

REPORT TO COUNCIL

REPORT OF: Access & Engagement Portfolio Holder

REPORT NO: DEM043

DATE: 22nd April 2010

TITLE:	PETITIONS SCHEME – NEW DUTY	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Ray Auger – Access & Engagement	
CONTACT OFFICER:	Paul Morrison - Principal Democracy Officer Tel:01476 406512. e-mail:p.morrison@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and appended to the report:N/A	Full impact assessment Required:N/A
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	None	

1. RECOMMENDATIONS

1.1 It is recommended that Council adopt the new Petitions Scheme as required by the Local Democracy, Economic Development and Construction Act 2009.

1.2 Council is asked to adopt the scheme and refer to all relevant PDGs for them to consider, but that the threshold for a debate at Full Council be set at 5,000 signatures and for attendance at Scrutiny Committee 2,500 signatures.

1.3 In view of the timescales involved, it is suggested that the detailed work of the Council's scheme be referred to the PDGs who would then recommend the details of the scheme to the Portfolio holder. In addition, the necessary amendments to the Council's constitution be brought before the Constitution Committee for consideration and subsequent recommendation to Full Council.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

The purpose of the report is to advise Council of a new legislative requirement , which must be adopted by the Council by 15th June 2010. The e petition requirements of the scheme come into force on 15th December 2010.

3. INTRODUCTION

4.1 Sections 10-22 of the Local Democracy, Economic Development and Construction Act require to Council to have in place a petitions scheme, included within this is a requirement for the Council to have an e petitions facility.

4.2 Before bringing these provisions into force, the Government issued a consultation paper entitled *Listening to Communities*. The consultation took place between 2nd December 2009 and 24th February 2010. The consultation document was considered by the Engagement PDG on 14th January and by a PDG working group on 19th January 2010. The working group's observations were made to the Portfolio holder who endorsed their views, these were then passed on to the DCLG as part of their consultation process.

4.3 Following evaluation of all comments received by the Government, the petitions scheme was published by the Government on 30th March 2010 and it comes into force on 15th June 2010.

4.4 The e petitions facility must be in place and brought into force by 15th December 2010.

4.5 The Government has produced detailed statutory guidance, including a model petitions scheme which the Council can adopt or adapt to suit local circumstances. This can be found at www.communities.gov.uk/publications/communities/dutyrespondingpetitions

4. THE PETITIONS SCHEME

5.1 The petitions duty in the 2009 Act means that for the first time councils will be required to respond to petitions and tell local people what action is going to be taken to address their concerns. The model scheme demonstrates these principles by setting out that all petitions, regardless of the number of signatures, will receive a response providing they follow the guidelines set out in the scheme.

5.2 Once the Council has adopted the scheme, it can modify it at any time by taking the steps as set out in Section 11 of the 2009 Act,

5.3 When designing their scheme, local authorities are expected to

- Take into account local circumstances
- Ensure that the scheme is accessible to all
- Ensure that the process is easy for citizens to use

5.4 The Government's view is that councils should treat as petitions anything which identifies itself as such, or which a reasonable person would regard as a petition.

5.5 There are a number of exclusions from the scheme. These are:-

- Any matter relating to a planning decision, including a development plan document
- Any matter relating to an alcohol, gambling or sex establishment licensing decision
- Any matter relating to an individual where there is an existing right of appeal

5.6 However failure to deliver services within these areas does fall within the scope of the petitions scheme.

5.7 Petitions which are judged to be vexatious, abusive or otherwise inappropriate should be acknowledged, but in these cases the council should explain to the petitioners why it will not be taking any action under the scheme.

5.8 When deciding what action to take with regard to a petition received, the council's response should be proportionate to the seriousness of the issue and the level of support contained in the petition. Examples of appropriate steps are contained within the model scheme.

5.9 Local authorities are required to set a threshold for triggering a full council debate on any petition. The maximum threshold allowed is 5% of the local population but the Government has stated that it expects a lower threshold to be set. Based on a population figure of 132,000, a 5% threshold would mean 6,600 signatures are required to trigger a debate a full council. Council may consider that a lower threshold, for example 5,000 signatures, should be set.

5.10 Council must also set a threshold which would mean that a senior council officer would have to attend the Scrutiny Committee and answer questions about their work. The Council must also determine which officers fall within this provision, and details of their names and job titles should be published on the Council's website. As a minimum the Chief Executive and the most senior officers should be included. The model scheme recommends that a low threshold should be set for this provision.

5.11 Under Section 16(10) of the 2009 Act, The Scrutiny Committee may consider it appropriate to call the relevant elected member with responsibility to attend their meeting in addition to the appropriate senior officer.

5.12 Under Section 17 of the Act, if a petition organiser is not satisfied with the way the council has dealt with their petition, the organiser has the power to ask the Scrutiny Committee to review the Council's response to the petition. If the Scrutiny Committee is concerned, it can carry out a full review of the response, if it is very concerned it can arrange for a review (ie a debate) to be carried out on the issue by Full Council.

5. OTHER OPTIONS CONSIDERED

None applicable.

6. RESOURCE IMPLICATIONS (INCLUDING FINANCIAL, PEOPLE)

Not applicable.

7. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

None applicable

8. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

None applicable

9. CRIME AND DISORDER IMPLICATIONS

The scheme will enable any concerns by local residents on crime and disorder matters to be referred to the Council.

10. COMMENTS OF SECTION 151 OFFICER

I have no specific financial comments to make in respect of this report.

11. COMMENTS OF MONITORING OFFICER

The timescale for the publication of the scheme for petitions requires members to consider the model scheme produced as part of statutory guidance and any amendments members may approve at this stage. It is likely that any scheme approved will require refinement and change once the scheme is operational. Changes to the Constitution as a result of the adoption of petition scheme will be considered by the Constitution Committee at its next meeting.

12. APPENDICES:

None

