

Report to Council

Date of meeting: 22 April 2014

Report: Constitution and members Services Standing Scrutiny Panel

Subject: Petitions Scheme - Review

Chairman: Councillor J Philip



Recommending:

(1) That the redrafted Council petitions scheme attached at Appendix 1 to this report be adopted and incorporated into the Council's Constitution

(2) That, consequential on the approval of recommendation (1) above to note the proposed revised website information on petitions as attached at Appendix 2 to this report.

Report:

1. The Constitution and Members Services Panel last considered the petitions scheme in September 2012. At that time members were advised that in December 2010 the Council had approved a new Petitions Scheme which had been required by Government. The Local Democracy, Economic Development and Construction Act 2009 (2009 Act), and subsequent statutory guidance had placed a requirement on the Council to have a scheme which included the introduction of an ePetitions facility through the Council's website by 15 December that year.

2. In the autumn of that year, following the general election earlier that year, the Government withdrew the statutory guidance and gave authorities more scope to define their own scheme. At that time the 2009 Act remained in force. During December 2010 the Government gave notice that provisions of the Localism Act would remove any duty to provide such a system. The Localism Act gained Royal Assent in November 2011. Section 46 of the Localism Act completely repealed the earlier acts provisions including having a petitions scheme.

3. The review in 2012 made a number of minor amendments to the scheme but at that time it was acknowledged that the scheme was poorly written but had been based upon statutory guidance at the time and needed redrafting. This review brings to members a suggested redrafted scheme.

4. In reviewing the document we believe that some sections may require some further attention.

Thresholds

5. In section (7) of the re-drafted scheme officers have tried to provide clarity on how petitions are dealt with related to the amount of support they receive. No petitions have ever met the threshold for debate at either Overview and Scrutiny or Full Council. Whilst we believe that the threshold level are appropriate, the original provisions that envisaged allowing petitioners to seek officers to report at an Overview and Scrutiny have never been requested. Experience has shown that petitioners are interested in issues, not their

management and this threshold has never been reached in any event.

6. We are therefore of the view that dealing with petitions over 1200 should require a Portfolio Holder to prepare a report to the full Cabinet for a decision. Such decisions would be open to call-in should Overview and Scrutiny wish to give them consideration. We are also suggesting that it should be open to the Portfolio Holder to decide to treat a smaller petition in this way should he/she so choose.

Dissatisfied Petitioners

7. A section of the current scheme provides an opportunity for a petition organiser to seek a review by the Overview and Scrutiny Committee on the process and the adequacy of the response. This is no longer a statutory requirement and it is felt by members of the Panel that any concerns raised by petitioners regarding the councils handling of their petition would be more appropriately directed to the established complaints process.

Other changes

8. We have suggested that the receipt of petitions are notified to ward members to ensure that local councillors are aware of received petitions. We have also asked officers to ensure that all petitions are subject to commentary in portfolio holder reports to Council as envisaged by the recent Overview and Scrutiny Review. We have also made minor changes to clarify timescales for response to petitions.

9. We have also suggested that where Lead Petitioners currently have the right to address the full Council when their petition is debated, this right should also extend to those being reported to Cabinet.

Website Guide

10. Attached at Appendix 2 is the proposed wording of the website guide for submitting petitions which seeks to differentiate information that is aimed at petitioners as a guide to submitting their petition.

11. The Council are asked to endorse the scheme and associated website wording and recommend accordingly.