

Report to Governance Select Committee

Date of meeting: 23 October 2018



Portfolio: Planning and Governance (Councillor J. Philip)

Subject: Petition Scheme

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Recommendations/Decisions Required:

- (1) That the Select Committee agree the revised version of the Council's Petition Scheme; and**
 - (2) That, subject to the views of the Constitution Working Group, the Council be requested to agree the revised version of the Petition Scheme for inclusion within the Constitution.**
1. At its meeting on 6 February 2018, the Select Committee undertook a review of the operation of the Council's current Petitions Scheme.
 2. At that time, members requested that those local authorities from which comparative information had been obtained with regard to the signature thresholds for petitions as part of the review be requested to provide details of the number of petitions received in the last municipal year, in order to assess whether signature threshold requirements were resulting in the submission of low numbers of petitions.
 3. The information received from those authorities that responded to the Council's request in this regard, is as follows:
 - (a) Broxbourne Borough Council**
 4. Broxbourne Borough Council has advised that it receives very few petitions. Currently, provided a petition has 50 or more signatures from residents of the borough, together with the names and addresses of the petitioners (although this is not applicable for e-petitions), it can be presented to the Council. However, the petition needs to be accompanied by a request for it to be presented in person to the Council. During 2017/18, no requests were received by a petitioner to present a petition to the full Council.
 5. Broxbourne record all petitions received irrespective of the number of signatories and these are reported to each meeting of the Cabinet in the form of a schedule outlining the number of signatories and the matter on which the Council is being petitioned. These petitions are also held on a register that members can inspect should they wish to see the full details. As part of the Council's procedure, anyone that submits a petition

receives an acknowledgement and a subsequent response to the petition by an officer (often in consultation with the Cabinet member, if appropriate).

6. The exception to this procedure is in relation to petitions submitted in connection with a planning application. Broxbourne's petition scheme does not permit such petitions to be presented to the Council and it is not part of the schedule submitted to the Cabinet, as these petition would be reported at the time of the determination of a planning application. This is the same approach that this Council takes to the handling of petitions concerning planning or licensing decisions, which do not fall within the scope of the current Petitions Scheme.

(b) Chelmsford City Council

7. Chelmsford City Council has a threshold of 50 signatures in relation to 'ordinary' petitions. A petition above the threshold of 2000 signatures triggers debate at a meeting of the full Council, if requested (or referral to the Cabinet for executive matters). Petitions below the 50 signature threshold are referred to the appropriate service for a response
8. Chelmsford City Council has also advised that it receives very few petitions. Those petitions that it receives tend to relate to matters outside of its petition scheme, such as those relating to planning and licensing issues which are dealt with as representations as part of the statutory processes for those matters. This is the same approach that this Council takes to the handling of petitions concerning planning or licensing decisions, which do not fall within the scope of the current Petitions Scheme.
9. During 2017/18 Chelmsford City Council received no petitions that required a debate at full Council. In the previous year the Council received was one petition of over 2000 signatures which, whilst not requesting debate at Council, was referred to the Council in view of the significant level of representation. Two petitions each of over 50 signatures about executive functions were referred to the relevant Cabinet Member for consideration and were resolved at that point without needing to be passed to the Cabinet.

(c) Harlow District Council

10. Harlow District Council has a threshold for petitions containing more than 650 signatories (or which cover subject matters reserved to the full Council) to be debated by the full Council. Petitions with at least 50 signatories or 650 or less are considered by Cabinet or the appropriate Committee.
11. During 2017/18, Harlow District Council received four petitions, three of which contained between 50 and 100 signatures and were referred to the Council's Licensing Committee, as they concerned licensing policy. The fourth petition contained less than 50 signatures and was dealt with at officer level.

(d) Uttlesford District Council

12. Uttlesford District Council has a threshold for petitions containing 50 or more signatures to be included on the agenda for the next available meeting of the committee or other body considered the most appropriate by the Chief Executive.
13. During 2017/18, Uttlesford District Council received only one petition that contained 195 signatures, which was considered by Cabinet.

Petition Scheme

14. The Select Committee will recall from its initial review of the Petitions Scheme that none of the petitions received during the period from September 2012 to December 2017 met the threshold for debate by either the Cabinet or the Council. Whilst members might therefore consider that the thresholds set by the existing scheme might be discouraging the submission of petitions and could choose to reduce the current signature thresholds for petitions, this approach could greatly increase the number of valid petitions received.
15. The comparative information obtained from neighbouring authorities with regard to the handling of petitions in terms of signature thresholds, appears to suggest that low numbers of petitions are received across the board. Only one valid petition was received by the Council during the 2017/18 municipal year.
16. In accordance with the wishes of the Select Committee, a review of the existing guidance for the Council's Petitions Scheme has been undertaken, to ensure that this is clear and consistent. The revised Petition Scheme is attached as Appendix 1 to this report.
17. The revised scheme now incorporates previous separate guidance issued in regard to the creation of e-petitions, alongside matters agreed by the Committee earlier this year.
18. A number of the petitions received since the last review of the Petitions Scheme did not meet some of the acceptance criteria specified by the Scheme. In the main, such petitions related to services provided by other authorities, including highway maintenance (Essex County Council) and parking enforcement (North Essex Parking Partnership). The revised scheme therefore also sets out the main functions of the Council to ensure that, as far as possible, petitions are directed to the most appropriate organisation.
19. Once agreed, the revised Petition Scheme will be publicised appropriately on the Council's website and in the Council Bulletin, to increase member and officer awareness of the Petitions Scheme and the Council's procedures, as it often the case that petitions are submitted directly to ward councillors or officers outside Governance and Member Services, which currently administers the Petitions Scheme. The location of the Petition Scheme pages on the Council's website will also be reviewed, as part of the development of the new website structure.
20. The Petition Scheme forms part of the Council's Constitution (Part 4 – Council Rules) and should therefore be agreed by the Council. It is recommended that, subject to the views of the Constitution Working Group, the Council be requested to agree the revised version of the Petition Scheme for inclusion within the Constitution.

Resource Implications:

The recommendations of this report seek to enable the Council's Petitions Scheme to more effectively meet current requirements.

Legal and Governance Implications:

None. The duty for local authorities to operate a formal petition scheme was abolished by the Localism Act 2011.

Safer, Cleaner, Greener Implications:

There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district.

Consultation Undertaken:

An initial review of the operation of the Petition Scheme was undertaken by the Select Committee in February 2018. The views of members with regard to the operation of the Council's current Petition Scheme were also sought through the Council Bulletin in December 2017, although no feedback was received with regard to the current or future operation of the Scheme.

Background Papers:

None

Impact Assessments:***Risk Management***

There are no risk management implications arising from the recommendations of this report.

Equality:

There are no equality implications arising from the recommendations of this report.

Key Decision Y/N

No