

**Governance Working Group**

Portfolio	Leader
Ward(s) Affected: n/a	

**Purpose**

To receive a report from the Governance Working Group and to consider recommendations relating to revisions to the following Chapters of the Constitution:

- (i) The Petitions Scheme at Part 4
- (ii) Public Speaking Procedure Rules at Planning Applications Committee at Part 4; and
- (iii) Council Procedure Rules at Part 4.

**Introduction**

1. The Working Group met on 28 February 2014. The notes of this meeting are available on Escene.
2. The Working Group has considered a number of issues and made recommendations which are addressed below.

**Petitions Scheme**

3. The Working Group reviewed the Council's Petition Scheme, which had been introduced in 2010 as a result of the Local Democracy, Economic Development and Construction Act 2009. Members were reminded that the Statutory Guidance which required all authorities to have a petition scheme which met at least the minimum standards had been withdrawn in September 2010 and Section 46 to the Localism Act 2011 had repealed the petition duties in the 2009 Act.
4. The Working Group considered the insertion of a paragraph to clarify the situation where both a paper petition and an e-petition were submitted on the same subject. The Group felt that in order for them to be treated as one petition the organiser of the 2 types of petitions would not necessarily need to be the same individual.
5. The Working Group was reminded that the Scheme provided for a petitioner who felt that the Council had not dealt with the petition correctly to request that the relevant scrutiny committee review the steps taken in response to the petition. This provision, which had been included in the now withdrawn Statutory Guidance, had not, to date, been used and had been deleted by a number of neighbouring authorities.
6. Members noted that when petitions had been considered at Executive meetings the Leader had exercised her discretion and had not allowed non-Executive members to participate in the debate. The Leader indicated that she was prepared to allow this in future and proposed adding a paragraph to the Petition Scheme to embody this provision. As a result, the Group agreed to remove reference to reviews by scrutiny committees.
7. The Group considered the provisions at paragraph 6 of the Scheme which provided for petitioners to request that a senior officer gives evidence at a public meeting of a relevant scrutiny meeting. It was reported that these provisions, which had also been included in the Statutory Guidance, had not been used and had now been removed by

most neighbouring authorities. The Working Group considered these provisions to be inappropriate and supported their removal.

**Public Speaking Procedure Rules - Planning Applications Committee**

8. The Working Group was reminded that Public Speaking Procedure Rules at Part 4, Section E of the Constitution set out the circumstances in which members of the public may speak at meetings of the Planning Applications Committee and was informed that there had recently been occasions when it had been necessary to interpret the Rules in order to ensure fairness.
9. It was advised that, whilst every effort had been made to produce a scheme for public speaking which covered all eventualities, there would always be unique circumstances which the scheme did not specifically address.
10. The Working Group therefore proposed that the scheme be amended to provide for the Executive Head of Corporate, after consultation with the Chairman of the Planning Applications Committee, to exercise discretion in agreeing the allocation of the available speaking slots in relation to any particular planning application.

**Council Procedure Rules**

11. The Working Group was informed that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 had come into effect on 25th February 2014 and required that immediately after any vote was taken at a budget decision meeting of an authority, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
12. The Regulations also required the Council to modify its standing orders in accordance with this amendment as soon as reasonably practicable after the day on which they came into force. Members considered proposed wording for inclusion within the Council Procedure Rules to accommodate these Regulations.

**Duration of Meetings**

13. The Working Group reviewed the duration of committee meetings following changes made by the Council at its meeting on 28 February 2013 to the Committees, Sub Committee and Other Bodies Procedure Rules. The revised rules had provided that at 10 p.m. no further items of business would be conducted save for the conclusion of the item of business under discussion, although in relation to the Planning Applications Committee it had been agreed that should only one further application remain to be considered then the Committee could consider that further application. Provision had also been made to prevent committees from suspending this procedure rule.
14. The Working Group was advised that, since the introduction of these revised procedure rules, the duration of the Planning Applications Committee meetings had been monitored and had only concluded after 10 p.m. on one occasion, having finished at 10.05 p.m. No other committee meetings had concluded after 10 p.m. It was therefore agreed to note the report and further review the matter should any concerns be raised.

