

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

16 June 2010

Report of Central Services Director

Part 1- Public

Matters for Recommendation to Council

1 PETITION SCHEME

Summary

The purpose of this report is to recommend that the Council approve a draft Petition Scheme, based upon the Model Scheme produced by the Department for Communities and Local Government

1.1 Introduction

The Local Democracy, Economic Development and Construction Act 2009 requires every local authority, from 15 June 2010, to have adopted a "Petition Scheme" which sets out how it will handle petitions, and by 15 December 2010 every local authority must have an on-line petition facility, under which anyone may set up a petition on the authority's website, and other petitioners may "sign up" to the petition on-line.

The Act defines different categories of petitions, and allows the authority to define the number of signatures required for each category

- (a) "Petitions for Debate" must be reported to and debated at full Council;
- (b) "Petitions to hold an Officer to Account" trigger an open meeting of an Overview and Scrutiny Committee at which the named officer will report and be questioned on their actions
- (c) "Exempted Petitions": Petitions received in response to statutory consultation on planning and licensing applications will continue to be reported to Planning and Licensing Committees
- (d) "Ordinary Petitions", for which the authority can determine how these petitions will be handled.

The Department for Communities and Local Government (DCLG) has issued statutory guidance on Petition Schemes which suggest that authorities should set the number of signatures required for each category of petition at levels which encourage rather than discourage petitions, and should set a lower threshold for petitions on local rather than authority-wide matters. The draft scheme attached to this report follows the proposed thresholds set out in the DCLG model.

The thresholds set out in the draft scheme can of course be reviewed after a period of activity. If, for example, no debates are triggered within the first year of implementation,

the DCLG guidance suggests that the thresholds be reviewed to see whether a lower threshold is locally achievable.

The Petition Scheme would only apply to petitions which relate to matters for which the Borough Council has responsibility or which it is able to influence.

What do we need to do ?

A draft Petition Scheme is attached at Appendix A, which has been based upon the Model Scheme produced by the DCLG. The key features of this Scheme are:

- (a) An appropriate officer needs to be designated as the Petitions Officer, to be responsible for recording all petitions received, responding to petition organisers, ensuring that petitions are reported to Council or to Cabinet Members as required, updating a Petitions Site on the Council's website, inviting petition organisers to attend meetings. It is suggested that this work is best handled by the Democratic Services Team, and the Central Services Director be designated as Petitions Officer for this purpose;
- (b) The Borough Council needs to decide the number of signatures required for petitions. It is suggested that there be a minimum threshold of 50 for ordinary petitions, and that 750 signatories be required for a petition to hold an officer to account and 1,500 signatories for a Petition for Debate. These figures can be revised at any time if they are found to act as a deterrent to petitions, or to encourage frivolous or vexatious petitions, and it is suggested that the Central Services Director be instructed to report annually on how the Petition Scheme is working.
- (c) The Borough Council needs to decide to whom Ordinary Petitions will be reported for decision. I have suggested that this would ordinarily be the relevant Cabinet Member, but that the Cabinet Member would be able to refer a petition to Cabinet if s/he felt that it raised wider issues or was outside the delegated powers of the Cabinet Member.
- (d) The Borough Council needs to decide who will be provided with copies of petitions. It is suggested that Group Leaders and Ward Councillors be provided with a copy of each petition within five working days of receipt, at the same time as it is put on the Petitions Site on the Council website.
- (e) The Borough Council will in practice need to set a maximum time to be allowed for discussion of petitions at any one meeting of Council or Cabinet. Whilst the 2009 Act does not provide for such a limit, the authority does need to ensure that it can continue to discharge its ordinary business effectively. Accordingly, it is suggested that a maximum of 15 minutes be allowed at any meeting, but that this can be extended by the Chairperson when appropriate. Where a decision is not reached at a meeting, it would stand referred to the relevant Cabinet Member to respond.
- (f) The Borough Council needs to commence the procurement of an On-Line Petition Facility, to be available from 15 December 2010. This work is currently in hand by Central Services Director in liaison with the Head of IT.

1.2 Legal Implications

- 1.2.1 These changes are required to comply with the Local Democracy, Economic Development and Construction Act 2009

1.3 Financial and Value for Money Considerations

- 1.3.1 The costs of dealing with petitions under the draft Petition Scheme, if adopted, cannot be ascertained in advance, as they will depend on the number of petitions received. Currently the majority of petitions received relate to statutory consultations, for example on planning applications, which will continue to be handled as at present. There is a small officer cost to the IT Department in setting up the petitions website.

1.4 Risk Assessment

Not applicable

1.5 Recommendations

It is recommended that –

- 1.5.1 The Cabinet approve the draft Petition Scheme, in respect of executive functions, and recommend to Council in respect of non-executive functions.
- 1.5.2 The Central Services Director be designated as the Petitions Officer and requested to report annually to Council on the operation of the Scheme.
- 1.5.3 The Central Services Director (as Monitoring Officer) be requested to incorporate the Petition Scheme in the Council's Constitution and make consequential amendments.
- 1.5.4 The Central Services Director and the Information Technology Manager be requested to undertake the procurement of an on-line petition facility, in accordance with the Council's Financial Regulations

Background papers:

Local Democracy, Economic Development and
Construction Act 2009
DCLG Guidance on Handling Petitions
Guidance prepared by Peter Keith-Lucas, Bevan Brittan
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