

PETITIONS SCHEME

Relevant Portfolio Holder	Councillor G. Denaro – Portfolio Holder for Finance and Resources
Relevant Head of Service	Mrs. C. Felton – Head of Legal, Equalities and Democratic Services
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 requires all principal local authorities in England to establish a scheme for handling petitions made to the authority. In addition, all principal local authorities are required to introduce a facility for receiving petitions online, to be in place before 15th December 2010.
- 1.2 The scheme must be approved by a meeting of the full Council before it comes into force and must be published on the local authority's website and by any other method appropriate for bringing it to the attention of those who live, work or study in the area. The scheme can be revised at any time but the revised scheme must be approved by full Council and publicised on the website.
- 1.3 A draft Petitions Scheme is attached at Appendix 1 for approval.

2. RECOMMENDATIONS

- 2.1 That the Council:
- a. approve the Petitions Scheme attached at Appendix 1,
 - b. authorise the Monitoring Officer to make consequential amendments to amend the Council Constitution,
 - c. agree that an e petitions facility be installed on the Council website to enable submission of petitions online in accordance with the Petitions Scheme by 15th December 2010,
 - d. agree that the relevant sections of the Petitions Scheme be published on the Council website as soon as possible and that the section on e petitions be published on 15th December 2010,
 - e. designate the Monitoring Officer with responsibility for receiving, acknowledging and responding to petitions to the Council in the first instance, in accordance with the Petitions Scheme.

3. BACKGROUND

- 3.1 The Local Democracy, Economic Development and Construction Act 2009 requires local authorities to introduce a Petition Scheme. The Petitions Scheme at Appendix 1 has been based on the model petition scheme provided by the Department for Communities and Local Government. Once

published the local authority must comply with its petition scheme but can revise it at any time by taking the steps set out in Section 11 of the Act.

- 3.2 Although there is room for local discretion to suit local circumstances, petition schemes must meet some minimum standards. The requirements are:
- anyone who lives, works or studies in the local authority area, including those aged under 18, can sign or organise a petition and trigger a response
 - a facility for making electronic petitions is provided by the local authority
 - petitions must be acknowledged within a time period specified by the local authority.
- 3.3 Among the possible steps that the Council may choose to take in response to a petition, the following steps must be included in the scheme:
- taking the action requested in the petition,
 - considering the petition at a meeting of the authority,
 - holding an inquiry,
 - holding a public meeting,
 - commissioning research,
 - a written response to the petition organiser setting out the authority's views on the request in the petition,
 - referring the petition to an overview and scrutiny committee.

E-petitions

- 3.4 The Local Democracy, Economic Development and Construction Act 2009 requires local authorities to put in place a facility to receive petitions on their websites. The Act applies the same requirements to electronic petitions as to paper petitions, except for the following:
- local authorities are only required to respond to e-petitions made through their e-petition facility,
 - local authorities must decide, when a request to host an e-petition is received, whether the petition is appropriate for publishing on their facility,
 - local authorities are required to provide a facility for people to submit petitions to the authority electronically,
 - local authorities can decide what equates to a "signature" on an e-petition.
- 3.5 A facility for receiving e petitions is required to be in place before 15th December 2010.

Receiving Petitions

- 3.6 Local authorities must be able to receive petitions and send an acknowledgement to the petition organiser. The legislation does not define what constitutes a petition – in virtually all cases it will be immediately obvious

whether something is or is not a petition. In order to provide a standard for petitions the Petitions Scheme includes a standard template for petition organisers to use.

Responding to Petitions

- 3.7 Local authorities have a duty to respond to petitions that meet the minimum criteria. This is set out in the Petitions Scheme at Appendix 1. All petitions which meet the scheme criteria must be acknowledged within the period specified in the authority's scheme. The Petitions Scheme says that the Council will respond to the petition organiser within 10 working days.
- 3.8 Petition organisers can prompt a review of the local authority's response if the response is felt to be inadequate. The process for this is outlined in the Petitions Scheme.

Verification of signatures

- 3.9 Local authorities can choose to verify the signatures given on a petition should they wish. Authorities must take account of the signatures of people who provide valid addresses where they live, work or study within the local authority area. The Petitions Scheme asks for the printed name, address and signature of every person supporting the petition to discourage "bogus" or illegible signatures.
- 3.10 In the case of e-petitions the local authority must decide what counts as an authentic signature. The Petitions Scheme asks signatories to provide their name, postcode and a valid e mail address.

Thresholds

- 3.11 Council's petitions schemes must provide threshold number of signatures to trigger the different ways in which they will deal with petitions. Councils are expected to take into account local circumstances to ensure that the scheme is locally appropriate and that any thresholds which local authorities decide to set to be locally achievable. Should it become apparent that authorities are setting requirements which are unachievable the Secretary of State has the power to direct them to amend their petition schemes.
- 3.12 The Petitions Scheme at Appendix 1 provides no threshold for responding to petitions (ie the Council will respond to all petitions) and 1,250 signatures to trigger a debate at full Council or calling an officer before the Joint Overview and Scrutiny Board.
- 3.13 The maximum legal threshold of signatures required to trigger a debate at full council is 5% of the local population (approximately 4,500 for the Bromsgrove District). It should be noted that it is at the Council's discretion to set a lower threshold which is more achievable and that it is in the spirit of the legislation

to make it reasonably possible for public petitions to reach full Council for debate.

Debate at Full Council

- 3.14 Petitions with a significant level of support must be able to trigger a debate of the full Council. Councils may determine this threshold locally but it must be no higher than 5% of the local population. The proposed Petitions Scheme sets a threshold of 1,250 signatures.

A Request to Call a Council Officer to Account

- 3.15 Petition schemes must allow for petitions to trigger a senior member of council staff to attend a meeting of the authority's overview and scrutiny committee and answer questions about their work. In the Petition Scheme this is the Joint Overview and Scrutiny Board, in line with the current arrangements in the Council Constitution. The proposed Petitions Scheme requires a threshold of 1,250 signatures to trigger this process.
- 3.16 Local authorities must determine which of their officers are able to be called to account in this way and include these details in their petition scheme. This information should include the names and job titles of the officers in question. Section 16(5) of the 2009 Act requires that, as a minimum, petition schemes provide that the chief executive and the most senior officers responsible for the delivery of services can be required to provide information on their activities at public meetings of overview and scrutiny committees. Petition schemes should apply to senior officers responsible for delivering council functions and public services and not junior members of staff.

Other Kinds of Petition

- 3.17 Petitions which relate to regulatory matters or other statutory petitions are not dealt with under this Petitions Scheme and will follow the other procedures already in place, as appropriate.
- 3.18 In order not to duplicate procedures where established processes exist for communities to have their say the Government has excluded the following matters from the scope of the petitions:
- any matter relating to a planning decision, including about a development plan document or the community infrastructure levy,
 - any matter relating to an alcohol, gambling or sex establishment licensing decision,
 - any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

- 3.19 Petitions made under other enactments, such as petitions under the Local Government Act 2000 asking for referendum on whether the area should have an elected mayor, or petitions to review the arrangements for parish councils, are dealt with according to the procedures set out in those enactments.
- 3.20 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 can be addressed through the Petition Scheme in exactly the same manner as any other petition.

4. KEY ISSUES

- 4.1 Local Authorities are required to introduce a Petitions Scheme approved by full Council and published on the Council website.
- 4.2 Petitions with a requisite number of signatures must be able to trigger a debate at full Council or (if requested) call a senior officer of the Council before an overview and scrutiny committee.
- 4.3 Local Authorities are required to introduce a facility for receiving petitions on their website by 15th December 2010.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications arising from this report.

6. LEGAL IMPLICATIONS

- 6.1 The introduction of the Petitions Scheme, an e petitions facility and the duty to respond to petitions are statutory requirements under the Local Democracy, Economic Development and Construction Act 2009.

7. POLICY IMPLICATIONS

- 7.1 The Petitions Scheme establishes a new policy, required under the legislation for approval by full Council.

8. COUNCIL OBJECTIVES

- 8.1 This report links to Council Objective 3 – One Community.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 There are no direct implications arising from this report.

10. CUSTOMER IMPLICATIONS

10.1 There are no direct implications arising from this report.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 There are no direct implications arising from this report.

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 There are no direct implications arising from this report.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 There are no direct implications arising from this report.

14. HUMAN RESOURCES IMPLICATIONS

14.1 There are no direct implications arising from this report.

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 The governance implications are included throughout the main body of the report.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 There are no direct implications arising from this report.

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 There are no direct implications arising from this report.

18. LESSONS LEARNT

18.1 N/A

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 None.

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	YES
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Chief Executive	YES
Executive Director (S151 Officer)	YES
Executive Director – Leisure, Cultural, Environmental and Community Services	NO
Executive Director – Planning & Regeneration, Regulatory and Housing Services	NO
Director of Policy, Performance and Partnerships	NO
Head of Service	YES
Head of Resources	NO
Head of Legal, Equalities & Democratic Services	YES
Corporate Procurement Team	NO

21. WARDS AFFECTED

All wards.

22. APPENDICES

Appendix 1 – The (draft) Petitions Scheme

23. BACKGROUND PAPERS

Listening to communities: Statutory guidance on the duty to respond to petitions.

AUTHOR OF REPORT

Name: Michael Carr

E Mail: m.carr@bromsgrove.gov.uk

Tel: 01527 881407