

CONSTITUTION FOCUS GROUP

15 April 2014

REVIEW OF PART 4 OF THE CONSTITUTION – PETITIONS

Purpose

1. The purpose of this report is to ask the Constitution Focus Group to consider an updated version of Parts 4 and 4A of the Constitution, as shown in Appendix 1. A tracked version is also shown in Appendix 2.

Background

2. Parts 4 (paragraphs 21-30) and 4A of the Constitution set out how the Council deals with petitions and currently refers to statutory and discretionary arrangements.
3. The Localism Act 2011 repealed Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act 2009, which set out statutory requirements in relation to petitions. As a result, there is no longer a requirement on councils to provide a petitions scheme (with the exception of petitions required under another enactment e.g. for certain referenda). The Council, therefore, has discretion to decide whether to have a petitions scheme and, if so, what arrangements should apply.
4. The current provisions on petitions are set out in paragraphs 21-30 of Part 4, Parts 4.1 and 4.2 of the Constitution, which may be found on the intranet using the following link:

<http://cms.wiltshire.gov.uk/ecSDDisplay.aspx?NAME=Part4RulesofProcedureCouncil&ID=630&RPID=8700136&sch=doc&cat=13386&path=13386>
5. The Council is currently operating its discretionary arrangements pending a review of the scheme.
6. At the meeting of the Constitution Focus Group on 8 January 2014 the Monitoring Officer presented a report proposing changes to Part 4 of the Constitution to reflect the repeal of the statutory requirements in relation to petition schemes. This was put forward as a starting point for consideration of the council's future arrangements for dealing with petitions.
7. The Constitution Focus Group then discussed the detail of the petition scheme at the meeting on 19 March 2014.
8. The Constitution Focus Group resolved to recommend to the Standards Committee that a petition scheme be approved which included the following points:
 - a. A threshold of 25 signatures for a petition to be noted at full council and 10 signatures at an area board.

- b. A threshold of 1% of the population of the county (approximately 4700) be required to trigger a debate at full council, and a threshold of 1% of a community area population (ranging from 200-450) to trigger a debate at an area board.
- c. Those eligible to sign a petition to include those who live, work or study in Wiltshire from the age of 13 upwards and also those not included in the above criteria, but with a direct link to a council service which is the subject of a petition.
- d. The petition scheme to be updated to list the criteria required for external e-petition sites to be accepted for submitting a petition in addition to the council's own e-petition site.

Recommendations

- 9. The Focus Group is therefore asked to consider the revised Petition Scheme and made recommendation to the standards committee as appropriate.

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