



Report to: Cabinet

Subject: Petitions

Date: 8 July 2010

Author: Head of Democratic and Community Services

1. **BACKGROUND**

The Local Democracy, Economic Development and Construction Act 2009, requires every local authority, to have adopted a “Petition Scheme” which sets out how it will handle petitions and by 15 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.

The Act defines difference categories of petitions and allows the authority to define the number of signatures required for each category –

- “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 Scrutiny Committee at which the named officer will report and be questioned on their actions.
- “Exempted Petitions” – Petitions received in response to statutory consultation on planning and licensing applications will continue to be reported to Planning and Licensing Committees.
- “Ordinary Petitions” which the authority can determine how to handle

The Department for Communities and Local Government has issued statutory guidance on Petition Schemes which suggest that authorities should set the number of signatures required for each category of petition at levels which encourage rather than discourage petitions and should set a lower threshold for petitions on local rather than authority-wide matters.

The requirements of the scheme have been considered by the Scrutiny Local Democracy Working Group and their recommendations are included in the proposals in this report.

The Petition Scheme would only apply to petitions which relate to matters for which the authority has responsibility or which it is able to influence.

2. **REQUEST FOR DECISION**

A draft Petition Scheme is attached. The key features of this Scheme are as follows:

1. The designation of a Petitions Officer, to be responsible for recording all petitions received, responding to petition organisers, ensuring that petitions are reported to Council or to Cabinet Members as required, updating a Petitions site on the authority's website, inviting petition organisers to attend meetings. The Scrutiny Working Group have recommended that the Head of Democratic and Community Services be designated as Petitions Officer for this purpose;
2. The Council needs to decide the number of signatures required for petitions. The Working Group suggested that there be no minimum threshold for ordinary petitions but, that 1500 signatories be required for a petition to hold an officer to account (reduced to xxx where it is a local matter which affects no more than two wards) and 3,000 signatories for a Petition or Debate (reduced to xxx where it relates to a local matter affecting no more than two wards). These figures can be revised at any time if they are found to act as a deterrent to petitions, or to encourage frivolous or vexatious petitions, and it is suggested that an annual report be presented to Council on how the Petition Scheme is working.
3. The Council needs to decide who Ordinary Petitions will be reported to for decision. It is suggested that this would ordinarily be the relevant Cabinet Member but, that the Cabinet Member would be able to refer a petition to Cabinet if she/he felt that it raised wider issues or was outside the delegated powers of the Cabinet Member. Non-executive matters would be referred to the relevant committee.

4. The Council will have to approve an amendment to the constitution to enable the petition organiser to address the Council meeting. The following amendment is suggested:
 1. to insert in Procedural Standing Order 5.01 after (g)

g (i) to deal with any petitions received under Standing Order 8 A
 2. to insert after Standing Order 8 the following 8A Petitions:-
 - 8A.01 At an Ordinary Meeting of the Council in accordance with the Council's Petition Scheme a petition organiser, or their nominated representative may present a petition to the Council.
 - 8A.02 The Mayor will accept the petition on behalf of the Council
 - 8A.03 The petition organiser, or their nominated representative may address the Council on the subject of the petition for a maximum of 5 minutes.
 - 8A.04 The Council will debate the subject of the petition and decide what further action, if any, will be taken
 3. Whilst the 2009 Act does not provide for such a limit, the authority does need to ensure that it can continue to discharge its ordinary business effectively. Accordingly, I have suggested that a maximum of 30 minutes be allowed at any meeting, but that this can be extended by the Chairperson when appropriate. Where a petition is not reached at a meeting, it would stand referred to the relevant Cabinet Member to respond.
5. The authority needs to commence the procurement of an on-line Petition Facility, to be available from 15 December 2010. I suggest that I be instructed to undertake this with the Head of IT, in consultation with the Chairman of Council and the Group Leaders.

3. **RECOMMENDATIONS**

To approve the draft Petition Scheme and recommend adoption to Council:-

1. The Head of Democratic and Community Services be designated as the Petitions Officer and instructed to report annually to Council on the operation of the Scheme.
2. Council be recommended to incorporate Petition Scheme in the Council's Constitution and approve the amendments to Procedural Standing Orders as set out in the report.
3. To note the requirement for an on-line petition facility and await a further report.