

Extraordinary Meeting of the Council

Agenda

Date: Thursday, 27th May, 2010
Time: 6.00 pm
Venue: The Assembly Room, Town Hall, Macclesfield

The agenda is divided into two parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Prayers**
2. **Apologies for Absence**
3. **Declarations of Interest**

To provide an opportunity for Members to declare any personal and/or prejudicial interests in any item on the agenda.

4. **Minutes of the Annual Council Meeting Held on 12 May and Reconvened on 13 May** (Pages 1 - 6)

To approve the minutes as a correct record.

5. **Mayor's Announcements**

To receive such announcements as may be made by the Mayor.

6. **Public Speaking Time/Open Session**

In accordance with Council Procedure Rule 35 and Appendix 7 to the rules, a total period of 15 minutes is allocated for members of the public to speak at Council meetings.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers.

Members of the public must provide 3 clear working days notice, in writing, if they wish to ask a question at the meeting. It is not a requirement to give notice of the intention to make use of public speaking provision. However, as a matter of courtesy, a period of 24 hours notice is encouraged.

7. **Notice of Motion** (Pages 7 - 8)

To consider the attached Notice of Motion, submitted by Councillor G Baxendale, in accordance with Procedure Rule 12.

8. **Proposed changes to the Council's Committee structure** (Pages 9 - 24)

To receive the recommendations of the Governance and Constitution Committee.

9. **Statutory Scrutiny Officer** (Pages 25 - 28)

To receive the recommendations of the Governance and Constitution Committee.

10. **Petitions - The Local Democracy, Economic Development and Construction Act 2009 and the Local Authorities (Petitions) (England) Order 2010** (Pages 29 - 40)

To approve the recommendations, as set out in the report, in respect of the introduction of a scheme for dealing with petitions.

11. **Questions**

In accordance with Procedure Rule 11, opportunity is provided for Members of the Council to ask the Chairman, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Council, the Cabinet or the Committee has powers, duties or responsibilities.

Questions must be sent in writing to the Monitoring Officer at least 3 clear working days before the meeting.

12. **Exclusion of Press and Public**

The report relating to the remaining item on the agenda has been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matter may be determined with the press and public excluded.

The Council may decide that the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

13. **Waste Treatment PFI Contract - Affordability Ceiling** (Pages 41 - 52)

To receive the recommendations of Cabinet.

CHESHIRE EAST COUNCIL**Minutes of the Annual Council Meeting**

held on Wednesday, 12th May, 2010 at Tatton Park, Knutsford and
reconvened on Thursday 13th May, at Congleton Town Hall

PRESENT

Councillor M Simon (Chairman 12 May)

Councillor G Baxendale (Chairman 13 May/Vice-Chairman 12 May)

12 May

Councillors E Alcock, C Andrew, A Arnold, Rachel Bailey, Rhoda Bailey, A Barratt, T Beard, D Beckford, S Bentley, S Broadhurst, D Brown, S Conquest, J Crockatt, H Davenport, M Davies, S Davies, R Domleo, B Dykes, P Edwards, P Findlow, W Fitzgerald, R Fletcher, D Flude, S Furlong, H Gaddum, L Gilbert, J Goddard, J Hammond, M Hardy, D Hough, O Hunter, T Jackson, J Jones, S Jones, F Keegan, A Knowles, A Kolker, W Livesley, J Macrae, A Martin, M Martin, P Mason, R Menlove, G Merry, A Moran, B Moran, H Murray, D Neilson, M Parsons, A Ranfield, B Silvester, L Smetham, D Stockton, D Thompson, C Thorley, A Thwaite, D Topping, R Walker, G M Walton, J Weatherill, R West, R Westwood, P Whiteley, S Wilkinson and J Wray

13 May

Councillors E Alcock, C Andrew, A Arnold, M Asquith, Rachel Bailey, Rhoda Bailey, A Barratt, C Beard, T Beard, D Bebbington, D Beckford, S Bentley, D Brickhill, S Broadhurst, D Brown, D Cannon, R Cartlidge, S Conquest, J Crockatt, H Davenport, M Davies, S Davies, R Domleo, B Dykes, P Edwards, P Findlow, W Fitzgerald, R Fletcher, D Flude, S Furlong, H Gaddum, L Gilbert, J Goddard, J Hammond, M Hardy, O Hunter, T Jackson, J Jones, S Jones, F Keegan, A Knowles, A Kolker, W Livesley, J Macrae, A Martin, M Martin, P Mason, R Menlove, G Merry, A Moran, B Moran, H Murray, J Narraway, D Neilson, M Parsons, A Ranfield, B Silvester, L Smetham, D Stockton, D Thompson, C Thorley, A Thwaite, D Topping, R Walker, G M Walton, J Weatherill, R West, R Westwood, P Whiteley, S Wilkinson and J Wray

195 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Barton, D Bebbington, D Brickhill, D Cannon, E Gilliland, M Hardy, M Hollins, E Howell, S McGrory, J Narraway, R Parker and C Tomlinson.

196 PRAYERS

The Reverend Charles Razzall said prayers at the request of the Chairman.

197 DECLARATIONS OF INTEREST

Councillor R West declared a personal interest in agenda item 5 (Appointment of Deputy Mayor 2010/11) by virtue of being the person nominated.

198 ELECTION OF MAYOR 2010/11

Council was requested to elect a Mayor for the Borough of Cheshire East for 2010/11, who would also act as Chairman of the Council for that period.

It was proposed by Councillor R Domleo, seconded by Councillor D Hough, and

RESOLVED

That Councillor G Baxendale be elected Mayor of the Borough of Cheshire East for the year 2010/11 and Chairman of the Council for that period.

The Chief Executive escorted the Mayor into the meeting.

The Mayor completed his Declaration of Acceptance of Office and was then invested with the Chain of Office. The Mayor thanked the Council for electing him to this office and informed Members that his wife, Felicity Baxendale, was to be his consort; she was then invested with the Chain of Office.

The Mayor announced that his Chaplain for the coming year would be Father William Kilkenny.

199 APPOINTMENT OF DEPUTY MAYOR 2010/11

Council was requested to appoint a Deputy Mayor of the Borough of Cheshire East who would also act as Vice-Chairman of the Council for that period.

It was proposed by Councillor F Keegan, seconded by Councillor A Arnold, and

RESOLVED

That Councillor R West be appointed as Deputy Mayor of the Borough of Cheshire East for the year 2010/10 and Vice-Chairman of the Council for that period.

The Deputy Mayor thanked the Council for appointing him to this office and informed Members that his wife, Joanna West, would act as his Deputy Mayoress; she was then invested with the Chain of Office.

200 VOTE OF THANKS TO THE RETIRING MAYOR

Councillor W Fitzgerald paid tribute to the retiring Mayor and consort, Councillor M Simon and Mr M Simon, for the dedicated work they had undertaken during their term of office, the large number of engagements they had attended and the money they had raised for charity. The Mayor presented badges to Councillor Simon and Mr Simon, together with a commemorative gift. Councillor Simon gave a speech of thanks.

201 ANY OTHER COMMUNICATIONS

There were no communications to be given.

202 PRESENTATION OF GRANT OF ARMS

Members were informed that the Council had been awarded a Grant of Arms. The Grant of Arms was presented to the Mayor by the Deputy Youth Mayor, Jack Victor.

203 RECONVENING OF MEETING - 2PM, THURSDAY 13 MAY 2010

Council agreed that the meeting would stand adjourned until 13 May 2010 at 2.00 pm, at Congleton Town Hall.

204 PRAYERS

The Mayor's Chaplain, Father W Kilkenny said prayers, at the request of the Mayor.

205 APOLOGIES FOR ABSENCE

Councillors G Barton, E Gilliland, M Hollins, D Hough, M Howell, G Mcgrory and C Tomlinson.

206 DECLARATIONS OF INTEREST

There were no declarations of interest.

207 MINUTES OF THE MEETING HELD ON 22 APRIL 2010

RESOLVED

That the minutes be approved as a correct record and signed by the Mayor.

208 MAYOR'S ANNOUNCEMENTS

The Mayor informed Members that, since this was his first formal business meeting, he was not be able to report to them upon previous civic

activities. However, they could be assured that he would give a good account of his engagements in the future.

There were three other important matters that he wished to bring to the attention of Members as follows :-

1. Firstly the Cheshire East's new staff recognition scheme, aspire4excellence was launched on the 5th May. Using the authority's aspire values, the scheme asked staff and Members to nominate colleagues who have demonstrated exceptional standards of work, through the aspire values. Both individuals and teams could be nominated and nominations would be judged by a panel, made up of HR officers and employees. Nomination forms could be found in Council buildings, or were available on the Cheshire East Website.
2. The second Tatton Park Biennial of Contemporary Art had opened to the public on Saturday 8 May and over 20 artists had been commissioned, to develop new works for the park, formal gardens and mansion. One artist has gone more than the extra mile for his work. Neville Gabie had travelled thousands of miles to Greenland to 'harvest' an iceberg. This two ton block of ice would be housed in a glass structure and kept frozen, using solar power and pond water throughout the five month run of the contemporary art event. The Biennial was open until 26th September and the Mayor encouraged Members to support the exhibition.
3. Wristbands, in support of the Mercian Regiment, could be purchased from the Council's Tourist Information Centres, if Members would like to make a donation.

209 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present, wishing to use the public speaking facility.

210 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES

Consideration was given to a report relating to political representation on the Council's Committees.

It was proposed by Councillor W Fitzgerald, seconded by Councillor R Domleo and

RESOLVED

That the political group representation, as set out in Appendices One and Two to the report, as submitted and the methods, calculations and conventions used in arriving at them as outlined in the report be adopted.

211 APPOINTMENTS OF MEMBERS TO DECISION-MAKING AND OTHER BODIES

Consideration was given to the proposed memberships of the Council's decision-making bodies and the appointment of those bodies.

The political groups' nominations of Members to the Council's decision-making and other bodies had been circulated to Members in advance of the meeting and copies were also circulated at the meeting.

Council was notified of a change, by the Independent Group Leader, to the list as circulated, to replace Councillor S McGrory with Councillor P Edwards on the Sustainable Communities Scrutiny Committee.

It was proposed by Councillor W Fitzgerald, seconded by Councillor R Domleo and

RESOLVED

That the nominations made by the Group Leaders to the bodies listed in Appendix Two of the previous agenda item and as circulated prior to the meeting be appointed, subject to the replacement of Councillor S McGrory with Councillor P Edwards on the Sustainable Communities Scrutiny Committee. (Updated list attached to these minutes).

212 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

Consideration was given to the appointment of Chairmen and Vice-chairmen of the Council's decision making and other bodies.

The Political Group Leaders' nominations of Chairmen and Vice-chairmen to the Council's decision-making and other bodies had been circulated to Members in advance of the meeting and copies were also circulated at the meeting.

It was proposed by Councillor W Fitzgerald, seconded by Councillor R Domleo and

RESOLVED

That the Chairmen and Vice-chairmen to the Council's decision-making and other bodies, listed in the previous agenda item, as circulated in advance of the meeting and as attached to these minutes be appointed.

213 LEADER'S REPORT TO COUNCIL - CABINET APPOINTMENTS

In accordance with Cabinet Procedure Rule 1, the Leader of the Council, Councillor Fitzgerald, presented to Council information about executive functions in the forthcoming year, including the names, addresses and electoral divisions of those Members appointed to the Cabinet, as attached to these minutes.

214 QUESTIONS

No questions had been submitted by Members of the Council.

215 DESIGNATION OF STATUTORY ROLES

Consideration was given to the designation of the statutory roles of the Director of Adult Social Services and Director of Children's Services.

It was proposed by Councillor W Fitzgerald, seconded by Councillor R Domleo and

RESOLVED

1. That the transfer of the statutory roles and responsibilities of the Director of Children's Services from the Strategic Director (People) to the Head of Children and Family Services, with effect from 1st June 2010, until 1st September 2010, when it will transfer to the new post of Director of Children's Services, be approved.
2. That the transfer of the statutory roles and responsibilities of the Director of Adult Social Services from the Strategic Director (People) to the Head of Adult Services, with effect from 1st June 2010, until 1st September 2010, when it will transfer to the new post of Director of Adult Services, be approved
3. That the Borough Solicitor be authorised to incorporate these revised designations into the Council's Constitution and to make such consequential amendments as he considers necessary.

The meeting commenced at 11.15 am and concluded at 12.20 pm on 12 May
and commenced at 2pm and concluded at 2.25pm on 13 May.

Councillor G Baxendale CHAIRMAN

Notice of Motion, submitted by the Mayor, Councillor G Baxendale

That Council approve, in principle, a homecoming parade for the 1st Battalion Mercian Regiment and that the Chief Executive be authorised to make the necessary arrangements, in conjunction with the officer commanding the Rear Operations Group, for the Freedom of the Borough to be awarded and the Homecoming Parade, in November 2010.

Background

The 1st Battalion Mercian Regiment (Cheshire), were recently deployed to the Helmand Province in Afghanistan, for a six month active service tour. The Battalion recruits from Congleton, Sandbach, Holmes Chapel, Middlewich, Macclesfield and Crewe. Therefore, local men are involved. I have been in contact with Major Barney Barnbrook, the officer commanding the Rear Operations Group, to discuss this matter. The Regimental Secretary from the 1st Battalion Mercian Regiment has also contacted me.

The demised Councils of Crewe and Nantwich, Macclesfield and Congleton have all admitted the Regiment to the Freedom of their Boroughs. I propose that, to coincide with the Homecoming Parade, that Cheshire East should, in its own right, admit the Regiment and make arrangements for an appropriate ceremony. The reason for this motion is to ensure that appropriate arrangements can be made for the Parade and to agree a process, to ensure that matters affecting the Mayoralty can be agreed in a timely manner, with appropriate Member input.

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CHESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of Meeting: 27th May 2010

Report of: Democratic Services Manager

Title: Proposed changes to the Council's Committee structure

1.0 Purpose of Report

- 1.1 To propose the reallocation of committee responsibilities and the creation of two new committees in place of the existing Governance and Constitution Committee.
- 1.2 To approve the political group representation of the Council as a result of the proposed changes.

2.0 Recommendations

- 2.1 Council be recommended to agree that

- (1) a new Audit and Governance Committee be appointed, with the powers and functions set out in Appendix B of this report, and with an allocation of seats to the political groups of 7:2:0:0 (Conservative: Liberal Democrat: Labour: Independent);
- (2) the Leaders of the Political Groups, as appropriate, notify the Borough Solicitor of their nominations to the Audit and Governance Committee;
- (3) a Constitution Committee be appointed with the powers and functions set out in Appendix C of this report, with the same allocation of seats to the political groups as the existing Governance and Constitution Committee;
- (4) the Constitution Committee shall retain the membership and current schedule of meetings of the existing Governance and Constitution Committee as agreed by Council, subject to any changes of meeting dates agreed by the Chairman;
- (5) the Chairman and Vice-Chairman of the Audit and Governance Committee be elected by the Committee at its first meeting (on a date to be agreed by the Democratic Services Manager, in consultation with the Leaders of the Political Groups);
- (6) the political group representation, as agreed by Council at its annual meeting, be amended in accordance with the proposals contained in this report, and that they be adopted, resulting in a new proportional entitlement of seats as follows:

New Proportional Entitlement 131 (72.8%) 27 (14.8%) 13 (7.4%) 9 (5%)

(7) the Borough Solicitor be authorised to make such changes to the Constitution as he considers are necessary to give effect to the wishes of Council.

3.0 Legal Implications

- 3.1 There are no direct legal implications from the decisions to set up new committees. The legal implications in respect of the allocation of seats to the political parties are set out in the appended report, which was presented to Council on 13th May (Appendix A).

4.0 Risk Assessment

- 4.1 Failure to comply with the legislation when appointing its committee memberships would leave the Council open to legal challenge.

5.0 Information

Proposed Committees

- 5.1 Appendix A to this report comprises the report which was presented to Council at its annual meeting on 13th May. Its recommendations were agreed by Council. This report sets out proposed changes and explains the reasons for them, and the consequences of those changes if they are agreed.
- 5.2 In a climate of increasing need for strong governance arrangements, transparency and clear lines of responsibility, it is considered good practice to have a separate committee which incorporates the requirements of good corporate governance which has an independent assurance function separate from any other responsibilities. The Code of Practice for Internal Audit in local government (CIPFA 2003) is the main document which assesses adherence to the necessary standards. Para 4.1.1 requires that “the authority has an independent Audit Committee.” In addition the CIPFA document “Audit Committees; Practical Guidance for Local Authorities” (2005) states that “the audit committee must be independent of the executive and scrutiny functions and that it must have a clear right of access to full council.”
- 5.3 CIPFA recommend a statement of purpose for the Committee:
- “the purpose of the Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority’s financial and non-financial performance to the extent that it affects the authority’s exposure to risk and weakens the control environment, and to oversee the financial reporting process.”
- 5.4 CIPFA also says of “independence”:
- “To be effective, the audit committee needs to be independent from executive and scrutiny. The link with the scrutiny function can be beneficial but the ultimate power of the audit committee could be compromised by too much cross- membership. The audit committee needs to retain the ability to challenge the executive on issues and to report to it on major issues and contraventions. Therefore cross membership should not be the norm, and if it is seen as necessary should be restricted to one

member from each. The Audit Committee chair should not be, expressly, a member of the executive. A non executive chair is important in order to promote the objectivity of the audit committee and to enhance its standing in the eyes of the public.”

- 5.5 As a consequence of the above, it is proposed that the “audit-related” functions and powers of the Governance and Constitution Committee, appropriately modified in line with current thinking, should be transferred to a new Audit and Governance Committee. The existing Governance and Constitution Committee would retain the remaining functions and undertake these under the new title: the Constitution Committee. Subject to any changes agreed by its Chairman, the Committee would retain its existing programme of meetings, and its membership would also remain the same as that of the existing Governance and Constitution Committee.
- 5.6 Appendices B and C set out the powers and functions of the proposed Audit & Governance Committee, and the Constitution Committee, respectively.
- 5.7 It is proposed that the Audit and Governance Committee have 9 members and the membership be allocated 7:2:0:0 (as explained elsewhere in this report).
- 5.8 It is proposed that the existing membership of, and arrangements for, the Governance and Constitution Committee be carried forward to the new Constitution Committee.

Political Proportionality

- 5.9 When changes are made to committee arrangements, they are normally required to secure political proportionality. The proportional entitlements do not change, but the calculations need to be checked and worked through all of the relevant member bodies.

The proportional entitlement of seats allocated to the Council’s political groups (following annual council):

Proportional Entitlement 124 (72.8%):25 (14.8%):13 (7.4%):9 (5%)

- 5.10 The second page of the Council report sets out the legal requirement arising from the allocation of seats to each individual committee: “The Act provides that where this results in a Group having more or fewer actual seats than their proportional entitlement (as shown in the ‘Difference’ line in Appendix One), any surplus seats are re-allocated to ensure that the final actual allocation to each Group equals the proportional entitlement”. This is essentially a requirement to ‘true up’ the numbers by checking allocations across all member bodies covered by the requirement for proportionality and making any minor adjustments to achieve political proportionality.
- 5.11 This report proposes that a new Audit and Governance Committee should not have a large Membership.
- 5.12 It is therefore proposed that the new committee should have a membership of 9. According to the existing political proportionality of the Council, this would normally result in a 7:1:1:0 to give political balance to the committee itself.

5.13 The creation of the new committee would increase the total number of seats on the Council's committees from 171 to 180.

	Conservative	Liberal Democrat	Labour	Independent
Total seat entitlement after Annual Council (overall proportionality)	124	25	13	9
	72.8%	14.8%	7.4%	5.0%
Total seat entitlement after Annual Council with the new Audit and Governance Committee added (overall proportionality)	131	27	13	9
	72.8%	14.8%	7.4%	5.0%
Total seat entitlement after creation of Audit and Governance Committee (with committee proportionality) 7:1:1:0	131	26	14	9
	72.8%	1 seat too few Below 14.8%	1 seat too many Above 7.4%	5.0%
Total seat entitlement after creation of Audit and Governance Committee (with overall proportionality) 7:2:0:0	131	27	13	9
	72.8%	14.8%	7.4%	5.0%

5.14 It can therefore be seen that, by applying the proposed 7:1:1:0 allocation of seats to the new committee (making the seats on the committee itself balance), the entitlement to seats across the Council total is no longer in proportion. The Liberal Democrat Group would have one too few seats and the Labour Group would have one too many.

5.15 Under the requirements of the legislation, this must be rectified, and could be achieved by changing the allocation of seats on the new committee to 7:2:0:0.

6. Reasons for Recommendations

6.1 To set up appropriate decision-making structures and determine proportional political representation on the Council's committees.

For further information:

Officer: Brian Reed Democratic Services Manager

Tel No: 01270 686670

Email: brian.reed@cheshireeast.gov.uk

Background Documents: None

Appendix A

CHESHIRE EAST COUNCIL

Report to Council

Date of Meeting: 12th May 2010

Report of: Borough Solicitor

Title: **Political Representation on the Council's Committees**

Purpose of Report

To determine the political representation on the Council's committees.

Recommendations

That the political group representation, as set out in Appendices One and Two to this report and the methods, calculations and conventions used in arriving at them as outlined in the report be adopted.

Legal Implications

The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, make provisions in respect of the political group representation on a local authority's committees in respect of the political composition of the Council. The legislation applies to overview and scrutiny committees and the decision-making committees of the Council.

The legislation requires that, where proportionality applies, and seats are allocated to different political groups, the authority must abide by the following principles, so far as is reasonably practicable:

Not all of the seats can be allocated to the same political group. There are no single group committees.

The majority of seats on a body are to be allocated to a political Group with a majority membership of the authority. The seats are so allocated.

The number of seats on the total of all ordinary committees allocated to each Political Group bears the same proportion to the proportion on the full Council. Appendix One achieves this.

The number of seats on each ordinary committee allocated to each Political Group bears the same proportion to the proportion on full Council. Appendix Two demonstrates proportional distribution across all committees etc.

The 1990 Regulations require Political Group Leaders to notify the Proper Officer of the Group's nominations to the bodies in question.

Risk Assessment

Failure to comply with the Act and Regulations when appointing its committee memberships would leave the Council open to legal challenge.

LOCAL GOVERNMENT (COMMITTEE AND POLITICAL GROUPS) REGULATIONS 1990

Appendix One to this report sets out the proposed political representation on ordinary committees, based on the political structure of the Council as a whole. The following is the basis of the approach adopted:

Conservatives	59	72.8%
Liberal Democrat	12	14.8%
Labour	6	7.4%
Independent	4	5.0%
TOTAL	81	100%

Appendix One demonstrates how the Council has to agree the proportionality of its ordinary committees. The definition of an ordinary committee does not include sub-committees or joint committees. They are therefore excluded from Appendix One, but shown at Appendix Two, except where these are ad-hoc bodies. The proportionality rules do not apply to the Cabinet or to the Standards Committee. These are also excluded from Appendix One.

The proportionalities have been arrived at by the following methods and conventions:

applying the relevant percentage to each body;
rounding up from 0.5 and above and rounding down below 0.5

The Act provides that where this results in a Group having more or fewer actual seats than their proportional entitlement (as shown in the 'Difference' line in Appendix One), any surplus seats are re-allocated to ensure that the final actual allocation to each Group equals the proportional entitlement.

Discussions were held with Group Leaders in April 2009 to ensure that the proportionality calculations were accurately carried out. Following these discussions, agreement was reached to the effect that some adjustments should be made to the original draft proportionalities calculation, in particular in respect of the Northern Planning Committee. The agreements reached in April 2009 have been carried forward to the calculations for 2010/11.

5.4 Appendix Two shows the proportional distribution of seats on all bodies (this includes not only the ordinary committees at Appendix One but other bodies such as joint committees, sub-committees etc.

Reasons for Recommendations

To determine political representation on the Council's committees.

For further information:

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Background Documents: None

APPENDIX ONE

CHESHIRE EAST COUNCIL - POLITICAL PROPORTIONALITIES

<u>Committee Total</u>	<u>Con</u>	<u>Lib Dem</u>	<u>Lab</u>	<u>Ind</u>
Children and Families Scrutiny	10	2	1	1
Health/Adult Social Care Scrutiny	10	2	1	1
Environment and Prosperity Scrutiny	10	2	1	1
Sustainable Communities Scrutiny	10	2	1	1
Corporate Scrutiny	10	2	1	1
Strategic Planning Board	10	2	1	1
Northern Planning Committee	12	3	0	0
Southern Planning Committee	11	2	1	1
Licensing Committee	11	2	1	1
Governance and Constitution	10	2	1	1
Public Rights of Way	5	1	1	0
Staffing	5	1	1	0
Appeals	5	1	1	0
Lay Members Appointments	5	1	1	0
Total Places (Actual) 171	124	25	13	9
Proportional Entitlement	124 (72.8%)	25 (14.8%)	13 (7.4%)	9 (5%)
Difference	0	0	0	0

NB:

1. The methods and conventions used in arriving at these proportionalities are outlined in the report.
2. The final proportionality for the Northern Planning Committee will be 12:3:0:0. The explanation for this is given in the report.
3. Cabinet and Standards Committee are outside the proportionality rules as are Joint Committees.

APPENDIX TWO

CHESHIRE EAST COUNCIL-PROPORTIONAL DISTRIBUTION OF SEATS ON ALL BODIES (other than those to be appointed on an ad-hoc basis)

<u>Committee</u> <u>Total</u>	<u>Con</u>	<u>Lib Dem</u>	<u>Lab</u>	<u>Ind</u>
Children and Families Scrutiny	10	2	1	1
Health/Adult Social Care Scrutiny	10	2	1	1
Environment and Prosperity Scrutiny	10	2	1	1
Sustainable Communities Scrutiny	10	2	1	1
Corporate Scrutiny	10	2	1	1
Strategic Planning Board	10	2	1	1
North Planning Committee	12	3	0	0
South Planning Committee	11	2	1	1
Licensing Committee	11	2	1	1
Governance and Constitution	10	2	1	1
Public Rights of Way	5	1	1	0
Staffing	5	1	1	0
Appeals	5	1	1	0
Lay Members Appointments	5	1	1	0
Cheshire East/West/Wirral Scrutiny	4	1	1	0
Standards Committee	5	1	1	1
School Governor Appointments Panel	5	1	1	1
Civic Sub Committee	5	1	1	1
Cheshire Fire Authority	6	1	1	0
Peak District National Park Authority	1			
Total Places 210	150	30	18	12
Proportional entitlement	153(72.8%)	31(14.8%)	16(7.4%)	10(5%)
Difference	-3	-1	+2	+2

(Note: In terms of Proportional Entitlement Independents rounded down rather than up as Smallest Group)

NB:

Not included in the above are:

General Licensing Sub-Committees of 5, which are to be appointed on an ad-hoc basis

Licensing Sub-Committees of 3, which are to be appointed on an ad-hoc basis

Wilmslow Community Governance Review Sub-Committee. Although the appointments have been made on the basis of political proportionality the Sub Committee has been appointed on an ad hoc basis.

In accordance with legislation, included in the above are the numbers of Members appointed to Cheshire Fire Authority and the Peak District National Park Authority as “prescribed organisations”. Other previously agreed nominations to “outside bodies” are not included.

Appendix B

AUDIT AND GOVERNANCE COMMITTEE

The Audit and Governance Committee is responsible for:

1. overseeing the Council's role and responsibilities in respect of Corporate Governance and Audit;
2. developing a Code of Corporate Governance and to undertake as appropriate an assessment of wider governance issues;
3. supporting the Council's audit function, both internal and external;
4. ensuring the Council has in place appropriate policies and mechanisms to safeguard the Council's resources;
5. supporting the Chief Financial Officer in relation to the performance of their duties;
6. approving any Council Statement of Accounts as may be required by the relevant Account and Audit Regulations;
7. ensuring any Council's Risk Management arrangements are operating effectively;
8. where necessary, overseeing and agreeing the arrangements for Members to be indemnified for and insured against risks and liabilities arising from the performance of their duties as Members of the Council, and as the Council's representatives on outside bodies;
9. considering the Head of Internal Audit's annual report and opinion and a summary of internal audit activity and the level of assurance over corporate governance arrangements;
10. receiving the Internal Audit Plan and summary reports on performance against the plan;
11. reviewing and approving the Annual Governance Statement;
12. seeking assurance that customer complaint arrangements are robust;
13. reviewing and making recommendations upon the whistle blowing arrangements process;
14. considering external audit and other external agencies reports to those charged with governance as a source of assurance;
15. ensuring that the Council maintains a robust counter fraud culture via the implementation of an anti fraud and corruption policy and strategy.

Appendix C

CONSTITUTION COMMITTEE

The Constitution Committee is responsible for:

1. overseeing, monitoring, co-ordinating and implementing the Council's administrative and political business, including electoral matters; administrative boundaries and parishing; support for and facilities for Members, including Members' learning and development and party groups for the purpose of their duties as councillors; and administrative arrangements for and the conduct of the Council and other meetings;
2. determining policies and conventions in relation to the political management of the Council, including statutory requirements concerning political balance and rights to information;
3. reviewing the Council's Constitution and recommending any changes to the Council;
4. advising the Council on, and overseeing the promotion of private legislation on behalf of the Council;
5. recommending to the Council, as appropriate, the appointment of Members to Committees and Sub-Committees (including any co-opted members other than in respect of Scrutiny Committees);
6. appointing representatives to serve on outside bodies and organisations (including education bodies and establishments) not falling to the Cabinet to appoint;
7. overseeing and monitoring the Members' Allowance budget, including pensions, and keeping under review the scheme for the payment of allowances to Members through the appointment of an Independent Remuneration Panel to advise the Council on the adoption of the scheme and on any proposed amendments;
8. approving annual conference and seminar attendance;
9. making recommendations to the Council on civic issues, including those affecting the Mayor, Freeman and Aldermen.
10. approving reasons for absence for Members;
11. approving the overall seating plan for Council meetings;

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CHESHIRE EAST COUNCIL

REPORT TO: Governance and Constitution Committee

Date of Meeting: 27 May 2010
Report of: Borough Solicitor
Subject/Title: Statutory Scrutiny Officer

1.0 Report Summary

- 1.1 To consider the appointment of the Authority's Statutory Scrutiny Officer

2.0 Recommendations

- 2.1.1 That it be recommended to Council that the Democratic Services Manager be appointed as the Statutory Scrutiny Officer.

3.0 Reasons for Recommendations

- 3.1 In accordance with Section 31 of the Local Democracy, Economic Development and Construction Act 2009, the Council has a statutory duty to designate one of its officers as the Councils Statutory Scrutiny Officer.

4.0 Wards Affected

- 4.1 None

5.0 Local Ward Members

- 5.1 None

6.0 Policy Implications

- 6.1 The constitution will require amending to reflect the appointment of the Councils Statutory Scrutiny Officer.

7.0 Financial Implications for Transition Costs

- 7.1 None

8.0 Financial Implications 2010/2011 and beyond

- 8.1 None

9.0 Legal Implications

- 9.1 There is a statutory requirement for all local authorities in England, except district councils, to designate an officer as the authority's Scrutiny Officer

10.0 Risk Management

- 10.1 None

11.0 Background and Options

- 11.1 Section 31 of the Local Democracy, Economic Development and Construction Act 2009 states that all authorities in England are to designate a Scrutiny Officer, with the exception of district councils in two tier areas. The functions of this role are to:

- Promote the role of the authority's Overview and Scrutiny Committee or Committees.
- Support the authority's Overview and Scrutiny Committee or Committees and the Members of those committees'
- Provide support and guidance to:
 1. Members of the authority
 2. Members of the executive of the authority, and
 3. Officers of the authority

In relation to the functions of the authority's Overview and Scrutiny Committee or Committees

- 11.2 An officer designated by a local authority under this section is to be known as the authority's 'Scrutiny Officer'.
- 11.3 A local authority may not designate any of the following under this section:
- The head of the authority's paid service designated under section 4 of the Local Government and Housing Act 1989;
 - The authority's Monitoring Officer designated under section 5 of that Act;
 - The authority's Chief Finance Officer, within the meaning of that section.
- 11.4 The appointment of an officer to this post will be made by Council following a recommendation by Governance and Constitution Committee.
- 11.5 The Corporate Scrutiny Committee considered the matter on 19 April 2010 and recommended that the Democratic Services Manager would be the most appropriate appointment within the Council.

12.0 Overview of Year One and Term One Issues

- 12.1 None

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mark Nedderman

Designation: Senior Scrutiny Officer

Tel No: 01270 686459

Email: mark.nedderman@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

REPORT TO: COUNCIL

Date of Meeting: 27th May 2010
Report of: Borough Solicitor
Subject/Title: Petitions - The Local Democracy, Economic Development and Construction Act 2009 and the Local Authorities (Petitions) (England) Order 2010

1.0 Report Summary

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 places a new duty on Councils to promote local democracy and introduce facilities for receiving and dealing with petitions. The Act received Royal Assent on 12th November 2009. The majority of provisions are coming into force through the publication of orders. The Local Authorities (Petitions) (England) Order 2010 was published on 22nd March and comes into effect on 15th June 2010. The effect of the order is to requires every local authority, from 15th June 2010, to have adopted a "Petition Scheme" which sets out how it will handle petitions, and by 15th December 2010 every local authority must have an on-line petition facility, under which anyone may set up a petition on the authority's website, and other petitioners may "sign up" to the petition on-line. This report invites Council to introduce a scheme for dealing with petitions.

2.0 Decision Requested

It is recommended that Council:

1. Approve the draft Petition Scheme,
2. Designate the Borough Solicitor as the Petitions Officer and request him to report annually to Council on the operation of the Scheme,
3. Request the Borough Solicitor to incorporate the Petition Scheme in the Council's Constitution and make consequential amendments; and
4. That the Borough Solicitor be requested to report to the Governance and Constitution Committee on the development of an on-line petition facility.

3.0 Reasons for Recommendations

- 3.1 Petitions are the most widely used form of civic action by individuals and communities to make representations to different public bodies on matters affecting them. The Government has decided that Councils must introduce facilities for both paper and electronic petitions. The new duty being introduced increases the range of opportunities for individuals and groups to engage with the Council.

4 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications including - Climate change and Health

6.1 Not applicable.

7.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 The Council's Modern.gov agenda management system has been upgraded at no extra cost with an e-Petitions module. The cost of controlling, moderating and dealing with paper and e petitions can be met from within existing resources.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act places a duty on the Council to have a Scheme in place to handle petitions and to provide a facility for making electronic petitions to the authority. The Local Authorities (Petitions) (England) Order 2010 requires the Council to adopt a Petitions Scheme by the 15th June. The order requires e petitioning to be introduced by 15th December 2010. The Scheme must receive formal approval of the Council before it comes into force. There are specific requirements about the way petitions should be acknowledged and categorised and to require officers to be held to account. The act also requires publication of details of the petition and action taken by the authority. The Legislation also proposes that if the petitioner so requests, an Overview and Scrutiny Committee may review the steps taken or action proposed to be taken by the Council.

10.0 Risk Management

10.1 The Council will need to moderate petitions and criteria will need to be established to decide if a petition should be rejected. This will also cover petitions that do not reflect the views of the Council or those which are politically motivated. The Scheme that Council must adopt will cover these issues but Democratic Services will produce a note covering these issues together with guidance for the public on submitting a petition or e petition. In respect of e petitions privacy of information and the security of data will need to be controlled. The Government has indicated that guidance on e-petitions will be available, including practical advice for selecting and setting up an e-petitions facility and a set of recommended data standards.

11.0 Background and Options

11.1 The Local Democracy, Economic Development and Construction Act 2009 requires all principal local authorities in England to establish a scheme for handling petitions made to the authority. The Local Authorities (Petitions) (England) Order 2010 has been published together with Statutory Guidance. Set

out below is more detailed information on the requirements of the Act and the different matters that need to be addressed.

11.2 What is a Petition?

The Act defines different categories of petitions, and allows the authority to define the number of signatures required for each category –

- a. “Petitions for Debate” must be reported to and debated at full Council;
- b. “Petitions to hold an Officer to Account” trigger an open meeting of an Overview and Scrutiny Committee at which the named officer will report and be questioned on their actions
- c. “Exempted Petitions” – Petitions received in response to statutory consultation for example on planning and licensing applications will continue to be reported to Planning and Licensing Committees
- d. “Ordinary Petitions”, for which the authority can determine how these petitions will be handled.

The Department for Communities and Local Government has issued statutory guidance on Petition Schemes which suggest that authorities should set the number of signatures required for each category of petition at levels which encourage rather than discourage petitions, and should set a lower threshold for petitions on local rather than authority-wide matters.

The Petition Scheme would only apply to petitions which relate to matters for which the authority has responsibility or which it is able to influence.

11.3 What does the Council Need to do?

Attached is a draft Petition Scheme, which has been drafted taking the statutory guidance into account. The key features of this Scheme are as follows –

- a. An appropriate officer needs to be designated as the Petitions Officer, to be responsible for recording all petitions received, responding to petition organisers, ensuring that petitions are reported to Council or to Portfolio Holder Members as required, updating a Petitions Site on the authority’s website, inviting petition organisers to attend meetings. This work is best handled by the Democratic Services Team, and so the Borough Solicitor should be designated as Petitions Officer for this purpose;
- b. The authority needs to decide the number of signatures required for petitions. The suggested minimum threshold for ordinary petitions is 10, but that 2000 signatories be required for a petition to hold an officer to account (reduced to 1000 where it is a local matter which affects no more than 2 wards) and 3,000 signatories for a Petition for Debate (reduced to 1500 where it relates to a local matter affecting no more than two wards). These figures can be revised at any time if they are found to act as a deterrent to petitions, or to encourage frivolous or vexatious petitions, and the Petitions Officer will report annually on how the Petition Scheme is working.

- c. The authority needs to decide who Ordinary Petitions will be reported to for decision. It is suggested that this would ordinarily be the relevant Service and Portfolio Holder(s). If it was beyond the delegated powers of officers it could be considered by the Portfolio Holder who would be able to refer a petition to Cabinet if s/he felt that it raised wider issues or was outside the delegated powers of the Portfolio Holder.
- d. The authority needs to decide who will be provided with copies of petitions. It is suggested that ward Councillor be provided with a copy of each petition within 5 working days of receipt, at the same time as it is put on the Petitions Site on the Council website.
- e. The authority will in practice need to set a maximum time to be allowed for discussion of petitions at any one meeting of Council or Cabinet. Whilst the 2009 Act does not provide for such a limit, the authority does need to ensure that it can continue to discharge its ordinary business effectively. Accordingly, it is suggested that a maximum of 30 minutes be allowed at any meeting, but that this can be extended by the Chairman when appropriate.
- f. The authority needs to develop an On-Line Petition Facility, to be available from 15th December 2010. It is suggested that Borough Solicitor be requested to report to the Governance and Constitution Committee on this matter.

In addition the authorities Petition Scheme must be approved by a meeting of the full council before it comes into force and must be published on the principal local authority's website and by any other method appropriate for bringing it to the attention of those who

- 11.4 The Council should approach any petitions it receives positively and not assume that the motivation is one which is vexatious, abusive or inappropriate. However, petitions, which are in the opinion of the Council are inappropriate, must be responded to. In such cases the Council should explain why it will not be taking any action on it.

12.0 Access to Information

- 12.1 The background papers relating to this report can be inspected by contacting the report writer:

Name:	Brian Reed
Designation:	Democratic Services Manager
Tel No:	01270 686670
Email:	brian.reed@cheshireeast.gov.uk

Appendices:

Appendix A – Model Scheme

APPENDIX A

Petitions

Cheshire East Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition

We treat as a petition any communication which is signed by or sent to us on behalf of a number of people. For practical purposes, we normally set a requirement for at least 10 signatories or petitioners before we treat it as a petition. Whilst we like to hear from people who live, work or study in Cheshire East, this is not a requirement and we would take equally seriously a petition from, for example, 10 visitors to the District on the subject of facilities at one of our visitor attractions.

Petitions can also be presented to the Mayor prior to a meeting of the Council. These meetings take place on a bi monthly basis, dates and times can be found on the Cheshire East Website www.cheshireeast.gov.uk. If you would like to present your petition to the Mayor, or would like your councillor to present it on your behalf, please contact the Democratic Services Manager at the address below at least 10 working days before the meeting and they will talk you through the process.

What should a petition contain?

A petition should include –

A clear statement of your concerns and what you want the authority to do. This must relate to something which is the responsibility of the authority, or over which the authority has some influence. Where a petition relates to a matter which is within the responsibility of another public authority, we will ask the petition organiser whether s/he would like us to redirect the petition to that other authority. Where a petition relates to a matter over which the authority has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision;

The name and contact details of the “petition-organiser” or someone to whom you would like any correspondence about the petition to be sent. Contact details may be either a postal address or an Email address;

The names of at least 10 petitioners (which can include the petition organiser). Where the petition is in paper form, this can include an actual signature from each petitioner, but actual signature is not essential. Where the petition is in electronic form, a list of the names of the petitioners will suffice. You may include the addresses of petitioners, which may be useful to the authority, for example, in assessing the degree of local support or opposition to a planning application, but this is not essential. If you want your petition to be debated at a meeting of the Council (“A Petition for Debate”), or to trigger a public meeting of an Overview and Scrutiny Committee at which a specific officer will be required to report (“A Petition to hold an Officer to Account”), your petition will need to contain a higher number of signatories or petitioners (see below);

If you are submitting the petition in response to our consultation on a specific matter, please identify the matter which it relates to, so that we can ensure that your petition is considered along with original matter.

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.

Who should you send a petition to?

Where you submit a petition in response to consultation by the authority, please address it to the return address set out in the consultation invitation. This will ensure that it is reported at the same time as the matter to which it relates is considered.

We have appointed a Petitions Officer, who is responsible for receiving, managing and reporting all other petitions sent to the authority. Please address petitions to –

The Petitions Officer
Cheshire East Council,
Westfields,
Middlewich Road,
Sandbach,
Cheshire CW11 1HZ

Or to petitions@cheshireeast.gov.uk.

The Petitions Officer will ensure that your petition is acknowledged to the petition organiser and entered on the authority's petitions website and that the website is regularly up-dated with information on the progress of your petition. The Petitions Officer can also provide you with advice about how to petition the authority or the progress of your petition, at either of the above addresses or by telephone at 01270 686458.

Types of Petition

There are five different types of petition, as set out below. How we deal with a petition depends on which type of petition you submit –

Ordinary Petitions

These are petitions which do not come within any of the following specific types. Please note that petitions which raise issues of possible Councillor misconduct will be taken as complaints arising under the Local Government Act 2000 and will be reported to the Standards Committee, rather than considered under this Petitions Procedure.

Consultation Petitions

These are petitions in response to an invitation from the authority for representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions or speed limits. Consultation petitions which are received by the response date in the consultation invitation will be reported to a public meeting of the person or body which will be taking the decision on the application or proposal.

Statutory Petitions

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

Petitions for Debate

If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 3000¹ signatories or petitioners (this is reduced to 1500 signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the authority's area). The Petitions Officer will request the appropriate Chief Officer to prepare a report. This report together with the Petition will be presented to full Council who will debate it fully. Council may then refer the Petition to the appropriate decision making body for further consideration.

Petitions to Hold an Officer to Account

If you want your petition to be considered at a meeting of an Overview and Scrutiny Committee, where an officer, identified either by name or by post title, will be required to answer questions on the conduct of a particular matter, your petition should contain at least 2000 signatories or petitioners (this is reduced to 1000 signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the authority's area). The authority has determined that such petitions must relate to the Chief Executive, a Director or a Head of Service of the authority. Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to the Head of Human Resources in respect of the Chief Executive) and will be considered under the authority's Disciplinary Procedures, and not under this Petitions Procedure.²

The Petitions Website

The authority maintains a petitions web page on its website.

When a petition is received, within 5 working days the Petitions Officer will open a new public file within the website and will put in that file the subject matter of the petition, its date of receipt and the number of signatories or petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.

As soon as it is decided who the petition will be considered by within the authority, and when that consideration will occur, this information will be entered on the website at the same time as it is sent to the petition organiser. Once the petition has been considered, the authority's decision will be notified to the petition organiser and put on the website within 5 working days of that consideration.

¹ The number of signatories or petitioners required for Petitions for Debate, and for Petitions to Hold and Officer to Account have been set by the authority to try to ensure that matters of genuine concern can be brought to the authority's attention. These requirements will be reviewed periodically in the light of the number of petitions received, to ensure that the requirements are not excessive.

² Note that the Local Democracy, Economic Development and Construction Act 2009 makes no provision for handling petitions which raise issues of officer or member misconduct or officer competence, but in practice such petitions cannot be handled under the Petitions Procedure and must be handled under the procedures appropriate to such matters.

Petitions are presented on the petitions website in the order in which they are received, but the website can be searched for key-words to identify all petitions relating to a particular topic. All petitions are kept on the website for 2 years from the date of receipt.

The role of Ward Councillors

When a petition is received which relates to a local matter (particularly affecting specific electoral wards), the Petition Officer will send a copy of the petition to each relevant Ward Councillor at the same time as acknowledging receipt of the petition to the petition organiser.

What happens when a petition is received?

Whenever a petition is received –

Within 5 working days of receipt, the Petitions Officer will acknowledge receipt to the petition organiser.

At the same time as responding to the petition organiser, the Petitions Officer will notify Ward Councillors of receipt of the petition and the relevant officers and Portfolio Holders. In some cases, the Petitions Officer may be able to resolve the petitioners' request directly, by getting the relevant Portfolio Holder or officer to take appropriate action. For example where the petition relates to fly-tipping and the authority can arrange for it to be cleared up directly. Where this is done, the Petitions Officer will ask the petition organiser whether s/he considers that the matter is resolved.

Unless the matter has been resolved to the satisfaction of the petition organiser, the Petitions Officer will within 5 working days of receipt of the petition provide a substantive response to the petition organiser setting out who the petition will be reported to for consideration,

Within 5 working days of receipt of a petition, the Petitions Officer will open a new public file for the petition on the authority's petitions website, setting out the subject matter of the petition, the date of receipt and the number of petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.

At each stage of the consideration of the petition, within 5 working days of any decision, the Petitions Officer will ensure that the petitions website is updated to ensure that petitioners can track progress of their petition.

The process after this stage differs for the various types of petitions – see below.

What happens to a Consultation Petition?

Consultations Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal or application, such as a planning or licensing application or a proposed traffic regulation order.

The petition will be reported to person or body who will take the decision on the proposal or application at the meeting when they are to take the decision on that application or proposal. The Council's Constitution defines who will take different types of decision, as set out in the Scheme of Delegations and the terms of Reference of Committees and Sub-Committees.

Where the petition relates to a matter which is within the delegated power of an officer, s/he will not exercise those delegated powers but will automatically refer the matter up to the relevant Portfolio Holders for decision.³

Where the petition relates to a matter which is within the delegated powers of an individual Portfolio Holders, s/he may decide not to exercise those delegated powers but to refer the matter to Cabinet for decision.

What happens to a Statutory Petition?

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

What happens to Petitions for Debate?

Petitions for Debate will be reported to the next convenient meeting of Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council which are not convened to consider the subject matter of the petition.

As set out below, the petition organiser will be invited to address the meeting on the subject of the petition.

What happens to a Petition to Hold an Officer to Account?

Petitions to hold an officer to account will be reported to the next convenient meeting of the relevant Overview and Scrutiny Committee.

In advance of the Committee meeting, the petition organiser will be invited to submit a list of questions which s/he would like put to the officer at the meeting. These questions will be provided to the Chairman of the Committee, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.

At the meeting, the Chairman will invite the petition organiser to address the Committee on the issue⁴, and the relevant officer will then be required to report to the Committee in relation to the conduct of the subject matter of the petition. Members of the Committee may question the officer, and the Chairman may invite the petition organiser to suggest questions for him/her to put to the officer.

What happens to an Ordinary Petition?

The Petitions Officer will arrange for each ordinary petition to be reported to the appropriate officer and Portfolio Holder which has responsibility for the subject matter of the Petition for them to deal with under delegated powers. If appropriate to do so the petition organiser will be invited to meet the Portfolio Holder to make representations in support of the petition

³ The exceptions to delegated powers set out in Paragraphs 3.8.3 and 3.8.4 will need to be carried over to the Scheme of Delegations in the Council's Constitution

⁴ Note that the 2009 Act does not give the petition organiser a right to speak at the Committee meeting, but the Council has decided that s/he should be invited to set out the petitioners' concerns in relation to the subject matter of the petition.

Within 5 working days of the consideration of the petition by the relevant Portfolio Holder, the Petitions Officer will notify the petition organiser of the Portfolio Holder's decision and advise him/her that if s/he is not satisfied with that decision, s/he may require the matter to be reported to the next convenient meeting of the appropriate Overview and Scrutiny Committee for review.

At each stage, the Petitions Officer will enter the relevant information on the website at the same time as it is sent to the petition organiser.

Appeal to an Overview and Scrutiny Committee

If the petition organiser is not satisfied with the outcome of the authority's consideration of his/her petition, he/she may appeal to an Overview and Scrutiny Committee by notifying the Petitions Officer of his/her intention to appeal within 20 working days of being notified of the authority's decision on the petition.

Within 5 working days of receipt of intention to appeal, the Petitions Officer will determine which is the relevant Overview and Scrutiny Committee and will notify the petition organiser of the time, date and place of the next convenient meeting of that Overview and Scrutiny Committee and will invite the petition organiser to attend the meeting and to address the Committee on why they considers that the authority's decision on the petition is inadequate.

At that meeting, the Overview and Scrutiny Committee will invite the petition organiser and Ward Councillors to make their representations and to explain why s/he considers that the Council's response was insufficient. The Overview and Scrutiny Committee may not over-ride the decision maker's decision but must consider any recommendations made by the Overview and Scrutiny Committee.

The role of the Petition Organiser

The petition organiser will receive acknowledgement of receipt of the petition within 5 working days of its receipt by the authority.

Where the petition is not accepted for consideration the petition organiser will be advised by the Petitions Officer of the rejection and the grounds for such rejection.

Where the petition is accepted for consideration, the petition organiser will be advised by the Petitions Officer within 5 working days of receipt by the authority as to who the petition will be considered by, and the date, time and place of the meeting at which it will be considered, and will be invited to address the meeting for up to 3 minutes. The meeting may then ask the petition organiser questions on the subject matter of the petition.

The petition organiser may nominate another person to address the meeting and to answer any questions on the matter.

The petition organiser will be regularly informed by the Petitions Officer of any decisions in respect of the petition and will be formally notified of the outcome of the petition's consideration within 5 working days of such decision.

The petition organiser may notify the Petitions Officer of his/her intention to appeal to an Overview and Scrutiny Committee against the decision of the authority relating to the petition within 20 working days of being notified of that decision, and may attend and

address the meeting of the Overview and Scrutiny Committee as to why he/she considers that the authority's decision on the petition was inadequate.

Petitions which will not be reported

Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

Repeat Petitions

Where a petition will not normally be considered where they are received within 6 months of another petition being considered by the authority on the same matter.

Rejected Petitions

Petitions will not be reported if in the opinion of the Petitions Officer, they are rude, offensive, defamatory, scurrilous or time-wasting, or do not relate to something which is the responsibility of the authority, or over which the authority has some influence.

If your petition is about something over which the council has no direct control we will pass on the petition on behalf of the community to the relevant body. The council works with a large number of local partners and where possible 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.

Wherever possible, it is expected that the petition will be dealt within six weeks of it being received by the Council. If this is not possible, then a holding response will be sent to the lead petitioner and relevant Portfolio Holder(s).

E-petitions

The council will be introducing e-petitions. It will be possible to create and submit E-petitions through our website and will follow the same guidelines as paper petitions.

This Scheme will be revised when e-petitions are introduced.

Document is Restricted

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