
REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 20
DATE OF MEETING:	20TH MAY 2010	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	ANDREA McCASKIE (595831)	DOC:
SUBJECT:	PETITION SCHEME	REF:
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

- 1.1 That the draft Petition Scheme be approved.
- 1.2 That the Head of Legal and Democratic Services be designated as the Petitions Officer.
- 1.3 That the Monitoring Officer be instructed to incorporate the Petition Scheme in the Council's Constitution and make any necessary consequential amendments.
- 1.4 That the Head of Legal and Democratic Services and the Head of Information Technology and Business Improvement be instructed to undertake the procurement of an on-line petition facility in due course, in consultation with the Group Leaders.

2.0 Purpose of Report

- 2.1 To consider arrangements for the adoption of a Petition Scheme.

3.0 Detail

- 3.1 The Local Democracy, Economic Development and Construction Act 2009 requires every local authority, from 15th June 2010, to have adopted a "Petition Scheme" which sets out how it will handle petitions, and by 15th 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.
- 3.2 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 an Overview and 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 the Development Control Committee and Licensing and Appeals Sub-Committees;
- “Ordinary Petitions”, for which the authority can determine how these petitions will be handled.

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

3.4 A draft Petition Scheme is attached at Annexe ‘A’, which has been drafted taking the statutory guidance into account. The key features of this Scheme are as follows:-

- An appropriate officer needs to be designated as the Petitions Officer, to be responsible for recording all petitions received, responding to petition organisers, ensuring that petitions are reported to Council as required and inviting petition organisers to attend meetings. It is suggested that this work is best handled by the Democratic Services Team, and that the Head of Legal and Democratic Services be designated as Petitions Officer for this purpose;
- The authority needs to decide the number of signatures required for petitions. It is suggested that the minimum threshold for ordinary petitions should be 5 signatories from 5 separate households, but that 500 signatories be required for a petition to hold an officer to account and 1,000 signatories for a Petition for Debate. 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.
- The authority needs to decide who ordinary petitions will be reported to for a decision. It is suggested that the appropriate course of action in respect of any petition containing more than 5 signatures be delegated to the Chief Executive, in consultation with the Group Leaders.
- The authority will, in practice, need to set a maximum time to be allowed for discussion of petitions at any one meeting of Council. 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, it is suggested that a maximum of 15 minutes be allowed at any meeting, but that this may be extended by the Chairman when appropriate.
- The authority needs to commence the procurement of an On-Line Petition Facility to be available from 15th December 2010. It is recommended that the Head of Legal and Democratic Services be instructed to undertake this with the Head of IT and Business Improvement, in consultation with the Group Leaders.

4.0 Financial Implications

4.1 The costs of dealing with petitions under the draft Petition Scheme, if adopted, cannot be ascertained in advance, as they will depend on the number of petitions

received. Currently, the majority of petitions received relate to statutory consultations, for example on planning applications, which will continue to be handled as at present.

5.0 Corporate Implications

5.1 These changes are required to comply with the Local Democracy, Economic Development and Construction Act 2009.

6.0 Community Implications

6.1 The new rules on petitions are intended to enable public access to the decision-making processes of the authority and as such contribute towards open and inclusive governance.

7.0 Background Papers

Sections 10 to 22, Local Democracy, Economic Development and Construction Act 2010
DCLG Statutory Guidance on Handling Petitions