. This scheme explains what opportunities there are for you to:
 - Petition the Council
 - Bring about a debate in Council meetings
 - Have senior council officers “called to account”
 - Attend a Council meeting to speak as part of a deputation
2. If you wish to petition Dorset County Council or one of the County Council’s partner organisations (see paragraph 5.2) you can either:

- Send the Council a paper petition signed by those who support your petition. The petition should be sent to:

The Democratic Services Manager
Dorset County Council
County Hall
Colliton Park
Dorchester
DT1 1XJ

Tel: 01305 224191

Email: l.d.gallagher@dorsetcc.gov.uk

- Use the e-petitioning facility on Dorset for You to organise your own petition or to support someone else’s petition (<https://epetitions.dorsetforyou.com/list-petitions>)

3. What are the guidelines for submitting a petition?

- 3.1 Petitions submitted to the council **must** include:
 - A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take.
 - All or some of the following details of any person supporting the petition; name, address, postcode, signature, email address.
 - The total number of signatures collected.
- 3.2 Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website but the Council needs to know that the petition is being organised by someone who lives, works or studies in Dorset.
- 3.3 A suggested template for petitions is detailed at paragraph 10 of this scheme.
- 3.4 The law requires the council to respond to petitions organised and supported by people who live, work or study in Dorset. Most petitions will be of relevance only to local people. The Council recognises though that some petitions will be of relevance to visitors and that some petition issues will cross local authority boundaries and in such cases those from outside Dorset will be able to participate.
- 3.5 The right to organise and to support a petition applies to anyone who lives, works or studies in Dorset irrespective of age. It is therefore open to children to petition the Council about an issue of particular concern to them.

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- 3.6 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons. Decisions about whether a petition is vexatious, abusive or otherwise inappropriate will be made by a senior officer of the Council after consulting with the Chairman of the Standards and Governance Committee.

4. What will the Council do when it receives my petition?

- 4.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.
- 4.2 If your petition is supported by 50 or more signatories then it will be reported to the relevant Council committee at the next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.
- 4.3 If your petition is supported by 1,000 or more signatories it will be scheduled for a debate at the next meeting of the full County Council and you can also ask to speak to the meeting as a deputation.
- 4.4 Alternatively a petition can call for a senior officer of the Council to be called to account at a meeting of the Audit and Scrutiny Committee (holds the council's decision makers to account). This requires 500 or more signatories in support of the petition.
- 4.5 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer being called to account, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.
- 4.6 If the petition applies to a planning or rights of way application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, other procedures apply.
- 4.7 We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.
- 4.8 To ensure that people know what we are doing in response to the petitions they will be published on our website when they are reported to the Council or a committee, except in cases where this would be inappropriate. We will also keep available for inspection at our offices all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. All personal details are kept securely and are not passed to any third party for any purpose.

5. How will the Council respond to petitions?

- 5.1 Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

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- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's audit and scrutiny committee
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

5.2 If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners including District and Borough Councils, Dorset Fire Authority, Dorset Police, NHS Bodies, Probation and the Environment Agency.

5.3 Where possible we will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible on our website.

5.4 If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

6. Consideration at Full Council and Committees

6.1 If a petition contains more than 1,000 signatures it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting of the Audit and Scrutiny Committee. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given ten minutes to present the petition as a deputation at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive (the Cabinet) are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

6.2 The same rules for representations at full Council meetings will apply to any committee considering a petition.

7. Officer evidence

7.1 Your petition may ask for a senior council officer to give evidence at a public meeting of the Audit and Scrutiny Committee about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council

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officer to explain progress on an issue, or to explain the advice given to elected councillors to enable them to make a particular decision.

- 7.2 If your petition contains at least 500 signatures, the relevant senior officer will give evidence at a public meeting of the council's Audit and Scrutiny Committee. The Council's definition of senior officer includes the Chief Executive, Directors and Heads of Service. You should be aware that the Audit and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chairman of the Committee by contacting Lee Gallagher, Democratic Services Manager up to three working days before the meeting and you can also speak at the beginning of the meeting as a deputation.

8. E-petitions

- 8.1 The Council welcomes e-petitions which can be created and submitted through <https://epetitions.dorsetforyou.com/list>. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures, up to a maximum of 12 months.
- 8.2 When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
- 8.3 If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 8.4 When an e-petition has closed for signature, it will automatically be submitted to the Democratic Services Manager. In the same way as a paper petition, you will receive an acknowledgement within 10 working days.

9. What can I do if I feel my petition has not been dealt with properly?

- 9.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Audit and Scrutiny Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.
- 9.2 The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on Dorset for You.

10. Suggested template for paper petitions to Dorset County Council

This petition is organised by [*insert name of petition organiser and address. The organiser must live, work or study in Dorset*].

Subject matter of petition

This petition is about [*insert subject matter*] and asks Dorset County Council [*please insert a short statement of what action you would like the County Council to take in response to your petition*].

I support the petition to [*insert petition aims*] and I confirm that I live, work or study in Dorset:

	Full name	Address	Signature
1			
2			
3			
4			
5			

11. Representations

- 11.1 In addition to petitions the County Council often receives representations from individuals and organisations about planning applications and other regulatory decisions to be made by the Planning Committee or the Roads and Rights of Way Committee. Often such representations are made in response to a statutory consultation requiring representations to be made within a prescribed timescale.
- 11.2 Late representations, received after a report to a committee or the Cabinet has been sent out with the agenda papers for the meeting, will be reported orally at the meeting. However, in doing so directors will ensure that undue weight is not given to such representations and they will make it clear to members that late representations should be considered within the context of all of the other representations received on the matter under consideration.
- 11.3 In the case of the Planning Committee, late representations received after a report has been sent out, will be circulated on an "update sheet" sent to members one working day before the Committee meeting. That update sheet will contain a summary of all formal consultee responses received late and the number of other late representation received together with a summary, provided that summary raises new points not already addressed by the report. The update sheet will also bring to members' attention any corrections to the report and any new information that may have a bearing on the decision. Any further late representations received after midday on the working day preceding the Committee will not be included in the update and nor will they be reported verbally to members, other than in exceptional circumstances and with the prior agreement of the Chairman of the Planning Committee. It remains open to those interested in a planning application to make direct comments to the Planning Committee as part of the Committee's public speaking arrangements.