

## Meeting of the Council – 19<sup>th</sup> July, 2010

### Report of the Cabinet

### Petition Scheme

#### Purpose

1. To consider a Petition Scheme in compliance with the requirements of Sections 11 to 20 of the Local Democracy, Economic Development and Construction Act 2009 and with regard to Electronic Petitions, in compliance with Section 10 of the Act.

#### Background

##### **The Requirement for a Petition Scheme**

2. Under the legislation above, every Local Authority will have to adopt a “Petition Scheme” which sets out how it will handle Petitions, and by December, 2010 every Local Authority must have an on-line Petition facility, under which anyone may set up a Petition on the Authority’s website, and other petitioners may “sign up” to the Petition on-line.

##### **Categories of Petition**

3. The proposed scheme refers to different categories of petitions, and includes the number of signatures proposed to trigger particular categories of petition (where appropriate) –
  - **“Petitions for Debate”** must be reported to and debated at full Council;
  - **“Petitions to hold an Officer to Account”** trigger an open meeting of a Select Committee at which a named officer will report and be questioned on their actions;
  - **“Ordinary Petitions”**, for which the authority can determine how these petitions will be handled.
  - **“Consultation Petitions”** and **“Statutory Petitions”** – Petitions received in response to statutory or other consultation procedures. Since separate provisions apply to these categories, these are exempted from the scheme (see paragraph 7 below).

4. The Department for Communities and Local Government has issued statutory guidance on Petition Schemes which suggests that authorities should set the number of signatures required for petitions for debate at full Council and petitions to hold an officer to account. The guidance suggests that Councils should set the number of signatories required for each of these categories at levels which encourage rather than discourage petitions, and should set a lower threshold for petitions on local rather than authority-wide matters.
5. The Petition Scheme only applies to petitions which relate to matters for which the authority has responsibility or is able to influence.

### **Action Now Required**

6. Under the Act and associated guidance, the Council is required:-
  - To adopt a Petition Scheme.
  - To designate an appropriate Officer as the “Petitions Officer” to be responsible for recording all Petitions received, responding to Petition Organisers, ensuring that Petitions are reported to Council, Committees or to Cabinet Members as required, updating any Petitions Site on the Council’s website and inviting Petition Organisers to attend meetings. It is suggested that this work should be handled by Democratic Services and accordingly the Director of Corporate Resources should be designated as the Petitions Officer for this purpose.
  - To decide the number of signatures required respectively for the necessary categories of Petition. It is suggested that a Petition for Debate by the full Council be triggered if the number of signatories is 3000 or above and that a petition to hold an Officer to Account (and referred to the appropriate Select Committee) should be triggered if the number of signatories is over 1000. For ‘ordinary petitions’, it is suggested that a submission containing 10 or more signatories will normally be regarded as a petition (although a lower number of signatories may be accepted by the Petitions Officer in certain circumstances).
  - To determine to whom Ordinary Petitions will be reported. The current arrangements are provided for in Council Procedure Rule 4 in the Constitution, which requires Petitions (and Memorials) to be submitted to the Director of Corporate Resources, where their receipt shall be recorded in a book kept for this purpose. The Petitions (and Memorials) shall then be referred to the relevant Area Committee if the Petition raises an issue relevant to that Area, or otherwise to the appropriate Director. The appropriate Chairman of an Area Committee may receive a Petition (and Memorial) at a meeting of the Area Committee and the presenter of the Petition may only speak on the Petition at that time.

- To agree the rights for Petition Organisers to speak at relevant meetings. It is suggested that the Petition Organiser be allowed a maximum of 3 minutes at the relevant meeting for this purpose. This would be in line with the current rights for public speaking at the Development Control Committee and would ensure consistency.
- To decide on a maximum time to be allowed for discussion of Petitions for Debate at any one meeting of the Council. The 2009 Act does not provide for a limit but the Council needs to ensure that it can continue to discharge its ordinary business effectively. It is therefore suggested that a maximum of 30 minutes be allowed at any one meeting, but to give the Mayor the discretion to extend the time allowed.
- To commence the procurement of an on-line Petition facility, to be available from December, 2010.
- In relation to petitions to hold an Officer to Account, to agree the level of Officer who will be required to give account at a Select Committee. To be consistent with the Select Committee Procedure Rules for the 'call-in' of decisions, it is suggested that the level of officer be at Assistant Director and above.
- To authorise the Petitions Officer to determine exempted petitions in accordance with the legislation, guidance and Orders as necessary.

7. The Statutory Guidance provides for certain petitions to be excluded from the Petition Scheme these being the following:

- Petitions which are vexatious, abusive or otherwise inappropriate – it is suggested that the Petitions Officer, in consultation with the relevant Cabinet Member and the Chairman of the relevant Select Committee, be authorised to determine each issue on its merits.
- Petitions made under other enactments – the Statutory Guidance states that Petitions may be made under other enactments, such as Petitions under the Local Government Act, 2000 asking for a referendum on whether the Area should have should have an elected Mayor. These should be dealt with according to the procedure set out in those enactments. If such a Petition fails to meet the requirements of the enactment in question, for example a petition under the 2000 Act does not achieve the requisite number of signatures, it should be addressed through the Local Authority's Petitions Scheme in exactly the same manner as any other Petition.
- Matters excluded by Order – under the Local Authorities (Petitions) (England) Order, 2010 the following have been excluded from the scope of the Petitions duty:- any matter relating to a Planning Decision, including about a Development Plan Document or the community infrastructure levy; any matter relating to alcohol, gambling or sex establishment licensing decisions; and any matter relating to an individual or entity where that individual or entity has a right of recourse to a review or right of appeal under any Act. Failure to deliver services in these areas, however, remains within the scope of the duty.

- 8 On consideration of the information contained in this report and of the draft Scheme, the Cabinet, at its meeting held on 30<sup>th</sup> June, 2010 resolved to recommend the Council to approve the proposals set out in paragraph 13 below.

### **Finance**

9. The cost of dealing with Petitions under the draft Petition Scheme, if adopted, cannot be ascertained in advance, as this will depend on the number of Petitions received. The Petitions Officer will monitor the workload involved and report to the Cabinet as necessary.
10. The costs associated with e-Petitions will need to be incorporated into budgets for 2010/11 and onwards. The initial set up costs for an e-petitions system are estimated to be in the region of £5,000.

### **Law**

11. The Scheme is required to comply with the Local Democracy, Economic Development and Construction Act 2009.

### **Equality Impact**

12. The proposals in this report are consistent with the Council's Equality and Diversity Policy. Children and young people have not been involved in the preparation of this report. However, given the wide scope of issues that are covered in petitions received by the Council, all community groups will be affected by the adoption of a formal Petitions Scheme.

### **Recommendations**

13. It is recommended:
- That the requirement to adopt a Petition Scheme and for the e-petitions facility to be operational by December, 2010, be noted.
  - That a Petition for Debate (by the full Council) be triggered by a petition of at least 3000 petitioners.
  - That a Petition to hold an Officer to Account (for consideration by the appropriate Select Committee) be triggered by a petition of over 1000 petitioners in number.
  - That a submission including 10 or more names be normally regarded as an ordinary petition but that the Petitions Officer be authorised to accept a lower number at his discretion in appropriate circumstances.
  - That the presenter of a petition be allowed to speak for a maximum of three minutes on the subject of the petition at the relevant meeting of the Council or Committee, unless the time is extended by the Mayor or Committee Chairman, as appropriate.

- That Ward Councillors be afforded speaking rights of three minutes at any meeting of a Committee (of which they are not an ordinary member) when a petition relevant to their ward is being considered.
- That, in addition to the requirements of Council Procedure Rule 4.1, the receipt of Ordinary Petitions be notified to the Group Leaders, the appropriate Cabinet Member and the relevant Ward Members and that Council Procedure Rule 4.1 be amended accordingly.
- That petitions be triggered, signed or organised only by persons who work, live or study in the local authority area, including under 18s
- That the above provisions be encapsulated into the Petition Scheme and that the draft Petition Scheme attached to this report be approved.
- That the Director of Corporate Resources be formally designated as the Council's Petitions Officer and that the scheme be administered by Democratic Services.
- That the Director of Corporate Resources be instructed to report to the Council on the operation of the Scheme as part of the annual review of the Constitution.
- That the Petition Scheme be incorporated in the Council's Constitution and that the Director of Corporate Resources be authorised to make consequential amendments to the existing provisions.
- That the Director of Corporate Resources be authorised to undertake the procurement of the on-line e-Petitions facility.



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**Leader of the Council**