



ADUR & WORTHING
COUNCILS

Joint Governance Committee
30 July 2020
Agenda Item 8

Ward(s) Affected: All

Worthing Borough Council Petition Scheme

Report by the Monitoring Officer

Executive Summary

1. Purpose

1.1 At the Annual Meeting of Worthing Borough Council on 26th May 2020, a resolution was made by the Council referring the Petition Scheme to the Joint Governance Committee for consideration.

1.2 This report asks Members to consider the Worthing Borough Council Petition Scheme and recommend any amendments to full Council for adoption into the Constitution.

2. Recommendations

2.1 The Joint Governance Committee is recommended to review the provisions of the Worthing Borough Council Petition Scheme and make any recommendations to Worthing Borough Council for adopting an amended version into the Council's Constitution.

3.0 Context

- 3.1 At the Worthing Borough Council Annual meeting on 26th May 2020, the Council considered an item on amendments to the Constitution, primarily made to facilitate remote attendance at Council meetings.
- 3.2 One of the documents amended by the Council was the Worthing Borough Council Petition Scheme. The Monitoring Officer had made minor amendments to the Scheme on 12th May 2020 to enable the Petition Organiser to join a Council meeting remotely by electronic means to present their petition should they wish to do so, or alternatively to enable their representations to be read out on their behalf.
- 3.3 The amended Petition Scheme of 12th May 2020 was endorsed by the Council and formally adopted into the Worthing Borough Council Constitution.
- 3.4 However, the Council made a further resolution, set out at paragraph 4.0 below, which requires consideration by the Joint Governance Committee.

4.0 Issues for consideration

At the Annual meeting of Worthing Borough Council on 26th May 2020, a further resolution was made, following a proposal to amend the substantive motion, by Cllr Silman. The Council agreed, the following:

That the Council agreed to refer the following proposed amendment to the Borough Council of Worthing Petition Scheme, clause 6(2), to the Joint Governance Committee for consideration:- Lines 9 to 12 of the Petition Scheme, clause 6(2), be amended to read as follows: The Petition Organiser will be given five minutes to read the petition at the meeting and make any representations, 'before Members discuss the petition', in accordance with Council's Standing Orders as contained in Part 4 of the Constitution. At the end of the discussion and before any proposition is voted on, the Petition Organiser will be given 3 minutes (maximum) to make a closing statement.

4.1 Current provisions of Paragraph 6.2 of the Petition Scheme

Paragraph 6.2 of the Petition Scheme currently states the following:

Qualifying petitions are defined in this scheme as petitions containing 1,000 or more names, postal addresses and signatures (other than when in electronic

form) of people who live, work or study in the Borough of Worthing and support the petition.

On receipt of a qualifying petition, where time permits, the petition will be debated by the Full Council, at their next Ordinary Meeting, provided that the petition is received by the Monitoring Officer 15 clear working days prior to that meeting, or otherwise at the next available Ordinary Council Meeting. The Petition Organiser will be given five minutes to read the petition at the meeting and make any representations and the petition will then be discussed by Councillors in accordance with the Council's Standing Orders as contained in Part 4 of this Constitution. The Council will decide, by way of a motion being proposed, seconded and voted upon, how to respond to the petition at this meeting.

If the petition relates to action currently being progressed by the Council and the petition will trigger a debate at Full Council, as it is accepted by the Monitoring Officer and is a qualifying petition, then the action will be suspended pending the debate, unless in relation to statutory, contractual or other legal situations where a suspension would, in the view of the Monitoring Officer, prejudice the Council's position.

Where a petition is accepted by the Monitoring Officer and is a qualifying petition but time does not permit a debate at Full Council, for example because an action that is the subject of the petition will occur prior to the next meeting of the Full Council, the petition will be referred by the Monitoring Officer to the appropriate decision-maker, Executive or relevant Committee or Joint Committee. Once a decision is made, the decision-maker will notify the Petition Organiser in writing of the response with reasons for the decision within 5 working days.

4.2 Proposed amendments to paragraph 6.2 of the Petition Scheme

It is proposed that, to incorporate the proposals of the Council, paragraph 6.2 of the Petition Scheme be amended as follows:

Qualifying petitions are defined in this scheme as petitions containing 1,000 or more names, postal addresses and signatures (other than when in electronic form) of people who live, work or study in the Borough of Worthing and support the petition.

On receipt of a qualifying petition, where time permits, the petition will be debated by the Full Council, at their next Ordinary Meeting, provided that the petition is received by the Monitoring Officer 15 clear working days prior to

*that meeting, or otherwise at the next available Ordinary Council Meeting. The Petition Organiser will be given five minutes to read the petition at the meeting and make any representations and the petition will then be discussed by Councillors in accordance with the Council's Standing Orders as contained in Part 4 of this Constitution. **Following the debate by Councillors, the Petition Organiser will be given a further opportunity to address the Council and shall have a maximum of 3 minutes to make a closing statement.** The Council will then decide, by way of a motion being proposed, seconded and voted upon, how to respond to the petition at this meeting.*

If the petition relates to action currently being progressed by the Council and the petition will trigger a debate at Full Council, as it is accepted by the Monitoring Officer and is a qualifying petition, then the action will be suspended pending the debate, unless in relation to statutory, contractual or other legal situations where a suspension would, in the view of the Monitoring Officer, prejudice the Council's position.

Where a petition is accepted by the Monitoring Officer and is a qualifying petition but time does not permit a debate at Full Council, for example because an action that is the subject of the petition will occur prior to the next meeting of the Full Council, the petition will be referred by the Monitoring Officer to the appropriate decision-maker, Executive or relevant Committee or Joint Committee. Once a decision is made, the decision-maker will notify the Petition Organiser in writing of the response with reasons for the decision within 5 working days.

5.0 Financial Implications

5.1 There are no financial implications arising from this report.

6.0 Legal Implications

6.1 A requirement for a Local Authority to have a Petition Scheme was introduced in the Local Democracy, Economic Construction and Development Act 2009. Although the legislation has since been repealed and there is no longer any statutory requirement for the Council to have a Petition Scheme, it is recommended as good practice that they do, to promote and encourage public participation in the democratic process.

6.2 Both Adur District Council and Worthing Borough Council have a Petition Scheme which can be found in Part 5 of each Council's Constitution.

Background Papers

- Worthing Borough Council Constitution
- Minutes of Worthing Borough Council Meeting 26th May 2020

Officer Contact Details:-

Susan Sale
Solicitor to the Council & Monitoring Officer
01903 221119
susan.sale@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

Matter considered and no issues identified

2. Social

2.1 Social Value

Matter considered and no issues identified

2.2 Equality Issues

Matter considered and no issues identified

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified

2.4 Human Rights Issues

Matter considered and no issues identified

3. Environmental

Matter considered and no issues identified

4. Governance

The Council has a Petition Scheme which has been formally adopted as part of the Council's Constitution. All Petitions submitted to the Council should be determined in accordance with the Published Scheme.