

Freedom of Information Request 670-2021

Request

1. Please disclose the current members of the Constitution Working Group.
2. As applied to 11.11.2020, please disclose who instructed that the constitution be changed with respect to amendments to be made to Council Procedure Rule 12 (which deals with public questions)
3. Why was the constitution to be changed in respect of citizens' questions?
4. Please provide the criteria that the monitoring officer must apply before determining whether a petition is accepted and (4.1.) the level of evidence required to justify exclusion of a petition.

It is noted that the above quote comes from Dransfield v FoIA.

5. Who proposed changing the constitution in this regard, and why

Response

1. Please disclose the current members of the Constitution Working Group.

The Constitution Working Group (CWG) members are:

- **Leader and Deputy Leader of the Majority party**
- **Leader and Deputy Leader of the opposition party**
- **Chair of Scrutiny Committee**
- **Chair of Standards Committee**
- **Cabinet Member for Finance and Corporate Services**

2. As applied to 11.11.2020, please disclose who instructed that the constitution be changed with respect to amendments to be made to Council Procedure Rule 12 (which deals with public questions)

Following periodic review of the Council's Constitution by the Constitution Working Group a number of proposed amendments were recommended to Council including the one in relation to Council Procedure Rule 12 (which deals with public questions). The link to the report from Council on 11.11.20 is below:-

<https://moderngov.rotherham.gov.uk/mgConvert2PDF.aspx?ID=128502>

3. Why was the constitution to be changed in respect of citizens' questions?

Please refer to paragraphs 2.12 to 2.14 in the report that went to Council on 11.11.20, the link for which is above.

4. Please provide the criteria that the monitoring officer must apply before determining whether a petition is accepted and (4.1.) the level of evidence required to justify exclusion of a petition.

It is noted that the above quote comes from Dransfield v FoIA.

“A petition will be deemed to be vexatious where, for example but not exclusively, it is manifestly unjustified, inappropriate or improper use of a formal procedure.” The Local Authorities (Referendums)(Petitions)(England) Regulations 2011

5. Who proposed changing the constitution in this regard, and why?

The Constitution Working Group (see point 1 regarding Membership) recommended the changes to Council. The link to the report is below:-

https://moderngov.rotherham.gov.uk/documents/s121137/2019-05-22_Adoption%20of%20the%20Constitution.pdf