

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Democratic Services Committee

13th December 2021

Report of the Head of Legal and Democratic Services – Mr Craig Griffiths

Matter for Decision

Wards Affected:

All wards

Creation of Neath Port Talbot Council Petition Scheme

Purpose of the Report:

1. To seek comments from Democratic Services Committee on a draft Petition Scheme before commending the draft protocol to Full Council for approval.

Background:

2. Neath Port Talbot County Borough Council (“the Council”) already has a number of measures in place for the public to participate in decision making. Both elected members and the public have various rights to participate in the Council’s democratic processes. Part 4 of the Constitution sets out the procedure rules of the Council which govern the conduct of all council/cabinet/committee meetings and decision making within these forums.
3. There are two different types of involvement that the public can have as part of the participation in the democratic processes of the Council and these relate to themselves as individuals and also involvement via their local member.

- a. The public are able to attend any meetings of council/cabinet/cabinet boards or committees where matters are considered in public. They are only excluded where matters are deemed confidential or exempt by virtue of the Local Government Act 1972, where reports are considered in private and members subsequently resolve to exclude the public. From the 3rd January 2022, members of the public will be able to ask questions pursuant to our Public Speaking Protocol approved by Council on the 27th October 2021.
- b. The public are able to present petitions on any matter and the Council requires such petitions to be handed to the relevant directorate. The public are not entitled to provide such petitions during an actual meeting of the council/cabinet/cabinet boards or committees. The Council does not have a petition scheme at present (hence the requirement for this report).
- c. Members of the public are entitled to speak in the following circumstances:
 - i. Where they are witnesses before a Standards Committee established under the Standards Committees (Wales) Regulations 2001 to hear code of conduct matters against county borough and town/community councillors;
 - ii. Where they are applicants for a licence or a witness to any matters before the Licensing and Gambling Acts Committee;
 - iii. Where they are making representations for or against a development before the Planning Committee in line with the Council's Protocol for speaking at meetings of the Planning Committee.
 - iv. Where they are invited to attend a Scrutiny Committee to discuss an issue of local concern and/or answer questions in accordance with the Council's Scrutiny Procedure Rules.
- d. It should be noted that a Scrutiny Committee shall make arrangements to enable all persons who live or work in the area of the Council to bring to the attention of the Committee their views on any matter under consideration by that

Committee. The Council achieves this via the publication of the forward work programme and the publication of the agenda (in accordance with statutory rules). However, persons who live or work in the Council's area may submit written representations on any matter under consideration by the Committee by submission to the Chief Executive up until one clear day before any relevant meeting of the Committee and these representations shall be reported to the Committee either in full or in summary at the discretion of the Chair

- e. Elected members are of course able to bring any matter referred to them by their constituents before council/cabinet/cabinet boards or committees.
- f. A member of Council may ask the Leader or the Chair of a cabinet/cabinet board or committee any question without notice on any item being received or under consideration;
- g. If an item is not on the agenda for discussion, a member may ask the Mayor, any member of the Executive or a Chair of any committee any question on any matter to which the Council has powers or duties or which affects the area provided that at least 1 working day notice in writing is given to the Chief Executive or where the matter is urgent they have the consent of the Chair to put the question and it is provided no later than 2 hours before the start of the meeting to the Chief Executive.
- h. Members can make a Motion on Notice provided it is signed by at least 2 members and delivered to the Chief Executive no later than 8 clear days before the date of the meeting.
- i. Members can propose a motion (without notice) on any matter that is being considered by members at a meeting of council/cabinet/cabinet boards or committee.
- j. Members of Scrutiny Committees can request matters be considered by the Scrutiny Committee in respect of matters relating to the discharge of the Council's functions provided 8 clear working days' notice is given.
- k. Members can 'Call In' items following consideration by the executive/cabinet within 3 days of the decision being made

(subject to the appropriate number of members requesting the same).

4. One of the requirements of Local Government and Elections (Wales) Act 2021 will be for local authorities to establish a petition scheme setting out how the Council intends to handle and respond to petition. The petition scheme must set out:
 - (a) how a petition may be submitted to the Council
 - (b) how and by and when the Council will acknowledge receipt of a petition
 - (c) the steps the Council may take in response to a petition receive by it
 - (d) the circumstances (if any) in which the Council may take no further action in response to a petition
 - (e) 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
5. Accordingly, a draft Neath Port Talbot Petition Scheme has been prepared and is enclosed at Appendix 1 for member's consideration. A user friendly guide setting out the key requirements will also be provided to the general public. These documents once approved will also be provided in Welsh for usage.
6. Members of the Democratic Services Committee are accordingly asked for their thoughts and observations on the draft Neath Port Talbot Petition Scheme and following this a revised version will be prepared for Full Council to approve and agree implementation of. In particular, consideration is asked to be given to paragraph 4.10 of the Petition Scheme and whether the number of signatories is appropriate.
7. The Petition Scheme will be fully integrated with the Council's Mod Gov System.
8. Once implemented, it would be proposed that the Neath Port Talbot Petition Scheme be reviewed after a period of 12 months to ensure it remains appropriate or whether amendments may be required to ensure the overarching aims of providing the public the opportunity to influence decision making are met.

Financial Impacts:

9. An additional financial pressure may be identified where there is a need to ensure further welsh language translation of particular questions that may be raised and to accommodate any reasonable adjustments that are necessary to meet Equality Act 2010 obligations to allow members of the public to raise questions. This financial impact will be kept under review.

Integrated Impact Assessment:

10. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. The first stage assessment, attached at Appendix 2, has indicated that a more in-depth assessment is not required.

Valleys Communities Impacts:

11. There are no valley community impacts

Workforce Impacts:

12. There are no workforce impacts associated with the proposed implementation; however any workforce implications that arise from the draft petition scheme will need to be evaluated and in the event of any impacts a report will be brought back to members for consideration.

Legal Impacts:

13. The protocol will enable the Council to meets its legislative obligations under the Local Government and Elections (Wales) Act 2021

Risk Management Impacts:

14. There are no risk management issues associated with this report.

Consultation:

15. There will be no requirement for any consultation.

Recommendations:

16. It is recommended that, having due regard to the Integrated Impact Screening Assessment:

- (a) Members of the Democratic Services Committee consider the draft Neath Port Talbot Petition Scheme recommending any changes that they feel are appropriate; and
- (b) Delegated authority be granted to the Chair of the Democratic Services Committee to agree the final draft for commending to Council on behalf of the Democratic Services Committee.

Reasons for Proposed Decision:

17. To ensure that promoting and facilitating processes by which local people may make representations to the principal council about a decision before, and after, it is made

Implementation of Decision:

18. The decision is proposed for implementation following approval by Full Council

Appendices:

19. Appendix 1- Integrated Impact Screening Assessment

Appendix 2– Draft Neath Port Talbot Council Petition Scheme

List of Background Papers:

20. None

Officer Contact:

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Appendix 1

Impact Assessment - First Stage

1. Details of the initiative

Initiative description and summary: Creation of Neath Port Talbot Council Petition Scheme
Service Area: Democratic Services
Directorate: Chief Executives

2. Does the initiative affect:

	Yes	No
Service users	X	
Staff	X	
Wider community	X	
Internal administrative process only		X

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		X				The ability to create a petition and for the item to be considered by the Council will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a

						protected characteristic, reasonable adjustments will be undertaken to enable needs to be met.
Disability		X				The ability to create a petition and for the item to be considered by the Council will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertaken to enable needs to be met.
Gender Reassignment		X				The ability to create a petition and for the item to be considered by the Council will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertaken to enable needs to be met.
Marriage/Civil Partnership		X				The ability to create a petition and for the item to be considered by the Council will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertaken to enable needs to be met.
Pregnancy/Maternity		X				The ability to create a petition and for the item to be considered by the Council will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertaken to enable needs to be met.
Race		X				The ability to create a petition and for the item to be considered by the Council will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertaken to enable needs to be met.

Religion/Belief		X				The ability to place a question on the agenda and to ask at a meeting will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertaken to enable needs to be met.
Sex		X				The ability to create a petition and for the item to be considered by the Council will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertaken to enable needs to be met.
Sexual orientation		X				The ability to create a petition and for the item to be considered by the Council will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertaken to enable needs to be met.

4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		X				Individuals will be able to present a petition in Welsh and consideration to such matters will be in line with the Council's Welsh Language Standards.

Treating the Welsh language no less favourably than English		X				Individuals will be able to present a petition in Welsh and consideration to such matters will be in line with the Council's Welsh Language Standards.
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5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		X				There are no impacts on from a biodiversity perspective
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		X				There are no impacts on the promotion or resilience of ecosystems

6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
Long term - how the initiative supports the long term well-being of people	X		The introduction of a petition scheme will work in conjunction with the current ways of facilitating democratic processes that the Council already embarks on and will assist in promoting and facilitating processes by which

			local people may make representations to the principal council about a decision before, and after, it is made.
Integration - how the initiative impacts upon our wellbeing objectives	X		The proposal impacts on all three wellbeing objections in it will assist promoting and facilitating processes by which local people may make representations to the principal council about a decision before, and after, it is made.
Involvement - how people have been involved in developing the initiative	X		Officers have considered the proposal and to ensure the views of members have been sought, the report will be discussed and approved by Democratic Services Committee before being provided to Full Council for approval and agreeing implementation.
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	X		Officers have considered the proposal and to ensure the views of members have been sought, the report will be discussed and approved by Democratic Services Committee before being provided to Full Council for approval and agreeing implementation.
Prevention - how the initiative will prevent problems occurring or getting worse	X		The introduction of a petition scheme will work in conjunction with the current ways of facilitating democratic processes that the Council already embarks on and will assist in promoting and facilitating processes by which local people may make representations to the principal council about a decision before, and after, it is made.

7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	X
Reasons for this conclusion	
The introduction of a public speaking protocol will work in conjunction with the current ways of facilitating democratic processes that the Council already embarks on and will assist in promoting and facilitating processes by which local people may make representations to the principal council about a decision before, and after, it is made. No protected characteristics are affected, it will have no impact on biodiversity nor will it be contrary to any welsh language requirements.	

	Name	Position
Signed off by	Craig Griffiths	Head of Legal and Democratic Services