

**REPORT TO:** Cabinet  
**DATE:** 15<sup>th</sup> April 2010  
**SUBJECT:** Statutory Guidance on the Duty to Respond to Petitions  
**WARDS AFFECTED:** All  
**REPORT OF:** Assistant Chief Executive  
**CONTACT OFFICER:** Andrea Grant Ext 2030  
**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To inform the Cabinet of the new statutory guidance on the duty to respond to petitions and propose a timetable for implementation by the deadline of 15<sup>th</sup> June 2010.

**REASON WHY DECISION REQUIRED:**

To enable a petitions scheme to be implemented by the statutory deadline of 15<sup>th</sup> June 2010.

**RECOMMENDATION(S):** That

- (1) the new statutory duty to respond to petitions be noted;
- (2) the Chief Executive, in consultation with the political group leaders, be authorised to submit a petitions scheme to the Council meeting on 13<sup>th</sup> May 2010 for implementation by 15<sup>th</sup> June 2010;
- (3) consequential amendments to the Council's Constitution be submitted to the Council meeting on 13<sup>th</sup> May 2010 for consideration; and
- (4) a further report on the implementation of e-petitions by 15<sup>th</sup> December 2010 be brought to a future meeting of the Cabinet.

**KEY DECISION:** Yes

**FORWARD PLAN:** No - Rule 15 Form submitted to the Chair of O&S (Performance and Corporate Services)

**IMPLEMENTATION DATE:** Following the expiry of the call-in period following the publication of the minutes of the meeting.

**ALTERNATIVE OPTIONS:**

None

**IMPLICATIONS:****Budget/Policy Framework:**

None arising from this recommendations within this report although the Petitions Scheme to be proposed to Council will be an amendment to the Constitution

**Financial:** It is expected that the national cost to the public sector of responding to local petitions will be approximately £4.7 million per year, decreasing over time. These costs arise from increased work for council officers, time at council meetings and overview and scrutiny committees, and set up costs for e-petitions. Local authorities will each receive a grant for 2010/11. This amount will vary by local authority dependent on the local population. It is expected that funding for future years will be incorporated into the revenue support grant.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2009/ 2010 £</b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

**Legal:**

This is a new statutory duty.

**Risk Assessment:**

There is a risk of a legal challenge if a scheme is not in place by the statutory deadline

**Asset Management:**

None arising from this report.

**CONSULTATION UNDERTAKEN/VIEWS**

**CORPORATE OBJECTIVE MONITORING:**

<b><u>Corporate Objective</u></b>		<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability		√	
6	Creating Inclusive Communities	√		
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People		√	

**LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT**

Chapter 2 of Part 1 of The Local Democracy, Economic Development and Construction Act 2009  
The Local Authorities (Petitions) (England) Order 2010  
The Local Authorities (Petitions) (England) Order 2010 (Explanatory Memorandum)  
The Local Democracy, Economic Development and Construction Act 2009 (Commencement No. 3)  
Order 2010

## **1.0 BACKGROUND:**

- 1.1 Sections 10 to 22 of The Local Democracy, Economic Development and Construction Act 2009 include requirements for every principal local authority in respect of petitions.
- 1.2 A consultation exercise on the draft guidance relating to petitions was completed on 24<sup>th</sup> February 2010 and on Tuesday 30<sup>th</sup> March 2010, the Government published statutory guidance (attached as Appendix 1) and a commencement order for the petitions scheme. This requires the Council to have a petitions scheme (in line with the statutory guidance) in place by 15<sup>th</sup> June 2010. The implementation of e-petitions has been delayed to 15<sup>th</sup> December 2010.
- 1.3 The main statutory requirements that will relate to the Council are as follows –
  - i) To have an on-line petition facility which allows anyone to set up a petition on the Council's system, and allows anyone to 'sign' the petition on-line by 15<sup>th</sup> December 2010.
  - ii) To adopt a petition scheme (by 15<sup>th</sup> June 2010) which sets out how the Council will acknowledge receipt of petitions and advise the petition organiser how the petition will be dealt with. The Act requires that the petition scheme define three categories of petition, and set a minimum number of signatures for each type of petition.
- 1.3 For 'ordinary petitions', the guidance is that the Council should treat as a petition anything which identifies itself as a petition, or which a reasonable person would regard as a petition. Standing Order 11.2 will therefore require amendment to reflect this revised definition.
- 1.4 'Petitions requiring Debate' must be reported to full Council for debate, and the Council will be able to set a higher number of signatures as the threshold for this type of petition. It should be noted that currently the guidance states that the threshold must be no higher than 5% of the local population, although the Government expects that in most cases the threshold should be much lower. According to the most recent population estimates, 5% of Sefton's population is 13,755. It is also recommended that the petition scheme be reviewed after 12 months and the threshold be reviewed if no debates have been triggered.
- 1.5 'Petitions to hold an officer to account' must name a senior officer and will trigger an open meeting of an appropriate Overview and Scrutiny Committee at which the officer may be questioned by the Committee in relation to his or her actions on a particular matter. The Council will be able to set a different threshold number of signatures for this type of petition, although again, a low threshold is recommended. The names and job titles of officers to which this will apply must be contained with the petition scheme.

- 1.6 To fall in with the requirements of the scheme, the petition must relate to a function of the authority or, to 'an improvement in the economic, social or environmental well-being of the authority's area to which any of the authority's partner authorities could contribute'. The Act provides that a petition may be signed by anyone who lives, works or studies in the authority's area.
- 1.7 The Council will be able to reject petitions that are considered to be vexatious, abusive or otherwise inappropriate.
- 1.8 The new petition scheme does not apply to petitions relating to planning decisions and licensing decisions are also specifically excluded.
- 1.9 Where the petition organiser is not satisfied by the actions taken by the authority in response to a petition, the petition scheme must give a right of appeal to a relevant Overview and Scrutiny Committee. That Committee will then be able to review the decision and action taken by way of a response and make appropriate recommendations.

## **2.0 Timetable for implementation**

- 2.1 The timetable for implementation is problematic due to the forthcoming local elections and the need for the petitions scheme to be approved by the Council prior to inclusion in the Council's Constitution. In line with the calendar of meetings approved at the last Council meeting, this would need to be approved at the meeting of the Council scheduled for 13<sup>th</sup> May 2010.
- 2.2 Decisions need to be made regarding the number of signatures required to trigger a full Council debate and the holding of a senior officer to account.
- 2.3 It is therefore proposed that a draft scheme be produced and considered by the political group leaders following the local elections. A complete scheme will then be forwarded to the Council meeting on 13<sup>th</sup> May 2010 for consideration.

## **3.0 Sefton's current arrangements**

- 3.1 The Council already has a long established process for dealing with petitions. Area Committees hear and consider petitions relating to matters within their purview (with the exception of specific planning or licensing matters which follow the procedures set out in the Council and Committee procedure rules).
- 3.2 In addition, Members of the public may attend meetings of the Council to present petitions, including making a brief (5 minute) statement as to the content of their petition. Councillors may also present a petition on behalf of residents on matters affecting their ward. The rules governing petitions at the moment are set out below:

- Persons intending to present a petition are required to notify the Legal Director by 12 noon on the day before the Council Meeting.
- Petitions need to be signed by at least 25 people, who are residents of the Borough.
- Petitions must be relevant to the discharge of the Council's functions.
- Petitions should not refer to individual officers of the Council by name.
- Petitions are referred, without debate, to the appropriate Cabinet Member or Committee.
- The Mayor, in consultation with the Legal Director, has the power to determine that a petition is out of order, where it does not comply with the above procedures.

3.3 There will need to be consequential amendments to the Constitution to ensure that the arrangements for petitions meet the requirements of the new scheme. It is proposed that these amendments be collated and forwarded to the Council on 13<sup>th</sup> May 2010 for consideration.