

CIVIC AFFAIRS COMMITTEE17 May 2010
(6.00pm-7.30 pm)

PRESENT: Councillors Boyce (Chair), Dryden, Pitt, C Rosenstiel (Vice-chair), Ward and Herbert

ALSO PRESENT: Councillors Blackhurst, Blair, Nimmo-Smith, Pogonowski, Reid and Wright

OFFICERS PRESENT: Chief Executive, Head of Legal Services, Democratic Services Manager and Committee Manager.

FOR ADOPTION BY THE COUNCIL

10/CIV/23 NOMINATIONS FOR LEADER OF THE COUNCIL AND EXECUTIVE COUNCILLORS

The Committee considered a paper setting out the proposed nominations by the Liberal Democrat Group.

Council is recommended –

1) To agree that Councillor Reid be elected Leader and that the Executive be made up of a further six members of the Council as follows for the municipal year 2010/11:

Portfolio	Councillor
Executive Councillor Arts & Recreation	Cantrill
Executive Councillor Climate Change & Growth	Blair
Executive Councillor Customer Services & Resources	McGovern
Executive Councillor Community Development & Health	Bick
Executive Councillor Environmental Health & Waste Services	Pitt
Executive Councillor Housing (and Deputy Leader)	Smart

2) To agree that the Executive responsibility for community safety (including CCTV and responding to Police consultation on the use of dispersal powers under section 30, Anti-Social Behaviour Act 2003) is moved from the Leader to the Executive Councillor for Community Development and Health;

3) To agree that the overview and scrutiny responsibility for these functions (as outlined in 2)) is placed with the Community Services Scrutiny Committee, and that the relevant budget headings be vired from the Leader to the Executive Councillor for CD&H portfolio in accordance with the Constitution, part 4F - Financial Regulations and Financial Procedure Rules (A24

10/CIV/24 **NOMINATIONS FOR COMMITTEES FOR THE MUNICIPAL YEAR 2010/11**

The Committee considered a paper setting out the proposed size of committees, the allocations by party and the nominations received.

The Committee considered the rules on political balance set out in the Local Government & Housing Act 1989 in developing the recommendations set out below.

The Committee noted that there was now a Green group.

Committee also noted that the Standards Committee would be asked to appoint its Chair and Vice-Chair; the Chair was required to be one of the External members and that best practice indicated that the Vice Chair should also be an External Member.

Council is recommended (unanimously) –

To agree to the size of Committees and membership as follows:

Scrutiny Committees						
Community Services	9	Lib Dem	7(1)	Lab	2 (1)	Other *3
		Kightley		Todd-Jones (Sp Housing)		
		Kerr		Walker (Sp Community Services)		
		Blackhurst		Newbold (Alt)		
		Sanders				
		Al Bander				
		Brown				
		Shah				
		Brierley (Alt)				

* Up to 3 co-optees nominated by HMB

Environment	9	Lib Dem	6(1)	Lab	2 (1)	Green	1 (1)
		Ward		Newbold		Pogonowski (Sp)	
				(Sp Environmental Services)			
		Kightley		Herbert		Wright (Alt)	
				(Sp Climate Change)			
		Znajek		Marchant-Daisley (Alt)			
		Saunders					
		Kerr					
		Tunnacliffe					
		Shah (Alt)					

Housing Management Board	9	Lib Dem	6 (1)	Lab	2 (1)	Green	1 (1)	Other	*6
		Blackhurst		Todd-Jones		TBC			
				(Sp Housing)					
		Levy		Walker		TBC (Alt)			
		Brierley		Newbold (Alt)					
		Swanson							
		Nimmo-Smith							
		Zmura							
		Ward (Alt)							

* Up to 6 elected tenant/leaseholder representatives

Strategy & Resources	9	Lib Dem	6(1)	Lab	2 (1)	Other	*1
		Taylor		Herbert			
				(SP Strategy)			
		Boyce		Dryden			
				(SP Customer Services and Resources)			
		Ward		Benstead (Alt)			
		Al Bander					
		Shah					
		Nimmo-Smith					
		Brown (Alt)					

* 1 place to be filled by the Council

Regulatory Committees

Civic Affairs	6	Lib Dem 4(1)	Lab 2 (1)	Other
		Boyce	Herbert (SP)	
		Rosenstiel	Benstead	
		Ward	Marchant-Daisley (Alt)	
		Pitt		
		McGovern (Alt)		
Employment Appeals Sub	9	Lib Dem 6	Lab 2 (1)	Other *1
		Smart	Dryden	
		McGovern	Walker	
		Blair		
		Stuart		
		Smith		
		Saunders		

* 1 place to be filled by the Council

Licensing	12	Lib Dem 8	Lab 3	Green 1 (1)	Other
		Smith	McPherson (SP)	Pogonowski (SP)	
		Rosenstiel	Benstead	Wright (Alt – Main Committee only)	
		Stuart	Hart		
		Shah			
		Znajek			
		Boyce			
		McGovern			
		Saunders			
		Pitt (Alt – Main Committee Only)			

Planning	9	Lib Dem 6(1)	Lab 1 (1)	Green 1 (1)	Other *1
		Dixon	Dryden (SP)	Wright (SP)	
		Stuart	Herbert (Alt)	Pogonowski (Alt)	
		Nimmo-Smith			
		Znajek			
		Blair			
		Tunnaclyffe			

Zmura (Alt)

* 1 place to be filled by the Council

Standards**6****Lib Dem 4**

Stuart

Swanson

Taylor

Levy

Blair (Alt)

Lab 2

McPherson (SP)

Dryden

Marchant-Daisley (Alt)

Other *3

* 3 External Members

Joint Committees

Joint Development Control	6	Lib Dem 4 (1) TBC	Lab 1 (1) Dryden Herbert (Alt)	Green 1 (1) Wright Pogonowski (Alt)
Joint Planning Policy (Cmb Fringes)	3	Lib Dem 2(1) Blair (SP) Ward Reid (Alt)	Lab 1 (1) Herbert Newbold (Alt)	Other
Cambridge Traffic Management Area Joint (AJC)	6	Lib Dem 4(1) Smith (C/LEAD) Rosenstiel Zmura Blair - Alt	Lab 2 (1) Newbold Marchant-Daisley Herbert (Alt)	Other

10/CIV/25 **NOMINATIONS FOR CHAIRS AND VICE CHAIRS OF SCRUTINY & REGULATORY COMMITTEES**

Committee noted tabled nominations from the Liberal Democrat Group for Chairs and Vice Chairs and that the Labour Group would make nominations to the Council.

Council is recommended:

to agree the following for 2010/11:

Scrutiny Committees	Chair	Vice Chair
Community Services	Kightley	Kerr
Environment	Ward	Kightley
Housing Management Board	Blackhurst	(Tenant Rep)
Strategy & Resources	Taylor	Boyce

Regulatory Committees	Chair	Vice Chair
Civic Affairs	Boyce	Rosenstiel
Employment Appeals Sub	Smart	
Licensing	Smith	Rosenstiel
Planning	Dixon	Stuart
Standards	**	

** N.B The responsibility for appointing the Chair and Vice-Chair of Standards Committee is delegated to Standards Committee.

10/CIV/26 HONORARY COUNCILLORS

Council is recommended –

To approve the appointment of former councillors Jenny Bailey, Sarah Ellis-Miller, David Howarth and Jennifer Liddle as Honorary Councillors.

10/CIV/27 DUTY TO RESPOND TO PETITIONS

The Committee noted that the Local Democracy, Economic Development and Construction Act 2009 places a duty to respond to petitions on local authorities.

The Committee further noted that the City Council has procedures in place to respond to petitions, and that the procedure exceeds the minimum requirements in the legislation in a number of places. However, it was recommended that the Council adopt the Model Scheme for Petitions as set out in the statutory guidance with some amendments to reflect the current Council conventions.

The Committee suggested that the scheme should refer to the title of post holders rather than specific officers, to avoid problems in the event of an officer moving to a new role. Committee noted that the Council can amend the petitions scheme at any time and a report would be submitted to the 15 September meeting on any further refinements and how the Council should deal with e-petitions.

Council is recommended –

To approve the adoption of the Model Scheme for Petitions (attached as appendix B) as amended.

Chair

Appendix B

Model Petitions Scheme

[Proposed changes are highlighted like this]

Petitions

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 7 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

[insert address]

Or be created, signed and submitted online by following this link [link]

Petitions can also be presented to a meeting of the council. Dates and times can be found here [link]. If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact [insert name] on [insert phone number] at least 6 working days before the meeting and they will talk you through the process. If your petition has received 500 signatures or more it will also be scheduled for a council debate [link to section on Full Council Debates] and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council.

What are the guidelines for submitting a petition?

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- the name and address and signature of any person supporting the petition who lives, works or studies in Cambridge.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 7 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action

requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition does not contain enough signatures to trigger a council debate or a senior officer giving evidence then the acknowledgement will tell you this and will explain when you can expect to receive a response from us.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here [insert links].

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us. [link to account settings]

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- **referring the petition for consideration by the council's overview and scrutiny committee***
- calling a referendum
- **writing to the petition organiser setting out our views about the request in the petition**

*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account.

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners [link to list of LAA partners] and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

You can find more information on the services for which the council is responsible here [link].

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but

could involve other steps. In any event we will always notify you of the action we have taken.

Full council debates

If a petition contains more than **500 signatures** it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting.

This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council 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. The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes.

The council 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. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision.

The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least **50 signatures**, the relevant senior officer will give evidence at a public meeting of the council's relevant overview and scrutiny committee. A list of the senior staff that can be called to give evidence can be found here [\[insert link\]](#).

You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will also be able to ask a question and be able to suggest questions to the chair of the committee by contacting [\[insert details\]](#) up to three working days before the meeting.

E-petitions

The council welcomes e-petitions which are created and submitted through our website [\[link\]](#). E-petitions must follow the same guidelines as paper petitions [\[link to guidelines\]](#).

The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to [\[insert details\]](#). In the same way as a paper petition, you will receive an acknowledgement within **7 working days**. If you would like to present your e-petition to a meeting of the council, please contact [\[insert details\]](#) within 10 working days of receipt of the

acknowledgement or within 6 working days of the meeting.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here [insert link]. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid.

Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's overview and scrutiny committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.