

meeting COUNTY COUNCIL

date 9 December 2010

agenda item number **13**

## REPORT OF THE CHIEF EXECUTIVE

### PETITIONS SCHEME

#### Purpose of the Report

1. For Council to consider amendments to the existing Petitions Scheme (the Scheme).

#### Information and Advice

2. On 22 July 2010 Council adopted the Scheme to comply with the requirements of new legislation (the Local Democracy, Economic Development and Construction Act 2009), including statutory guidance.
3. The legislation requires the Council to provide a facility for people to make e-petitions. This requirement comes into effect on 15 December 2010, and the Scheme should now be amended to reflect this. Local authorities are to be paid for this new responsibility through the area based grants process.
4. The Scheme can be amended at any time providing any changes are approved by Full Council and publicised appropriately.
5. The proposed additions in relation to e-petitions are included in the **Appendix** to this report. In order to meet the deadline for implementation, Cabinet has already approved the procurement of an e-petitions system.
6. On 24 September 2010 the Chief Executive received a letter from the Department for Communities and Local Government (DCLG) advising of the withdrawal of the statutory guidance on petitions, including the model petitions scheme. This means that authorities now have more discretion to decide locally how to approach petitions. The guidance was considered rather prescriptive and there were concerns that it would place onerous obligations on authorities.

7. It is not considered necessary to substantially amend the Council's Scheme at this time; Overview Committee completed a review before the Scheme was adopted in July, and the process has been running smoothly. However the following amendments are proposed and have been incorporated into the draft Scheme in the **Appendix**:
  - a. The Scheme includes a list of the various courses of action an authority can take in responding to a petition, in line with the model scheme. It is proposed to amend this list in accordance with the statutory requirements. The list is not exhaustive and Council has discretion to take alternative courses of action if required.
  - b. Currently a Full Council debate will be triggered if a petition contains more than 5,000 signatures (approximately 1% of the electorate). The legislation allows for this figure to be increased to 5% of the population of Nottinghamshire and it is proposed to amend the Scheme accordingly. This will be kept under review and if issues arise with this figure a further report will be brought to Council.
8. In addition, it is proposed to make specific provision in respect of the following in order to clarify process and ensure consistency, and the draft Scheme in the **Appendix** has been updated accordingly:
  - a. Petitions relating to the annual budget consultation will not be considered under the Scheme but will be reported to County Council as part of the budget consultation process
  - b. The Vice Chairman of the Council may present a petition if the subject matter affects the whole of the County or more than one ward. Petitions are normally presented by the County Councillor for the ward affected
9. The Council's Constitution currently states that any Member may present a petition to the Chairman of the Council on any matter affecting the inhabitants of his/her electoral division and in relation to which the County Council has powers or duties. It is proposed to provide clarity by re-wording as follows; "any Member may present a petition to the Chairman of the Council on any matter affecting their electoral division and in relation to which the County Council has powers or duties. If a petition relates to more than one electoral division it may be presented by the County Council's Vice Chairman."

### **Statutory and Policy Implications**

10. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder and those using the service and where such implications are material they have been described in the text of the report.

## **RECOMMENDATIONS**

11. That the Petition Scheme is amended in accordance with the **Appendix** to the report.
12. That the Council's Constitution is amended in accordance with paragraph 9 of the report.

**MICK BURROWS  
CHIEF EXECUTIVE**

### **Comments of the Service Director – Finance**

There are no specific financial implications arising from the report.  
(MB 01/12/10)

### **Legal Services Comments**

The decision falls within the authority of the County Council (SG 30/11/2010).

### **Background Papers Available for Inspection**

County Council report of 22 July 2010

DCLG letter dated 24 September 2010

Cabinet report of 3 November 2010

### **Electoral Division(s) and Member(s) Affected**

All