

PART 1 - PUBLIC

Decision Maker: Council

Date: 28th June 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: PETITION SCHEME

Contact Officer: Graham Walton, Democratic Services Manager
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Chief Officer: Mark Bowen, Director of Legal, Democratic & Customer Services

Ward: All

1. Reason for report

- 1.1 Under the Local Democracy, Economic Development and Construction Act 2009 the Council is required to put in place a Petition Scheme by June 2010, with facilities for e-petitions by December 2010. A draft of the proposed Scheme has been considered by the Constitution Improvement Working Group, the Executive and Resources PDS Committee and the Executive and is now presented for approval.
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2. **RECOMMENDATION(S)**

- 2.1 That the proposed Petition Scheme at appendix 1 be adopted and added to the Council's Constitution as an appendix with the consequential amendments set out in Appendix 2 being made to the Council's Constitution.

Corporate Policy

1. Policy Status: New policy.
 2. BBB Priority: Excellent Council.
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Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £476,706 (2009/10)
 5. Source of funding: Existing budgets
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Staff

1. Number of staff (current and additional): There are 14 posts (11.89 fte) in the Democratic Services Team
 2. If from existing staff resources, number of staff hours: This will be dependent on the volume of petitions received.
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Legal

1. Legal Requirement: Statutory requirement. The Local Democracy, Economic Development and Construction Act 2009 (Sections 10-22)
 2. Call-in: Call-in is not applicable. Decision to be made by full Council.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): A clear Petition Scheme will give all local people an additional way to raise issues of concern.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 The Local Democracy, Economic Development and Construction Act 2009 requires the Council to put in place a Petition Scheme by June 2010, with facilities for e-petitions by December 2010. This requirement has been anticipated for some time, but final statutory guidance from the Department for Communities and Local Government was only issued at the end of March 2010. The Act does not define exactly what constitutes a petition, but the accompanying guidance makes it clear that Councils are expected to make sensible judgements about whether items of correspondence should be considered under the scheme or under other procedures, such as the internal complaints procedure.

3.2 Under the Act, each local authority must have a petition scheme approved by full Council, and only full Council may amend the scheme. Once the scheme is published the authority is required to comply with it. The scheme must be publicised on the Council's website and by any other appropriate means, and must set out the minimum standards and entitlements that local people can expect. The minimum requirements set out in the Act are –

- Anyone who lives, works or studies in the local authority area, including young people under 18, can sign or organise a petition and trigger a response.
- A facility for making electronic petitions (e-petitions) must be provided (although this requirement does not come into force until December 2010).
- Petitions must be acknowledged within a certain period specified by the authority.
- The following possible responses to a petition should be set out in the scheme –
 - i. Taking the action requested;
 - ii. Considering the petition at a PDS or full council meeting;
 - iii. Holding an inquiry;
 - iv. Holding a public meeting;
 - v. Commissioning research;
 - vi. A written response to the petition organiser setting out the authority's views on the request in the petition;
- Petitions with a significant level of support trigger a debate at full Council (local authorities can determine this threshold locally, but it must be no higher than 5% of the local population – about 15,000 in Bromley.)
- Petitions with a requisite level of support, set by the local authority, may trigger a requirement for a senior local government officer to give evidence at a PDS Committee.
- A petition organiser can prompt a review of the local authority's response if they feel that it is inadequate.

Local authorities, when designing their petition scheme, are expected to take into account local circumstances to ensure that the scheme is appropriate to the needs of the area; ensure that the scheme is accessible to all; and ensure that the scheme is easy to use and understand, with achievable thresholds.

- 3.3 The Act allows Councils to reject petitions that are vexatious, abusive or offensive. Matters relating to licensing and planning decisions, or where there is a review or appeal process, are also excluded, as are matters where there are on-going legal proceedings. Petitions made under other Acts, such as petitions under the Local Government Act 2000 asking for a referendum on having an elected mayor, should be dealt with under those separate enactments.
- 3.4 The draft petition scheme meets the requirements of the Act, but Members may wish to consider in particular whether the thresholds are set at the appropriate levels for Bromley. It is proposed that the following thresholds are applied for paper/electronic petitions –
- Qualifying as a valid petition under the scheme: 25/50 signatures
 - Requiring consideration at a PDS Committee – 250/500 signatures
 - Requiring consideration at full Council – 500/1,000 signatures
 - Requiring a Councillor or a senior officer to give account before a PDS Committee – 500/1,000 signatures
- 3.5 The Constitution Improvement Working Group considered the issue of petitions on several occasions, most recently at its meeting on 1st February 2010. At that meeting a draft Petition Scheme was considered, and this forms the basis for the scheme attached to this report at [appendix 1](#). (The consequential changes to the constitution are set out in [appendix 2](#).) The Working Group at its meeting on 1st February 2010 commented that petitions involving very local issues which might affect only small numbers of residents should not be required to meet the same numerical thresholds as matters of more general interest, and also that paper petitions should have a lower threshold for action than e-petitions. At an earlier meeting on 27th July 2009, the Working Group had commented that there should be a register of petitions maintained by the Legal, Democratic and Customer Services Department and that Ward Members should be informed about petitions affecting their wards. All of these matters are taken into account in the proposed scheme.
- 3.6 The Executive and Resources PDS Committee considered the proposed Petition Scheme at its meeting on 9th June 2010. The Chairman of the Constitution Improvement Working Group, Councillor Nicholas Bennett, suggested at that meeting that in most circumstances it would be executive members who would need to respond to petitions and that the respective roles of executive and PDS members should be clarified in the Scheme. The Scheme has subsequently been amended in response to Councillor Bennett's point, with a change on page 3 to state that it will normally be the relevant portfolio holder who oversees the Council's response, although in some cases this will need to be the appropriate committee chairman. Broadly the following will apply to valid petitions -
- Petition received acknowledged and noted in register.
 - Referred to relevant Chief Officer and PH/committee chairman for preparation of response.
 - Response sent where possible in 10 working days.
 - If person dissatisfied appeal to PDS/Council depending on signatures.
 - PDS/Council consider appeal and make recommendations to PH/Executive
 - Report back to next meeting of PDS/Council by PH/Executive on how they have dealt with recommendations.
 - Annual report to Council (via GP&L)

A flow-chart has been added to illustrate how the scheme will work.

3.7 The Executive considered the Scheme at its meeting on 16th June 2010 and agreed to refer it to Council for adoption. Members of the Executive expressed some concern that thresholds in the scheme may be too low.

4. FINANCIAL IMPLICATIONS

4.1 No additional provision has been made to deal with petitions. The Council's new committee management system, Modern.gov, includes provision for e-petitions at no additional cost.

5. LEGAL IMPLICATIONS

5.1 The Local Democracy, Economic Development and Construction Act 2009 requires all Councils to put in place a petition scheme (by 15th June 2010) and facilities for e-petitions (by 15th December 2010). The commencement order establishing these deadlines was made on 19th March 2009.

6. PERSONNEL IMPLICATIONS

6.1. The overall coordination of petitions will be carried out by Democratic Services staff from within existing resources.

Non-Applicable Sections:	Policy
Background Documents: (Access via Contact Officer)	"Listening to communities: Statutory guidance on the duty to respond to petitions" – Communities and Local Government, March 2010.