

MODERN LOCAL GOVERNMENT GROUP

Minutes of a meeting of the Modern Local Government Group held on
8 July 2010 commencing at 6.30 p.m.

Present: Cllr. Fleming (Chairman)
Cllr. Mrs. Davison (Vice-Chairman)
Cllrs. Mrs. Bracken, Bruce, Harrod Mrs. Hunter and Mrs. Morris.
Apologies for absence were received from Cllr. Piper, Scholey and Walshe.

1. **TO ELECT A CHAIRMAN OF THE GROUP FOR THE ENSUING MUNICIPAL YEAR** (Item No. 1)

Resolved: That Cllr. Fleming be appointed Chairman of the Group for the ensuing municipal year.

2. **TO ELECT A VICE-CHAIRMAN OF THE GROUP FOR THE ENSUING MUNICIPAL YEAR** (Item No.2)

Resolved: That Cllr. Mrs Davison be appointed Vice-Chairman of the Group for the ensuing municipal year.

3. **MINUTES OF PREVIOUS MEETING** (Item No.3)

Resolved: That the minutes of the previous meeting of the Group held on 22 October 2009 be approved and signed by the Chairman as a correct record.

4. **DECLARATIONS OF INTEREST** (Item No. 4)

None

5. **MATTERS REFERRED FROM THE PERFORMANCE AND GOVERNANCE COMMITTEE** (Report No.5)

(a) *The Duty to respond to Petitions (Performance and Governance Committee – 29 June 2010)*

This item was discussed under Minute Item 6 below.

(b) *Annual review of the Committee's Terms of Reference (Performance and Governance Committee – 20 April 2010)*

This item was discussed under Minute Item 7 below.

6. THE DUTY TO RESPOND TO PETITIONS (Report No.6)

The Democratic Services Manager explained that the Council had a duty to adopt a petition scheme under the Local Democracy, Economic Development and Construction Act 2009. The proposed petition scheme was based on the Department of Communities and Local Government's (DCLG) model scheme, although this had been adjusted to retain as much as possible of the Council's current approach to handling petitions.

In accordance with the Act and the Government guidance, the proposed petition scheme would require petitions with over 1,000 signatures to be debated at Full Council. It would also require the Chief Executive, a Director or a Head of Service to give evidence to the relevant select committee, if a petition calling for this was submitted to the Council and had attracted over 750 signatures. Furthermore, it would enable lead petitioners to request that the Council's response to a petition be reviewed by a select committee. The Council was under a duty to introduce an e-petitions system, similar to that found on the 10 Downing Street website, but this did not come into force until 15 December 2010.

Following a query, it was explained that the majority of petitions would be considered by officers in the same way as they were under the current scheme, although every lead petitioner would have the right to present their petition at a meeting of the Full Council as they did at present. However, there would not be a debate unless the petition achieved over 1,000 signatures.

Members were concerned that it would be difficult for residents in a small village to achieve 1,000 signatures but the issue could be one of significant local importance. The Democratic Services Manager stated that petitions attracting 1,000 signatures would automatically be debated at a meeting of the Full Council but there was discretion for other petitions with less support to be debated at Full Council as well. Members agreed to add additional wording to the petition scheme to ensure that petitions affecting a particular area of the District and which had a significant level of support from people who lived, worked or studied in that area were also likely to be debated at a Full Council meeting.

Members agreed to add additional wording to the scheme, which would clarify that where an officer was required to attend at a select committee under the petition scheme the relevant Portfolio Holder would also be required to attend. It was felt that a co-ordinated response was needed from both the officer with the technical knowledge and the Cabinet Member who was responsible for the portfolio.

Resolved: That Council be recommended to:

- (a) Adopt the Petition Scheme (attached as Appendix A) and include it as Appendix Y to the Council's Constitution, subject to the following amendments;

Modern Local Government Group – 8 July 2010

- (i) Section headed “Officer Evidence”, Paragraph 2 - the fourth sentence be deleted and replaced with “The Committee will also require the relevant Portfolio Holder to attend the meeting”
 - (ii) Section headed “Full council debates” – After the first sentence, add new sentence to read “Petitions which relate to an issue which affects a particular area of the District and have a significant level of support from people who live, work or study in that area are also likely to be debated at a Full Council meeting.
- (b) Implement the Petition Scheme with immediate effect, with the exception of those sections of the scheme which relate to e-petitions.
 - (c) Grant the Chief Executive delegated authority to bring the e-petitions elements of the Petition Scheme into effect, no later than 15 December 2010 (or such other timescale as approved by Government).
 - (d) Designate the Chief Executive as “petitions officer”, with responsibility for determining the admissibility of petitions under the scheme and delegated authority to make minor administrative amendments to the petition scheme if required.
 - (e) Agree the consequential amendments to Part 2 of the Constitution - Council Procedure Rules (Appendix B) and Part 5 of the Constitution - Overview and Scrutiny Procedure Rules (Appendix C).

7. ANNUAL REVIEW OF THE PERFORMANCE AND GOVERNANCE COMMITTEE’S TERMS OF REFERENCE (Report No.7)

The Democratic Services Manager informed Members that the proposed amendments to the Performance and Governance Committee’s Terms of Reference reflected how it had developed its role since its creation in 2007.

Members discussed whether the Performance and Governance Committee should be able to invite third parties to provide a report to the committee. A member felt that this provision should not be included as this could have cost implications for third parties and potentially the Council. The Chairman of the Performance and Governance Committee felt it was important to keep this wording in, as it allowed the Council to hold third parties that received funding from the Council to account. The majority of Members felt this provision was acceptable, because third parties were under no obligation to provide a report and could refuse if they wished.

Resolved: That the amendments to “Part 6 – Performance and Governance Committee” (Appendix A) be supported and that Council be recommended to amend the Constitution accordingly.

THE MEETING WAS CONCLUDED AT 7:13 P.M.

Chairman

