

Report to Constitution and Members Service Scrutiny Standing Panel



SCRUTINY

Date of meeting: 18 March 2014

Subject: Petitions Scheme - Review

Officer contact for further information: Simon Hill (4249)



Committee Secretary: Mark Jenkins (4607)

Recommendations/Decisions Required:

- (1) To consider a redrafted Council's petitions scheme and make recommendations to the Overview and Scrutiny Committee on the following issues:
 - (i) The appropriateness of thresholds for triggering responses;
 - (ii) The provisions related to officer evidence; and
 - (iii) Complaint review;
- (2) To consider public facing information to be published on the Council's website; and
- (3) To recommend changes to the Overview and Scrutiny Committee and Council accordingly.

Report:

1. (Senior Democratic Services Officer) This 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 Section 46 of the Localism Act completely repealed the earlier acts provisions including having a petitions scheme.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 concluded:

- (i) That an exception be added 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 should 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

(iv) 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.

4. Officers had acknowledged in 2012 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. This review does not include changes to the scope of the scheme and has been written to reflect the need to differentiate between the need for a scheme that can sit within the Constitution and guidance for those wishing to submit petitions to us.

5. In reviewing the document, officers believe that some sections may require some further attention. The existing version at is attached at Appendix 1, the proposed redraft at Appendix 2.

Thresholds

6. 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. Members are asked whether they still believe the thresholds to be correct.

Officer Evidence

7. The original provisions envisaged allowing petitioners to seek officers to report at an Overview and Scrutiny if the petition was supported by at least 1200 people. Experience shows that this type of request has never been made, that petitioners are interested in issues, not their management and this threshold has never been reached.

8. The Overview and Scrutiny Procedure Rules contain provisions to call relevant officers to meetings to question them about services. The recent review also cited received petitions as a source of scrutiny programme requests. This scheme does also include the provision of referring the matter to Overview and Scrutiny in any event. Members are asked to consider this section again. Could it be simplified or removed?

Dissatisfied Petitioners

9. Section (12) 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 requirement. Members are asked whether it is still appropriate.

Website Guide

10. Attached at Appendix 3 is the proposed wording of the website guide for submitting petitions for comment and consideration.

11. Members are asked to review the scheme and associated website wording 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

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.