

# Council

## Petitions and E-Petitions

19 July 2010

### Report of Head of Legal and Democratic Services

#### PURPOSE OF REPORT

The Local Democracy, Economic Development and Construction Act 2009 introduced a duty to respond to petitions and the requirement to provide a facility for the electronic submission of petitions on the Council website. This report is the first of two reports to enable the Council to implement this legislation.

This report is public
-----------------------

#### Recommendations

---

Council is recommended:

- (1) That the Petition Scheme set out at Appendix 1 as recommended by the Executive be approved,
- (2) That the constitutional amendments as set out at Appendix 2 be agreed.
- (3) That Council receive a further report on e-petitions in October.

#### Executive Summary

---

##### Introduction

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 introduced a duty to respond to petitions and the requirement to provide a facility for the electronic submission of petitions on the Council website.
- 1.2 The Department for Communities and Local Government consulted on the proposal in the 2009 Act between December 2009 and February 2010. Cherwell District Council fed comments into the Association of Democratic Services Officers response. A number of concerns relating to: definition of a petition, role of O&S and referral route of petitions were raised in the consultation responses. Most of these concerns have been addressed in the guidance and model scheme.

## **Proposals**

- 1.3 The Local Authorities (Petitions) (England) Order 2010 brings the petition element of the act into force on 15 June 2010. The e-petitions element will come in to force on 15 December 2010. The council's committee management system, modern.gov has an e-petition module and has been used successfully by Councils such as Lambeth and Brighton and Hove. This module is included as part of the system and therefore can be rolled out at no additional cost. However some work will be required in testing the system and ensuring staff are trained on its operation.
- 1.4 The act requires Council to have a scheme for dealing with petitions. The scheme:
  - Must be approved by full council before it comes into force
  - Must be published on the council website and publicised by other appropriate means to bring to the attention of those who live, study or work in the area
  - Can be revised but approved and publicised as detailed above
- 1.5 The Department of Communities and Local Government has produced a model scheme, which has been adapted for Cherwell and is set out at Appendix 1 and following consideration by the Executive will be forwarded to July Council to enable the constitution to be amended. The proposed scheme, which follows the proposed national model scheme deals with paper based petitions and it is intended that following development of the e-petition software a revised scheme (including the electronic facility) will be brought to the Executive and Council in October for implementation in December 2010.

Petitions may be submitted regarding any matter which relates to an improvement in the economic, social or environmental well-being of the authority's area and/or to which any of its partner authorities could contribute. However the following issues are excluded and outside the scope of petitions under this legislation:

- Matters under other enactments e.g. petitions requesting an elected Mayor
- Any matter relating to a planning decision, including about a development plan document or the community infrastructure levy
- Any matter relating to an alcohol, gambling or sex establishment licensing decision,
- Any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment

## **Thresholds**

- 1.6 The model scheme suggests a threshold of 1500 signatories to trigger a debate at full council and 750 signatories to call for evidence from a senior officer. It is recommended that these thresholds are adopted at this time and that the Executive may request this to be reviewed after the scheme has been in operation.

## **Administration of the Scheme**

- 1.7 Due to their link to the democratic process it is recommended that petitions be administered by Democratic Services, with the Monitoring Officer giving final decision on whether a petition is valid and which committee it should be referred to if it is under the threshold for full council debate.
- 1.8 Democratic Services will be responsible for petition acknowledgement, regardless of whether a petition is received by a member, committee or officer and with the Monitoring Officer dealing with petitions if they are considered vexatious. Democratic Services will also co-ordinate a response with other departments where necessary for example if the petition needs to be referred to another body such as Oxfordshire County Council or the PCT.

## **Consultation**

- 1.9 The Executive considered this report at their meeting on 7 June 2010, a number of observations were made and where possible these have been included in the report., additionally officers were asked to begin testing and developing the e-petitions software.

## **Conclusion**

- 1.9 It is a legal requirement for the council to adopt a scheme for dealing with petitions. Through adoption of the recommendations set out in this report and the scheme set out at Appendix 1 the council will meet this requirement and be well placed to meet the requirements regarding e-petitions when they are implemented in December 2010.

## **Key Issues for Consideration/Reasons for Decision and Options**

---

The following options have been identified. The approach in the recommendations is believed to be the best way forward

<b>Option One</b>	To agree the recommendations
<b>Option Two</b>	Not to agree the recommendations
<b>Option Three</b>	To amend the recommendations

## **Consultations**

---

<b>Executive</b>	Comments have been included in the guidance.
------------------	--

## Implications

---

**Financial:** There are no direct financial implications arising from the report, as the e-petitions module is included as part of the committee management system which the council has purchased.

Comments checked by Denise Westlake, Service Accountant 01295 221982

**Legal:** It is a legal requirement to agree a process for petitions by 15 June 2010 and for this process to be approved by full Council. The recommendations in this report and the attached protocol meet these requirements.

Comments checked by Liz Howlett, Head of Legal and Democratic Services 01295 221686

**Risk Management:** The adoption of a procedure for petitions is a legal requirement and this report mitigates that risk.

Comments checked by Rosemary Watts, Risk and Insurance Manager 01295 221566

## Wards Affected

---

All

## Corporate Plan Themes

---

An accessible value for money council

## Executive Portfolio

---

Councillor Barry Wood  
Leader of the Council and Portfolio holder for Policy, Community Planning and Community Development

## Document Information

---

Appendix No	Title
Appendix 1	Petitions Scheme
Appendix 2	Constitutional Amendment
<b>Background Papers</b>	
None	
<b>Report Author</b>	James Doble, Democratic, Scrutiny and Elections Manager
<b>Contact Information</b>	01295 221587 james.doble@Cherwell-dc.gov.uk