



## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### CONSTITUTION COMMITTEE

5<sup>th</sup> JUNE 2023

### PETITIONS SCHEME

#### REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION.

#### 1. PURPOSE OF REPORT

- 1.1 To review the Council's current arrangements for the receipt of petitions as in accordance with the Local Government and Elections (Wales) Act 2021;
- 1.2 To consider and agree to the proposed amendments to the current arrangements to allow for greater engagement in the democratic process

#### 2. RECOMMENDATIONS

It is recommended that the Constitution Committee:

- 2.1 Review the Council's current Petitions scheme as in accordance with the Local Government and Elections (Wales) Act 2021;
- 2.2 Consider the proposed amendments to the current petition scheme as set out within section 5 the report and subject to Members comments, agree to the proposed revisions.
- 2.3 Subject to 2.2 to endorse the revisions to the Petitions scheme to Council and for Council to instruct the Monitoring Officer to amend the constitution to reflect these changes.
- 2.4 Approve the development of a petition scheme 'guidance booklet' to assist members of the public in taking forward a petition and for this booklet to be developed by the Overview & Scrutiny Committee.

#### 3. BACKGROUND

- 3.1 The Local Government & Elections (Wales) Act 2021 (the Act) places a duty on a Principal Council to make and publish a Petitions Scheme setting out how the Council intends to handle and respond to Petitions (including Electronic Petitions - ePetitions).

- 3.2 The Act outlines that a petition scheme must, in particular, set out—
- i. how a petition may be submitted to the council;
  - ii. how and by when the council will acknowledge receipt of a petition;
  - iii. the steps the council may take in response to a petition received by it;
  - iv. the circumstances (if any) in which the council may take no further action in response to a petition;
  - v. how and by when the council will make available its response to a petition to the person who submitted the petition and to the public.
- 3.3 A Principal Council must review its petition scheme from time to time and, if the council considers it appropriate, revise the scheme. If a Principal Council revises or replaces a petition scheme, it must publish the revised or new scheme.
- 3.4 Due to the requirements of the Act, a review of the current processes has been undertaken to ensure that the arrangements are still fit for purpose.
- 3.5 The Welsh Government Statutory Guidance in respect of Petition schemes advises that a scheme should be developed not just to ensure a fair and robust process but also to provide a helpful and positive experience for those people who take the time to submit and promote petitions.
- 3.6 The guidance highlights how petitions fit in with other opportunities for the public to be involved – and signposting to other opportunities, either as complementary to a petition or instead of it, including connecting the potential petitioner with their ward councillor.
- 3.7 The Council already provides arrangements for public participation in Council committee meetings, including public presentations at full Council and scrutiny.
- 3.8 The statutory guidance in respect of reviews of petitions schemes can be found at Appendix 1.
- 3.9 A comparison of other Authorities Petitions schemes has been undertaken and is illustrated in Appendix 2.

#### **4 PETITIONS.**

## **CURRENT PRACTICE**

- 4.1 At the Council's constitution Committee in [May 2019](#), the Committee agreed to adopt an agreed set of procedures for the receipt and processing of petitions, which was endorsed at the Council AGM. The requirements for submission of a petition were subsequently developed by the Democratic Services Committee at its meeting in [July 2019](#).
- 4.2 To ensure local Members and the public receive appropriate information in respect of their concerns / requests as highlighted within a petition the following procedure is now undertaken:
  - a) Upon receipt, a copy of the petition is provided to both the appropriate Cabinet Member and the relevant Senior Officer for information and action.
  - b) A list of Petitions which have met a set criteria (i.e. Number of signatories to the petition, affects more than ward) will be listed on the Council Website for the public to view.
  - c) The relevant Cabinet Member will respond to the petition, either to the lead petitioner or local member (depending on how the petition has been received) and a copy will be made available on the Council website.
  - d) The action taken forward (if appropriate) in respect of the petition will also be published on the Council website.
- 4.3 The current process formalises the procedures in respect of Petitions and provides an opportunity for the Council to publicly demonstrate the actions taken forward once petitions are received. The webpage for the petitions received to date that hit the relevant criteria can be found [here](#).
- 4.4 In comparison to other Council petitions pages RCT proves favourably with the level of information provided in the public domain.
- 4.5 The Council welcomes petitions submitted on paper or electronically using an online petition system which meets the requirements of a valid petition, or a combination of the two.
- 4.6 It has been the practice that Members present petitions received at a full meeting of the Council, however, a petition does not require such presentation to be recorded and responded to in line with this approach.

## **5 PROPOSED REVISIONS - PETITION SCHEME GOING FORWARD.**

5.1 The following suggested improvements to the current process are listed below, which looks to link and strengthen the wider public participation strategy that the Council are building upon. It is suggested that the level of information displayed on the Council website in respect of petitions will continue to ensure transparency and accountability and the receipt of petitions through paper format will also not be changed.

## **EPETITIONS / ONLINE PETITIONS**

5.2 To further promote engagement in the process and with the rise in online working it is important that the Council develop processes to make sure provisions are in place for the potential creation and submission of online petitions through the Council website as well as submission via email to the Council Business Unit.

5.3 This development will potentially further increase engagement opportunities with the petitions scheme and would hopefully streamline the process for those creating the petition.

5.4 A recommended template and criteria for a petition will be included within the proposed guidance booklet.

## **RESPONSES TO PETITIONS**

5.5 The Council welcome the opportunity for feedback and value the voice of local communities through the petitions scheme. Although the current process allows for transparency of responses the review has allowed for a reflection to further strengthen this area, taking advantage of digital mechanism to support public engagement through petitions.

5.6 It is proposed that the Council's response to a petition would be taken forward on a tiered approach depending on the number of people who have signed the Petition. The table sets out the potential thresholds:

Tier	Number of Signatures	Response
1	1-500	Response from the relevant Director / Head of Service
2	500 +	Response from the relevant Cabinet Member and publication of response on the dedicated Council webpage
3	1000+ E=petition/Online petition	As above, with a petition being referenced for information only on a Council agenda. When noting petitions,

		Council may determine the referral of the matter to the Overview & Scrutiny Committee.
--	--	--

- 5.7 Due to these proposed changes it would be important that all petitions clearly illustrate the names and addresses of the signatory to allow the Council to determine that there are no duplication of signatures and to ensure that the signatory lives within the County Borough. It is also important that a lead signatory is identified within the Petition.
- 5.8 If taken forward a guidance document in respect of the requirements for a valid petition would be created and made available on the Council website to assist the public going forward. It is proposed that such a document is taken forward by the Overview & Scrutiny Committee.
- 5.9 If a petition exceeds 1000 signatures but does not capture all of the petitions requirements (i.e address information is not provided to confirm that the signatory is a resident of RCTCBC) then such a petition would automatically receive a tier two response.
- 5.10 In respect of a petition that reaches a tier 3 level response then the following procedures would be taken forward. Responsibility for validation of a petition would rest with the Proper Officer.

**TIER 3 RESPONSE**

- 5.11 As an enhancement to the current petition arrangements, and in response to the statutory guidance of the Welsh Government, if an E- Petition contains 1000+ signatures, the matter will be referenced for information only on the Council's agenda.
- 5.12 When noting this detail, Council may determine to refer a subject matter to the Overview & Scrutiny Committee for consideration.
- 5.13 When a Member proposes a motion to refer the matter they will have a maximum of 5 minutes to present their motion. The motion must be seconded, but the seconder will not be permitted to speak. A member of the Executive and / or the Chair of the Overview & Scrutiny Committee has the discretion to respond to such request before a decision by Council, with the permission of the Presiding Member.

**Consideration by the Overview & Scrutiny Committee**

- 5.14 Following referral the Overview & Scrutiny committee will endeavour to consider the Petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

- 5.15 Where appropriate a request will be presented with an officer report, providing the appropriate advice.
- 5.16 The relevant Cabinet Portfolio Holder will be provided with the opportunity to respond to the content of the petition to inform the committees deliberations.
- 5.17 The Overview & Scrutiny Committee may decide to make recommendations or further scrutinise the content of the Petition request, or to commission consideration into the matter, by referral to one of the thematic Scrutiny Committees or Democratic Services Committee. Such recommendations would not be binding on the Cabinet or an Executive Member.
- 5.18 The Lead Petitioner would be invited to attend the meeting, in line with the parameters of the Council's 'public speaking at scrutiny Committee arrangements' (guidance document can be found [here](#)). The Lead Petitioner will also receive written confirmation of the decision as soon as practicable following the decision having been made. Confirmation of the outcome will also be published on the Council's website.
- 5.19 When a petition has been heard at a scrutiny meeting no further petition on a similar topic and seeking a similar outcome shall be considered and no further address shall be heard on that item, within six months of the meeting at which the petition was considered.
- 5.20 In the event that more than one Petition is received on a similar theme / topic, which meets the relevant criteria and seeking a similar outcome, only one Lead Petitioner will be permitted to present the Petition. The Council Business Unit will notify each Lead Petitioner and ask them to liaise with each other to consider amalgamating the Petitions and agree which Lead Petitioner will present the Petition to Council. In the absence of such agreement, the Proper Officer may determine in consultation with the Chair, at their discretion how many petitioners should be afforded speaking rights.
- 5.21 Under the amended petition arrangements, petitions presented by Elected Members will be considered in accordance with the above arrangements as outlined in 5.6 of the report.
- 5.22 Petitions relating to live planning applications will continue to be dealt with under the current planning petitions process, as the Council has one of the most generous public speaking arrangements of a planning committee for the public.

## **6 CONSTITUTION REVISIONS**

- 6.1 If Members are in agreement with the revisions suggested within the report, then appropriate amendments will need to be taken forward within the Council's constitution by the Monitoring Officer.

- 6.2 A guidance document will need to be developed to assist members of the public in producing a petition that meets the required criteria. This document will be taken forward by the Overview & Scrutiny Committee.

## **7 EQUALITY AND DIVERSITY IMPLICATIONS / WELSH LANGUAGE IMPLICATIONS**

- 7.1 The proposed revisions to the petitions process will allow for further transparency and engagement with the public and will demonstrate how the 'voice of the people' is being heard.
- 7.2 The public are able to submit petitions in both English or Welsh, which will not lead to a delay in response.

## **8 CONSULTATION**

- 8.1 The Committee is being consulted prior to consideration of any proposals presented to Council.
- 8.2 The development of a guidance booklet will be taken forward by the Overview & Scrutiny Committee if agreed by Committee.

## **9 FINANCIAL IMPLICATIONS**

- 9.1 None

## **10 LEGAL IMPLICATIONS**

- 10.1 If taken forward the Council Constitution will need to be amended to reflect the new way of working.
- 10.2 The revisions contained within the report have been undertaken in accordance with the requirements of the Local Government & Elections (Wales) Act 2021

## **11 LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.**

- 11.1 These proposals will support the ability for the public to become involved in key matters. If agreed, the proposed approach will strengthen the voice of the public on matters which may impact upon them
- 11.2 Ensuring appropriate governance arrangements are in place is also essential to the smooth operating and sustainability of the Council when undertaking Council Business and the proposals in relation to petitions will allow for further transparency to the public.

11.3 The proposals are also linked to the Future Generations well being goals of a more equal Wales and a Wales of cohesive communities.

\*\*\*



**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**CONSTITUTION COMMITTEE**

**5<sup>TH</sup> JUNE 2023**

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES &  
COMMUNICATION.**

**Background Papers**

Democratic Services Committee – [17<sup>th</sup> July 2019](#)