

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

13 October 2010

Report of Central Services Director

Part 1- Public

Matters for Recommendation to Council

1 PETITION SCHEMES

Summary

The purpose of this report is to update Members on the comparative information obtained from other Kent authorities on petition schemes, and the process to be followed upon receipt of a petition

1.1 Introduction

- 1.1.1 The Local Democracy, Economic Development and Construction Act 2009 requires every local authority to adopt 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.
- 1.1.2 On 16 June 2010 Cabinet recommended that a draft model scheme (attached at Appendix 1) be adopted on an interim basis (by Cabinet in respect of executive functions and the Council in respect of non-executive functions), and a further report be presented to the next meeting with comparative information on the schemes, including thresholds, adopted by other Kent authorities together with clarification of the process for dealing with petitions and making decisions arising from them.

1.2 Comparative petition schemes

- 1.2.1 Comparative data has been obtained from all other authorities in Kent and is attached at Appendix 2.
- 1.2.2 Members will note that the vast majority of Kent authorities have adopted, or intend to adopt, the model scheme created by Communities and Local Government (CLG), with or without modification. Since adoption of the interim scheme, the guidance produced by CLG (which included the model scheme) has been revoked. However, the requirement to adopt a petition scheme remains, and it is not proposed to revisit the adopted interim scheme in light of the revocation of the guidance.
- 1.2.3 The thresholds adopted by each authority are generally similar, with most authorities setting a figure of up to 1.5 % of the local population (based upon 2009 mid year population estimates) for triggering a full Council debate. The exceptions are Canterbury (2 %) and Dartford (3.2 %)

- 1.2.4 The maximum threshold which can be set for triggering a full Council debate is 5 per cent of the local population. In the case of Tonbridge and Malling, the figure set within the interim scheme is 1500, which equates to 1.3 per cent of the local population.
- 1.2.5 Having reviewed the comparative data from other Kent authorities, it is not considered that any changes are required to the thresholds within the adopted interim scheme.

1.3 Process for dealing with petitions

- 1.3.1 At the previous meeting of the Cabinet on 16 June 2010, Members requested further clarification on the process to be followed upon receipt of a petition.
- 1.3.2 In relation to 'Ordinary Petitions', my previous report suggested that these should be referred to the relevant Cabinet Member in the first instance. In accordance with the Executive Procedure Rules set out in the Constitution, any such decision taken will not have effect until a written report has been submitted to, and considered by, a meeting of an Advisory Board. This will therefore allow for consideration of all 'Ordinary' petitions by the Advisory Boards.
- 1.3.3 Petitions received in response to statutory consultations on planning and licensing applications will continue to be reported to the Area Planning Committees/ Licensing & Appeals Panel.

1.4 Update on e-petition facility

- 1.4.1 As Members will be aware consideration was being given to a number of IT systems that would facilitate acceptance of E-petitions. This review is now complete and the system that appears to best meet our needs is also the most cost effective. Swale Borough Council have undertaken their own in house development and we have been able to influence the design of the system. This will allow the submission of e-petitions with "signatures" validated through use of a valid e-mail address and verification process. There is no purchase cost for the system but we will need to fund 1 day set up costs (£600). There will be no ongoing maintenance charge and there will be free updates based on user feedback. The system will carry the "TMBC brand". This is a demonstration of the benefits of a shared service approach. A number of Kent District Councils will also be using this system.

1.5 Legal Implications

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

1.6 Financial and Value for Money Considerations

- 1.6.1 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.

1.7 Risk Assessment

Not applicable

1.7 Recommendations

It is recommended that –

- 1.7.1 The Cabinet approve the draft interim Petition Scheme, in respect of executive functions, and recommend to Council in respect of non-executive functions.

Background papers:

Local Democracy, Economic Development and
Construction Act 2009
DCLG Guidance on Handling Petitions

contact: Adrian Stanfield
Legal Services Partnership
Manager

Julie Beilby
Central Services Director