
Petitions Scheme - Amendment

Decision of: Full Council 18th September 2025

Report of the Monitoring Officer: Kamal Adatia

Useful information

- Ward(s) affected: N/A
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- Report version number: 1

1. Summary:

- 1.1 Prior to the meeting of Council which took place on 3rd July 2025 the Council's Monitoring Officer decided that a Petition debate would not be appropriate for a Petition of over 1500 signatures received during a formal consultation on the same matter.
- 1.2 This report invites Elected Members to consider an amendment to the Petitions Scheme found at Appendix 7 of Part 5 of the Constitution to reflect the advice of the Monitoring Officer.

2. Recommendations:

- 2.1 That the Council's Petitions Scheme be amended to include reference in Appendix A(h) that Petitions received during, or in response to, a consultation exercise on the same topic be treated as consultation responses outside of the rights that otherwise accrue under the Petitions Scheme (see Appendix A)

3. Details:

3.1 The Council undertook a formal consultation on proposals for Leicester City Libraries and Community Centres between 2nd April and 29th June 2025.

3.2 During that consultation window, aside from the (i) online and paper consultation responses; (ii) face-to-face engagement events; the Council received seven Petitions as follows:

No.	Petition Name	Lead Petitioner	No. of Signatories
1.	Save Belgrave Neighbourhood Centre	Councillor Shital Adatia	20
2.	Keep open the Fosse Neighbourhood Centre, Library and Annexe	Ms Lynn Wyeth	128
3.	Keep the West End Centre open for Community Use	Mr Kirankumar Mistry	69 (e-petition) + 515 (paper petition)
4.	Petition against the closure of Belgrave Neighbourhood Centre	Ms Alison Gage	1,931
5.	Save Knighton Library	Ms Noa Cappai	244
6.	Save Leicester's Libraries and Community Centres	Councillor Chauhan / Councillor Karavadra	6000+
7.	Save Rushey Mead Library and Recreation Centre	Mr Kanti Majithia	864

3.3 The Council's Petitions Scheme refines petition responses into one of three categories (dependent upon scale) as follows:

Category	Signatory threshold	Description
Petition which triggers a debate	1,500	Any petition above this threshold will trigger a debate at Full Council*
Petition which calls an officer to account	750 – 1499	Any petition above this threshold will summon a senior Council officer to give evidence at a public meeting
Standard petition	2- 749	A petition requesting action or response by the Council

*To clarify – section 4 of the Scheme states that the Lead Petitioner “may ask” for either of the first two actions to be triggered.

3.4 It was therefore the case that two of the seven Petitions fell into the category of potentially triggering a Council debate. Petition 4 in the list was received the day after the close of the consultation (30th June) and was acknowledged on 1st July confirming that it would be forwarded to the Neighbourhood Services Leads for this consultation exercise. No request was received for a Council debate to be convened.

3.5 Petition 6 was received in June, before the close of the consultation and before the deadline for triggering a debate at Council on 3rd July 2025. There is no dispute that the Councillors leading Petition 6 wanted, and expected, this Petition to be debated at the Council meeting on 3rd July 2025.

3.6 The Monitoring Officer provided his view to officer colleagues on 23rd June 2025, on the same day he returned from a two-week holiday. The Lead Petitioners were notified on 30th June by letter from Governance Services that the Monitoring Officer had determined that the Petition “Save Leicester's Libraries and Community Centres” would be treated as a consultation response, and reasons were provided as to why this was so. The Council Agenda and Summons had been issued on 25th June 2025, as per statutory timescales. There was no Petition debate listed. Correspondence took place between

the Monitoring Officer and Conservative Group Councillors right up until the meeting of Council on 3rd July 2025. The strong views of Councillors who felt aggrieved at the decision of the Monitoring Officer were aired at the meeting on 3rd July, and the Monitoring Officer offered to bring a report to the next meeting of Council to permit all Members to express a view on the matter and consider an amendment to the Petitions Scheme.

3.7 The Petitions Scheme comprises a list, at Appendix A, of Petitions that will either (i) not be accepted or (ii) channelled elsewhere. It is right to say that Appendix A does not make specific mention of Petitions received during formal consultations.

3.8 The Monitoring Officer's role is to apply the provisions of the Constitution, but to align these with robust governance practices because no set of written provisions can anticipate every scenario. In his view it is inappropriate to treat petitions received during formal consultation responses like other Petitions for the following reasons:

- a) Risk of predetermination – Considering petitions outside the overall consultation risks giving the impression that options are being determined in advance. Formal “decisions” following consultation must be based on a fair and balanced assessment of all evidence and, crucially, after some time has been allowed for responses to be analysed and firm proposals to be formulated. To force an early Council debate before proposals have been formulated pushes decision-makers to argue for or against positions/beliefs/opinions which risk their being accused of predetermination, contrary to public law principles and thereby presenting a Judicial Review risk.
- b) Consistency and Transparency - The integrity of the consultation process depends on consistent treatment of all evidence received. Recording petitions alongside other responses ensures transparency. Debating them separately could create confusion about the weight attached to different forms of response. On a similar point, all consultation responses should be treated equally, whether submitted individually, collectively, or in petition form. To debate petitions separately risks elevating the voices of petitioners above those who have expressed their views in other ways and potentially undermines the credibility and neutrality of the consultation thereby presenting a Judicial Review risk.

- c) Avoidance of Duplication - The consultation process already provides a structured mechanism for gathering all representations. Petitions are one form of representation and are therefore incorporated within the overall analysis. Debating them separately would duplicate the process unnecessarily and significantly increase the time and resources required to complete the consultation process. This would undermine efficiency and could delay decision-making.

3.9 In the Monitoring Officer's professional opinion none of the above risks apply to the type of freestanding Petitions envisaged under the Council's Petitions Scheme. There, the vehicle of a Petition provides for large-scale easy-to-access civic participation over (usually) a powerfully expressed single issue. Conversely, in the case of petitions received during consultations the Council is far more likely to be considering a range of complex options that require granular input before they are, in turn, analysed and converted into credible proposals for the decision-maker. The consultation is the structured vehicle for garnering views in a credible manner in such circumstances. Petitions are an important part of the consultation evidence base and will be recorded and analysed alongside all other responses. However, to ensure fairness, efficiency, and legal defensibility, they should not be debated separately.

3.10A brief trawl of the Constitutional arrangements just of our nearest neighbouring Authorities reveals that the amendment proposed by the Monitoring Officer would be consistent with best practice:

Local Authority	Details
Leicestershire County Council	"If the petition is received in response to, or during a relevant and ongoing Council consultation it will be considered as part of the consultation process and referenced in the relevant Cabinet report. The lead petitioner will be informed of this by the Service Director." (Point 14 of Petitions Scheme)

	Source: Part 10 Petitions Scheme.pdf
Birmingham City Council	Not mentioned in Constitution or Petition Guide.
Coventry City Council	Not mentioned in Petitions Scheme.
Derby City Council	<p>“Where the petition relates to an issue which is due to be considered by a committee of the council, including the Council Cabinet, then it can be considered as part of the consultation in making that decision” (Point 2 in the section <i>Who will consider the petition?</i>, Petitions Scheme)</p> <p>Source: Petitions Scheme</p>
Nottingham City Council	Not mentioned in Petitions Scheme.
Stoke-on-Trent City Council	<p>“If the petition applies to a planning or licensing application, a live consultation, is a statutory petition (for example requesting a referendum on having an elected mayor), or is on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply.” (<i>What will the council do when it receives my petition?</i> on Petitions Scheme)</p> <p>Source: Stoke-on-Trent City Council Petitions Scheme</p>
City Of Wolverhampton Council	Not mentioned in Petitions Scheme.
Lincolnshire County Council	<p>“The following will not be accepted as petitions within the scope of the scheme: ... Submissions in response to a public consultation being run by or due to be run by the council” (<i>Exceptions to the Petitions Scheme</i>, Petitions Scheme)</p> <p>Source: Part 5</p>

- Where a Council does not specify how Petitions received during Consultations will be treated, it may still open to their Monitoring Officer, as in Leicester, to take a view on how they should best be processed

3.11 Council is therefore invited to either amend the Petitions Scheme to incorporate exclusion (h), or to keep the Scheme as it is.

4. Financial implications

There are no direct financial implications arising from the recommendations within this report.

Stuart McAvoy – Head of Finance

8th September 2025

5. Legal implications

This report is concerned throughout with legal implications.

The Petitions Scheme is embedded within the Council's Constitution and any change requires the consent of Council.

Kamal Adatia, Monitoring Officer

8th September 2025

6. Climate emergency implications

There are no climate emergency implications arising from the recommendations in this report.

Phil Ball, Sustainability Officer, Ext 372246

8 September 2025

7. Equality Implications

When making decisions, the Council must comply with the public sector equality duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not.

Protected characteristics under the public sector equality duty are age, disability, gender re-assignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

The report is seeking approval to amend the Council's Petitions Scheme to include petitions received during a consultation on the same topic to be treated as consultation responses. As highlighted in the report if agreed, this should lead to consistency and transparency in the decision-making process. The council's Equality Impact Assessment process also ensures that any consultation/engagement exercises and outcomes are considered, and decision makers made aware of the outcomes. The EIA is an iterative process and ensures that equalities impacts have been considered in the development of proposals and as an integral part of the decision-making process.

Sukhi Biring, Equalities Officer

4 September 2025

Terms and Conditions

Petitioners may freely disagree with the Council or call for changes of policy. We will not attempt to exclude critical views and decisions to accept or reject will not be made on a party-political basis. However, to protect this service from abuse, petitions should meet some basic criteria:

The Council shall only receive petitions which comply with this Rule.

No petition from a Councillor or member of the public shall be accepted:

(a) from a staff group, which instead should use the proper procedures, such as through management and trades union representatives;

(b) which relates to a to a specific and identifiable person or which relates to an individual's particular circumstances;

(c) about any matter where there is a right of appeal to the courts, a tribunal or to a government minister or on any matter which in the opinion of the Monitoring Officer is of a quasi-judicial nature;

(d) if the petition applies to a planning or licensing application, is a statutory petition (i.e. petition relating to a change in Council governance), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, as other procedures apply and the petition will not be dealt with under this Scheme. The petition organiser will be informed where this is the case and what steps they should take.

(e) about any matter which has been the subject of a petition or question or of a decision of Council, the Executive or any Committee or Sub-Committee within the previous six months;

(f) at the Annual Meeting of the Council, or at any meeting of the Council summoned for the purposes of considering the budget;

(g) which contains abusive, defamatory or offensive language

(h) if the petition is received during, or in response to, a consultation exercise on the same topic it will be considered as part of that process and along with other consultation responses. The council will not respond to the petition separately via the petitions process in this circumstance