

# Report



meeting COUNTY COUNCIL

date 22 July 2010

agenda item number **8**

## Report of

## Petitions Scheme

### Purpose of the report

- 1 This paper presents a scheme for Petitions for consideration by Council.

### Background

- 2 The County Council's Overview and Scrutiny Committees undertake reviews on issues that are of concern to Members. Each review reports its findings and can make recommendations for improvement.
- 3 The Overview Committee has recently completed a review of Petitions. The Review considered possible improvements to how petitions are received by the County Council and recent changes in legislation.

### Information

- 4 Nottinghamshire County Council regularly receives petitions from members of the public. In the last municipal year 44 petitions were presented at meetings of the County Council.
- 5 The process for presenting petitions - and responding to them - has evolved over recent years. Members now have allocated time to present petitions to the Council and responses to petitions are also usually reported to the next meeting of the County Council.
- 6 This process is set out in the County Council's constitution:

*“At any ordinary meeting of the Council 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. At the request or with the consent of another Member, a Member may also present a petition on that other Member's behalf in the event that that Member is unable to be present at the meeting. The Member presenting the petition can introduce and*

*Speak to the petition for up to one minute. Any such petition shall be referred without debate to the appropriate Cabinet Member for consideration. A report back to Council on the outcome of that consideration will be made at the next Council meeting following the presentation of petition. The Member presenting the petition, or the Member on whose behalf it was presented, will be informed of the outcome of the consideration earlier if possible."*

- 7 Following the publication of good practice nationally the Overview Committee agreed to review the current practice of the County Council to see if any further improvements could be made.
- 8 The Review agreed to also consider what actions the County Council might need to take to implement a new statutory duty to respond to petitions if provisions within The Local Democracy, Economic Development and Construction Act 2009 for such a duty came into effect.

### **Issues considered by the scrutiny review**

- 9 The scrutiny review considered a number of issues during the Review including those that might constitute part of a petitions scheme if The Local Democracy, Economic Development and Construction Act 2009 came into affect. Members considered the following issues:
- 10 **How should the County Council process and respond to petitions?** Members considered that the current approach of petitions being presented to Council should continue.
- 11 **What is the role for elected Members?** The Review recognised the importance of Members being able to champion issues of local concern put forward through petitions.
  - Experiences from the current process included Members being asked to present a petition with no advance notice. The Review proposes that petitioners should provide the local Member with the petition two days before a Council meeting so that they have the opportunity to raise the issues in advance as appropriate.
  - Members suggested that rather than increase the current one minute available to present a petition at a meeting of the County Council, local Members should have the opportunity to meet with decision makers after the Council meeting to champion the concerns set out in the petition - before an appropriate response is determined.
  - The Review suggested that where appropriate the response to a petition where the requested action could not be taken could be referred to a meeting of local Members such as the Members' Forums to provide Members an opportunity to consider alternative ways to resolve the issue.
- 12 **What should be the threshold for a petition?** Members considered that to make petitions available as widely as possible to all of the

communities of Nottinghamshire that only two signatures from two different households should be required – to distinguish it from a complaint.

- 13 **What should be the threshold for a petition to trigger a debate in full council?** The Review did not see significant merit in a petition triggering a debate in Council as with limited exception most petitions were already presented to Council. Members considered that should the statutory requirement for petitions to trigger debates in Council be implemented that the threshold should be 5,000 signatures – approximately 1% of the electorate.
- 14 **What should be the threshold for a petition to trigger a senior officer to attend a scrutiny meeting?** The Review considered that should the statutory requirement for petitions to trigger senior officers attending scrutiny committees be implemented that the threshold should be 2,500 signatures – approximately 0.5% of the electorate. The Review noted that petitions could also involve requests for senior officers from the County Council's partners being invited to provide evidence to Overview and Scrutiny Committees.
- 15 **Should the County Council make e-petitions available?** Members considered whether the County Council should make e-petitions available through the County Council website. It was suggested that officers should be requested to explore the possibilities of procuring a system (possibly with other local authorities) and that Members should be consulted on the specification in particular the safeguards to prevent any possible system from being abused.

### **Duty to respond to Petitions - The Local Democracy, Economic Development and Construction Act 2009**

- 16 The Local Democracy, Economic Development and Construction Act 2009 requires all principal local authorities in England to establish a scheme for handling petitions made to the authority.
- 17 The Act states that the Scheme:
- must be approved by a meeting of the full council before it comes into force
  - must be published on the principal local authority's website and by any other method appropriate for bringing it to the attention of those who live, work or study in its area
  - can be revised at any time but the revised scheme must be approved and publicised as detailed above
- 18 Whilst the scrutiny review was being undertaken Communities and Local Government (CLG) confirmed the commencement of this Act. The statutory requirements of the Act take effect from 16 June 2010. A further requirement to provide a system for electronic petitions takes effect on 16 December 2010.

- 19 A draft scheme was developed during the scrutiny review and is attached as an appendix to this report. The draft scheme takes into account the suggestions put forward by Members as part of this work.

### **Legal Services Comments**

- 20 It is appropriate for County Council to consider the content of this report. The Local Democracy, Economic Development and Construction Act 2009 requires an authority's Petition Scheme to be approved by a meeting of Full Council. Article 4 of the Council's Constitution states that only Full Council can approve changes to the Constitution. (08/07/2010 SLB).

### **Financial Comments**

- 21 There are no specific financial implications arising from the proposals outlined in the report. (5/07/10 MB)

### **Recommendation**

- 22 It is recommended that:
- i. Council approves the Petitions Scheme
  - ii. That the monitoring officer be authorised to amend the constitution as appropriate to reflect the adoption of the scheme.

### **Background Papers:**

The Local Democracy, Economic Development and Construction Act 2009

### **Electoral Divisions affected:**

all.

## Appendix 1 – Requirements for Petitions Schemes

The 2009 Act requires petition schemes to meet some minimum standards. Beyond this small number of requirements local authorities have a degree of flexibility as to how they approach the duty – leaving scope for local determination.

The requirements are:

- anyone who lives, works or studies in the local authority area, including under 18's, can sign or organise a petition and trigger a response
- a facility for making electronic petitions is provided by the local authority
- petitions must be acknowledged within a time period specified by the local authority
- among the many possible steps that the principal local authority may choose to take in response to a petition, the following steps must be included in the scheme:
  - taking the action requested in the petition
  - considering the petition at a meeting of the authority
  - holding an inquiry
  - holding a public meeting
  - commissioning research
  - a written response to the petition organiser setting out the authority's views on the request in the petition
  - referring the petition to an overview and scrutiny committee
- Petitions with a significant level of support trigger a debate of the full council. Councils will determine this threshold locally but it must be no higher than 5 per cent of the local population
- Petitions with a requisite level of support, set by the local authority, trigger a senior local government officer to give evidence at a meeting of the authority's overview and scrutiny committee
- Petition organisers can prompt a review of the local authority's response if the response is felt to be inadequate