

CYNGOR SIR CEREDIGION COUNTY COUNCIL

Report to: Council

Date of meeting: 14 December 2023

Title: Ceredigion County Council Petition Scheme to include e-petitions

Purpose of the report: To consider amendments to Ceredigion County Council Petition Scheme to include e-petitions

For: Decision

Cabinet Portfolio and Cabinet Member:

Councillor Bryan Davies, Leader of the Council and Cabinet Member for Democratic Services, Policy, Performance and People and Organisation

Introduction

Section 42, Chapter 4 of The Local Government and Elections (Wales) Act 2021 places a duty on local authorities to set out a petition scheme, including electronic petitions. The Welsh Government Statutory and Non-Statutory Guidance for Principal Councils in Wales, supporting provisions within the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021 was finalised in June 2023.

The Council's current Petition Protocol is outlined in Document O of the Council's Constitution. This document has been reviewed to reflect the requirements of the legislation in relation to electronic petitions as well as the draft statutory guidance which includes:

- A clear explanation of the matters about which the council will accept petitions, including the criteria for making a decision to accept or reject a petition;
- How and where advice will be given to petitioners to enable them to engage productively with the process, including measures in place for disabled people and individuals with long term health conditions and neurodiversity;
- A clear understanding of the different stages in the petitions scheme, with an explanation of what thresholds will be used to determine the transition from one stage to another;
- 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;
- The correct body to consider a given petition. It is right for petitions to be heard by a variety of different bodies, although the default is likely to be full Council unless it is seen as especially useful for the petition to be heard by a committee that focuses specifically on the subject matter of the petition itself;

- Petition schemes will need to consider where petitions are considered in scrutiny committees. These committees have no power to act on petitions but could (for example) adopt petitioners' arguments as formal recommendations;
- The rights of petitioners to speak in meetings, and how this engages with wider public speaking rights, and rights to make deputations;
- How and within what timeframe the council will provide feedback to the petitioner on the success or otherwise of their petition.

In addition to the above requirements, consideration has been given to the following:

a) Petitions will not be acceptable from other in-line petition systems

The Guidance document does not stipulate the requirements in relation to this however, the recommendation within the petition scheme is reflective of the Wales Senedd practice

b) Electronic Petitions may collect signature for a maximum period of 3 months

The Guidance document does not stipulate the requirements in relation to this. The Wales Senedd (Standing Order 23) stipulates a maximum period of 6 months, however it is proposed that Ceredigion stipulate a maximum period of 3 months, in order to reflect a quicker response to local matters

c) Petitions that are the same or substantially similar to a petition which closed less than a year earlier are inadmissible

The Guidance document does not stipulate the requirements in relation to this however, the recommendation within the petition scheme is reflective of the Wales Senedd practice

d) The correct body to consider a given petition.

The guidance states that *'it is right for petitions to be heard by a variety of different bodies, although the default is likely to be full Council unless it is seen as especially useful for the petition to be heard by a committee that focuses specifically on the subject matter of the petition itself'*. The Council's Constitution recommends that petitions are heard by Cabinet. The scheme does however provide for an opportunity for Members to refer matters to the relevant Overview and Scrutiny Committee for consideration.

e) Opportunities of petitioners to speak at the Committee

Currently, the Constitution does not stipulate a right for the petitioner to speak at Committee, however there is already a mechanism for members of the public to request permission to speak during Scrutiny meetings.

The above recommended amendments can be viewed in the draft revised Petition Protocol available in Appendix A.

The proposed scheme was considered by the Democratic Services Committee at its meeting dated 20 September 2023, and recommended for approval by Council. It has also been considered by the Constitution Cross Party Working Group.

Wellbeing of Future Generations:

Has an Integrated Impact Assessment been completed? If, not, please state why.
No, this is to reflect amendments to legislation.

Summary of Integrated Impact Assessment:

Long term: N/A
Collaboration: N/A
Involvement: N/A
Prevention: N/A
Integration: N/A

Recommendation(s):

That Council:

- a) approves the draft revised Petition Protocol
- b) recommend that the current document in the Council's Constitution is replaced with the revised protocol.

Reasons for decision:

To ensure compliance with statutory requirements

Overview and Scrutiny:

N/A

Considered by the Democratic Services Committee

Policy Framework:

Ceredigion County Council's Constitution

Corporate Well-being Objectives:

N/A

Finance and Procurement implications:

N/A

Legal Implications:

Failure to comply with statutory requirements

Staffing implications:

The e-petition scheme will be managed within current resources

Property / asset implications:

N/A

Risk(s):

Failure to comply with statutory requirements

Statutory Powers:

Welsh Government Statutory and Non Statutory Guidance for Principal Councils in Wales;

The Local Government Act 2000;

The Local Government (Wales) Measure 2011;

The Local Government and Elections (Wales) Act 2021.

Background Papers:

N/A

Appendices:

- a) Draft Ceredigion County Council Petition Scheme
- b) Current Petitions Protocol as published in the Council's Constitution

Corporate Lead Officer:

Lowri Edwards, Corporate Lead Officer, Democratic Services

Reporting Officer:

Nia Jones, Corporate Manager, Democratic Services

Date:

14.11.2023