



## Report of the Presiding Member, Monitoring Officer & Head of Democratic Services

Council - 9 November 2023

### Amendments to the Council Constitution - Petitions Committee

<b>Purpose:</b>	Council at its meeting on 7 September 2023 resolved to amend the Petitions Scheme. The amendment also included the creation of a Petitions Committee. This report seeks to establish that Committee and sets out its size, membership, and terms of reference.
<b>Policy Framework:</b>	Council Constitution. Local Government & Elections (Wales) Act 2021.
<b>Consultation:</b>	Access to Services, Council, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) A Petitions Committee be created comprising 9 Councillors in line with Committee proportionality.  2) Councillors be allocated to serve on Council Bodies in line with the nominations received from the Political Groups.  3) The Petitions Committee Terms of Reference be approved as outlined in Paragraph 3.1.  4) The Petitions Scheme be amended as outlined in Paragraph 4.3.
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#### 1. Introduction

- 1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. It is necessary to review

the Constitution occasionally to ensure good governance arrangements and to keep it in line with legislative requirements.

- 1.2 The Local Government and Elections (Wales) Act 2021 placed a duty on Councils to make and publish a Petitions Scheme. The Petitions Scheme was adopted by Council on 24 May 2022 and reviewed and amended by Council on 7 September 2023. As part of that review, Council resolved to create a Petitions Committee. This report seeks to establish that Committee and sets out its size, membership, and terms of reference.

## **2. Petitions Committee - Committee Size & Proportionality**

- 2.1 It is proposed that a Petitions Committee comprising 9 Councillors be created. The allocation of seats to Political Groups shall be in accordance with the Political Balance Rules contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 (SI 1553/90) as amended.
- 2.2 The current breakdown by Political Group on a 9 seat Committee being: 5 x Labour, 2 x Liberal Democrat / Independent Opposition, 1 x Conservative & 1 x Uplands Group.
- 2.3 Political Groups are asked to identify those Councillors that they wish to be placed on the Petitions Committee.

## **3. Petitions Committee - Terms of Reference**

- 3.1 It is proposed that Petitions Committee Terms of Reference be:

### ***“Petitions Committee***

1. *To receive and consider Petitions which meet the criteria in the Council’s Petitions Scheme (other than Petitions which must be referred direct to another body under the Scheme).*
2. *To make a report outlining conclusions, comments, recommendations etc. relating to the Petition to the relevant Cabinet Member, Cabinet or Officer.*
3. *To identify and invite representative(s) from other Organisations to attend the Petitions Committee as and when necessary to offer information or advise / address the Committee on issues of concern.*
4. *Frequency of meetings is a matter for the Chair of the Petitions Committee depending on workload; however, it is anticipated that the Committee shall be held as required to consider Petitions.”*

#### **4. Amendments to the Petitions Scheme**

- 4.1 To enable the proposed changes to the way in which Petitions shall be dealt with by the Authority, amendments are required to the Petitions Scheme.
- 4.2 Section 10 of the Petitions Scheme currently reads:

##### ***“10. Petition debated by the Petitions Committee***

- 10.1 *If a Petition contains 1,000+ signatures, it will be debated by the Petitions Committee. A Petitions Committee will be arranged as soon as practicable.*
- 10.2 *The Lead Petitioner will be given 3 minutes to address the Petitions Committee on the subject matter of the Petition. The Local Ward Councillors shall also have 3 minutes; however, in the event of it being a Multi-Member Ward, the total permitted shall be 5 minutes between them all. The relevant Cabinet Portfolio Holder will then be given 3 minutes for a right of reply and the Petition will then be discussed by the Petitions Committee.  
Lead Petitioner and relevant officers have a further right of reply, for no more than 3 minutes.  
The relevant Cabinet Portfolio Holder has a further right of reply, for no more than 3 minutes, at the end of the debate on the matter.*
- 10.3 *The Petitions Committee will decide how to respond to the Petition at this meeting. They may decide to take the action the Petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee / Officer.*
- 10.4 *Where the issue is one on which the Council's Executive, namely the Cabinet, are required to make the final decision, the Petitions Committee will decide whether to make recommendations to inform that decision.*
- 10.5 *The Lead Petitioner will receive written confirmation of the decision as soon as practicable following the decision having been made. This confirmation will also be published on the Council's website.”*

- 4.3 It is proposed that Section 10 be deleted in its entirety and replaced with a new Section 10:

**“10. What happens at the Petitions Committee?”**

- 10.1 *Once your petition has been approved, a Committee date will be allocated. This will depend both on the workload of the Committee and the time taken to complete the validation process.*
- 10.2 *The following may be invited to the Petitions Committee:*
- i) The Lead Petitioner and approximately two supporters.*
  - ii) The Local Ward Councillor(s).*
  - iii) The relevant Cabinet Portfolio Holder,*
  - iv) The relevant Officers.*
- Note:** *The Chair of the Petitions Committee reserves the right to amend those invited as they deem appropriate.*
- 10.3 *Who may speak at the Petitions Committee:*
- i) The Lead Petitioner or one of the Petition Supporters may speak in relation to the Petition.*
  - ii) The Local Ward Councillor(s)*
  - iii) The relevant Cabinet Portfolio Holder.*
  - iv) The Lead Petitioner or one of the Petition Supports, the relevant Officer and the relevant Cabinet Portfolio Holder, have a final right to sum up at the end of the debate on the matter. This would normally, be no longer than **2 minutes** each.*
- Note:** *The Chair of the Petitions Committee has absolute discretion relating to length of speeches.*
- 10.4 *Councillors on the Petitions Committee may ask questions relating to the issue(s) raised in the Petition.*
- 10.5 *Following the consideration of a Petition, the Petitions Committee will take a decision on action to be taken as follows:*
- i) Agree the issue(s) raised deserves further action and agree to refer the Petition to the relevant Cabinet Member, Cabinet or Officer.*
  - ii) Agree the issue(s) raised do not merit further action.*
- 10.6 *You will be advised of the committee’s decision in writing within 10 clear working days of the Petition Committee meeting.”*

## **5. Integrated Assessment Implications**

- 5.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
  - Deliver better outcomes for those people who experience socio-economic disadvantage.
  - Consider opportunities for people to use the Welsh language.
  - Treat the Welsh language no less favourably than English.
  - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 5.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 5.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the UNCRC (United Nations Convention on the Rights of the Child) and Welsh language.
- 5.4 An IIA Screening Form has been completed and no adverse implications have been noted.

## **6. Financial Implications**

- 6.1 There are no financial implications associated with this report. Should any costs arise from recommended action to be taken on Petitions, it should be met from within existing budget.

## **7. Legal Implications**

- 7.1 The proposals identified are in accordance with relevant legislation.

**Background Papers:** None

**Appendices:** None