

Report to Constitution and Members Service Scrutiny Standing Panel

Date of meeting: September 2012

Subject: Review of Petitions Scheme

Officer contact for further information: Simon Hill (Ext 4249)

Committee Secretary: Mark Jenkins (Ext 4607)



Recommendations/Decisions Required:

To review the operation of the Council's petitions scheme and make recommendations to Overview and Scrutiny Committee.

Report:

1. (Senior Democratic Services Officer) On 14 December 2010 the Council 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. The Government also funded the Council a sum of just over £6,000 to fund the expense of introducing such an electronic facility.
3. In the event, the Council's committee management system provider supplied an additional facility for no cost and the system was implemented by the statutory deadline by officers. No grant funding was called upon. This sum remains within the Council's DDF fund pot.
4. 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 repeals the earlier acts provisions including any duty to promote democracy (another report made to this Panel at that time) and having such a petitions scheme.
5. Members had asked for a periodic review of the operation of the system to assess its effectiveness.

Receipt of Petitions

6. People, in general, still petition the Council in the traditional way. During the period January 2011 to August 2012 the Council received 12 formal petitions on paper. Correspondingly, during the same period 2 electronic petitions were received and completed. One relating to provision of places at Epping Forest College (referred to the College for response – 13 electronic signatures but supported by a paper petition) and the other regarding the St Johns Road Development Brief (during a formal consultation period – 72 electronic signatures).
7. No petitions during this period met the threshold for debate at either Overview and

Scrutiny or at Full Council.

Current Scheme Considerations

8. The Council's current scheme is attached for review. Members may wish to consider:

- (a) Whether they wish to alter and withdraw the current scheme.
- (b) If the thresholds in the current scheme are still appropriate.
- (c) Whether the Council should maintain the ePetitions facility.
- (d) Whether the funding could be used to promote the scheme or applied to other projects.

9. One issue that has been raised by the Director of Planning and Economic Development relates to the approval to list petitions during formal consultation periods. During the St Johns Development Brief Consultation this year a request for a petition was received and approved for the website. This allowed people to register their names against a petition calling for the council to acknowledge objections to the development of a supermarket on the site.

10. The view has been put forward that where such formal consultations are being carried out, either current or contemplated, allowing such petitions weaken the results of the consultation and gives signatories the false impression that their views would be automatically taken into account in the consultation responses.

11. Members are asked to review the scheme and report to the Overview and Scrutiny Committee accordingly with any changes proposed.

Resource implications:

Budget provision: £6,000 currently held in DDF
Personnel: from existing personnel
Land: none

Community Plan/BVPP reference: none
Relevant statutory powers: now none

Background papers: petition scheme attached
Environmental/Human Rights Act/Crime and Disorder Act Implications: From the scheme itself none
Key Decision reference: (if required) not a key decision.