

Committee: Council

Agenda Item

Date: 29 June 2010

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Title: Petition Scheme

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Item for decision

Summary

1. The 2009 Local Democracy, Economic Development and Construction Act requires councils to respond to petitions and tell local people what action is going to be taken to address their concerns. The council is required, in June 2010, to publish a Petition Scheme, which will supplement the current methods of dealing with petitions as set out in the council's constitution.

Recommendations

2. Council approves the Petition Scheme at Appendix A and
3. Council decides on the appropriate number of signatures to trigger a debate at Full Council, as set out in paragraph 13 below.
4. the terms of reference of the Standards Committee be amended to allow that committee to conduct a review in a case where the petition has already been sent to the Scrutiny Committee.

Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Listening to communities: Statutory guidance on the duty to respond to petitions (Communities and Local Government document)

Local Democracy, Economic Development and Construction Act 2009

Impact

- 6.

Communication/Consultation	The Petition Scheme will be published on the council's website
Community Safety	None
Equalities	The scheme will be available in other formats on request

Finance	No financial implication at this point. However, the council will need to purchase an epetition package before the end of the calendar year. See paragraphs 18 to 20 below for further information.
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	New methods for dealing with large petitions, and later this year the administration of an epetition facility, will need to be incorporated into officer workload.

Situation

7. The 2009 Local Democracy, Economic Development and Construction Act requires councils to respond to petitions and tell local people what action is going to be taken to address their concerns.
8. The Act requires all principal local authorities (a definition which includes district councils) to establish a scheme for handling petitions made to the authority.
9. The council's constitution already contains information about petitions and the Petition Scheme will supplement, rather than replace, this information.
10. As well as some general guidelines on how to deal with a petition, the CLG guidance covers two main areas – petitions signed by a large number of people and petitions collected online.
11. The Act lists seven minimum requirements that a Petition Scheme must include:
 - Anyone who lives, works or studies in the district, including under 18s, can sign or organise a petition and trigger a response
 - A facility for making electronic petitions must be provided
 - Petitions must be acknowledged within a time period specified by the local authority
 - Among the many possible steps a council may choose to take in response to a petition, the following steps must be included among the options listed in the scheme:
 - (a) taking the action requested in the petition
 - (b) considering the petition at a meeting of the authority
 - (c) holding an inquiry

- (d) holding a public meeting
 - (e) commissioning research
 - (f) a written response to the petition organiser setting out the authority's views on the request in the petition
 - (g) referring the petition to an overview and scrutiny committee
- Petitions with a significant level of support trigger a debate at Full Council. Councils will determine this threshold locally but it must be no higher than 5 per cent of the local population
 - Petitions with a requisite level of support, set by the council, trigger a senior officer to give evidence at a meeting of the council's overview and scrutiny committee
 - Petition organisers can prompt a review of the local authority's response if the response is felt to be inadequate
12. The existing thresholds for a petition to be considered properly constituted, as set out in the constitution, do not need to change. These thresholds are set out in the attached Petition Scheme.
13. However, where petitions have a significant degree of support they will trigger a Full Council debate and members are asked to determine the number of signatures appropriate to trigger such a debate.
14. The statutory guidance from Communities and Local Government stipulates this level should not be more than 5 per cent of the district's population, but urges local authorities to set the threshold as low as possible, with regard to local circumstances.
15. Members are therefore asked to decide on one of three options for the number of signatures a petition must contain in order to trigger a debate at Full Council, based on an Uttlesford population of 72,000:
- 720 signatures (1 per cent of the population)
 - 1,800 signatures (2.5 per cent of the population)
 - 3,600 signatures (5 per cent of the population)
16. The Petition Scheme also requires a threshold to be set at which a senior officer (member of the Strategic Management Board) is required to give evidence at a meeting regarding the subject matter of a petition. Although the CLG does not specify what this threshold should be, its model petition scheme (see paragraph 16 below) sets this at half the number of signatures required to trigger a Full Council debate.
17. This, therefore, would mean:
- 360 signatures if members choose a 1 per cent threshold
 - 900 signatures if members choose a 2.5 per cent threshold
 - 1,800 signatures if members choose a 5 per cent threshold
18. The CLG has published a model petition scheme which most local authorities are using as a template for their own scheme, adapted to suit local circumstances. The Uttlesford Petition Scheme (Appendix A) closely follows the CLG model scheme and as such ensures all statutory duties are met.

19. The 2009 Act also makes it mandatory for a principal local authority to provide an online petition (epetition) function via its website. Although the petition scheme needs to be approved in June, the epetition function does not need to be in place until December 2010.
20. Officers have already begun the process of comparing the various packages on offer. Members will be asked to approve a revised Petition Scheme containing epetition information later in the year once a suitable module has been purchased and installed.
21. Although specific budgetary provision has not been made to purchase an epetition module (due to the statutory guidance being published after the budget setting process was complete) the required funding will be found either from an underspend in the consultation budget due to the probable scrapping of the Place Survey, or through virement from other budget headings.

Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
The council does not put a Petition Scheme in place in June 2010, thus missing the statutory deadline.	1 – The Uttlesford Petition Scheme covers all statutory requirements	3 – If the petition scheme was not to be in place, the council would find itself lagging behind other authorities and left open to challenge from central government. It could also leave the council open to accusation that it was not taking public petitions seriously.	The Petition Scheme has been designed to work within the existing committee structure and to meet all requirements under the 2009 Act

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.