

Report to Overview and Scrutiny Committee

Date of meeting: 16 October 2012

Subject: Review of Petitions Scheme

Chairman of Panel: Councillor M Sartin
Officer contact for further information: Simon Hill

Committee Secretary: Mark Jenkins



Recommendations/Decisions Required:

- (1) That the review the operation of the Council's petitions scheme be noted;**
- (2) That the following amendments be made to the petitions scheme and procedure:**
 - (i) That the following be added to the current exceptions to the scheme, 'petitions made during formal Council consultations related to the subject matter of the consultations and that these should be formally referred to that process as appropriate;**
 - (ii) That officers redraft the current scheme to provide a customer facing document that focuses on how the Council deals with a petition for placing on the website;**
 - (iii) That in future, Portfolio Holder reports made to Council include details of the petitions received, together with any Council response; and**
- (3) That the Overview and Scrutiny Review Task and Finish Panel be asked to consider how petitions can be better considered by Overview and Scrutiny during their current review.**

Report:

1. (Councillor M Sartin) 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 the Constitution 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. We have now undertaken that review.

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 was 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.

Proposals for changes to the scheme

8. Having reviewed the scheme we are of the view that it should continue and the current thresholds are still appropriate. We are of the view however that the scheme document on the website could be made shorter and more user friendly.

9. We noted the Director of Planning and Economic Development had raised an issue relating to the approval to list EPetitions 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. We are therefore suggesting that requests for such EPetitions be added to the current exclusions to the scheme and that any petition (either electronic or paper based) received should be automatically redirected to the formal consultation process.

11. We are also suggesting that in order that members may raise matters relating to petitions, the Portfolio Holder should provide details of the petitions received, together with any Council response in their report to each full Council.

12. We discussed how the operation Overview and Scrutiny could be changed to allow more scrutiny of the petitions and council's responses. The petition scheme already contains provision for review after the Council's response but we are suggesting that the current Task and Finish Panel give further consideration to how petitions could be better overseen by Overview and Scrutiny.

13. We recommend as set out at the commencement of this report.

Resource implications:

Budget provision: £6,000 currently held in DDF – not yet allocated
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.