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| Title of Report: | Request for the Revision of the Constitution |
| Report to be considered by: | Council |
| Date of Meeting: | 15 May 2014 |
| Forward Plan Ref: | C2758 |

Purpose of Report: For Council to consider an amendment to the Constitution in relation to the petition threshold for triggering a debate at Full Council.

Recommended Action:

1. That Council be requested to amend the Petition Protocol so that a petition of 1,500 or more signatures will trigger a debate at Full Council subject to this not applying to the Annual or Budget meeting and Extraordinary meetings except in circumstances where the special meeting has been called to consider an issue which is the subject of the petition.
2. That authority be delegated to the Head of Legal to amend the Constitution to reflect the amendment.

Reason for decision to be taken: The matter was discussed at a previous Council meeting where it was suggested that a formal request be brought back to Council for a decision.

Other options considered: None

Key background documentation: None

The proposals will help achieve the following Council Strategy principle:
 CSP8 - Doing what's important well

| Member Details | |
|-----------------------------------|--|
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| Date Member agreed report: | 31 March 2014 |

| Contact Officer Details | |
|--------------------------------|---------------------------|
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Implications

| | |
|---------------------------|---|
| Policy: | The constitution would need to be amended |
| Financial: | None |
| Personnel: | None |
| Legal/Procurement: | None |
| Property: | None |
| Risk Management: | None |

| Is this item relevant to equality? | Please tick relevant boxes | | Yes | No |
|--|----------------------------|--------------------------|--------------------------|-------------------------------------|
| Does the policy affect service users, employees or the wider community and: | | | | X |
| • Is it likely to affect people with particular protected characteristics differently? | | <input type="checkbox"/> | | X |
| • Is it a major policy, significantly affecting how functions are delivered? | | <input type="checkbox"/> | | X |
| • Will the policy have a significant impact on how other organisations operate in terms of equality? | | <input type="checkbox"/> | | X |
| • Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics? | | <input type="checkbox"/> | | X |
| • Does the policy relate to an area with known inequalities? | | <input type="checkbox"/> | | X |
| Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality) | | | | |
| Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia | | | <input type="checkbox"/> | |
| Not relevant to equality | | | | <input checked="" type="checkbox"/> |

| Is this item subject to call-in? | Yes: | No: <input checked="" type="checkbox"/> |
|---|------|---|
| If not subject to call-in please put a cross in the appropriate box: | | |
| The item is due to be referred to Council for final approval | | <input checked="" type="checkbox"/> |
| Delays in implementation could have serious financial implications for the Council | | <input type="checkbox"/> |
| Delays in implementation could compromise the Council's position | | <input type="checkbox"/> |
| Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months | | <input type="checkbox"/> |
| Item is Urgent Key Decision | | <input type="checkbox"/> |
| Report is to note only | | <input type="checkbox"/> |

Executive Summary

1. Introduction

- 1.1 The Constitution currently allows a debate at full council following receipt of a petition of 5,000 or more signatures (see 2.2 below). This report recommends that this be reduced to 1,500 signatures, in line with many other local authorities.

2. Proposals

- 2.1 This report proposes that the Council's constitution be amended so that when a petition of 1,500 or more signatures is presented at Full Council, a debate will be held on the subject of the petition.

The constitution currently states in Appendix C (Procedure Rules for Dealing with Representations) to Part 13 (Codes and Protocols), paragraph 1.4

- (e) **Petitions for Debate.** For a petition to be reported to a Full Council meeting for debate by the elected Members of West Berkshire Council, it must contain a minimum of **5,000** petitioners. Where a petition relates to a local issue, affecting no more than two electoral wards in West Berkshire, this requirement may be reduced to **500 per ward at the discretion of the Monitoring Officer.**
- (f) Where a Full Council meeting debate is triggered by a petition, the Petition Organiser or their nominated spokesperson will have up to five minutes to present their petition and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council may decide to take the action the petition suggests, not to take the action requested for reasons put forward in the debate or to commission a further investigation into the matter.
- 2.2 The number of signatures required on a petition to trigger a debate at Full Council in the 6 unitary authorities in Berkshire are:

| Authority | signatures required | Electoral Roll (Dec 2012) | Percentage of Electorate | Population (2011 census) |
|----------------------|----------------------------|----------------------------------|---------------------------------|---------------------------------|
| Windsor & Maidenhead | 1,000 | 106,474 | 0.93% | 144,600 |
| Bracknell Forest | 1,500 | 85,724 | 1.75% | 113,205 |
| Reading | 1,500 | 118,219 | 1.26% | 155,700 |
| Slough | 1,500 | 94,330 | 1.59% | 140,200 |
| Wokingham | 1,500 | 113,379 | 1.32% | 154,400 |
| West Berkshire | 5,000 | 120,970 | 4.13% | 153,800 |

- 2.3 Following the consultation on the proposed 2014-2016 budget cuts, the residents of Pangbourne and the surrounding area raised a petition requesting that the opening hours of Pangbourne library be maintained. They were advised by the Council's

Monitoring Officer, that because the library users came from more than two wards (some lived across the border in Oxfordshire), the petition would need to have over 5,000 signatures in order to trigger a debate at Full Council. The petition organisers felt that this was unachievable because the numbers on the electoral roll in the wards concerned were relatively small, and only a proportion of them use the library. Their problem was compounded by the fact that the Council's e-petition software did not permit people living outside of West Berkshire to sign this petition.

2.4 The numbers on the electoral roll in Pangbourne ward and neighbouring West Berkshire wards:

| Ward | Electoral Roll | percentage of electorate | Population (2011 census) | Percentage of population |
|------------------|-----------------------|---------------------------------|---------------------------------|---------------------------------|
| Pangbourne | 2,262 | | 2,984 | |
| Basildon | 2,470 | | 3,107 | |
| Sulhamstead | 2,212 | | 2,963 | |
| Purley-on-Thames | 5,275 | | 6,552 | |
| Total | 12,219 | 41% | 15,606 | 32% |

2.5 As you can see from the above figures, 41% of the electorate of these four wards would have had to sign the petition (or 32% of the entire population, including babies and children) for a debate to be triggered at Full Council. A large number of people living in these wards may also be members of their nearest library, which could be in Goring, Theale or Tilehurst, and therefore not be inclined to sign a petition for Pangbourne library.

Had the petition limit for a debate at Full Council been set at a reasonable figure of 1,500 instead of 5,000 this amount of signatures may have been achievable, and the users of Pangbourne library would have had a greater impact on local democracy.

3. Recommendation from Governance and Audit Committee

3.1 The Committee supported this proposal but considered that debates triggered by petitions should not apply to the annual Budget meeting. It was acknowledged that the time of this meeting had already been moved forward by 30 minutes to ensure that the business was conducted effectively and adding a potential further 30 minutes debating time to this meeting would be unhelpful. It was noted that petitions could also not be discussed at the Annual Council meeting or at Special meetings unless the petition related to the subject matter on the extraordinary meeting agenda.

4. Equalities Impact Assessment Outcomes

4.1 This item is not relevant to equality.

5. Conclusion

- 5.1 This amendment would enable the people in West Berkshire to bring to Full Council matters that are important to them, and to hear the councillors debate these issues in a public meeting. The lower number of signatures required to trigger a debate would encourage the engagement of the local population with politics.

Appendices

There are no Appendices to this report.

Consultees

Local Stakeholders: N/a

Officers Consulted: Corporate Board

Trade Union: N/a