

Open Report on behalf of Chief Executive Tony McArdle

Report to:	County Council
Date:	18 June 2010
Subject:	Petitions Scheme

Summary:

This report seeks Council's approval for a Petitions Scheme, which is a requirement of the Local Democracy, Economic Development and Construction Act 2009.

Recommendation(s):

- 1) That the Council determines the number of signatures required on a petition to trigger a debate at Council and the number of signatures required for a senior officer to attend and give evidence at a meeting of the relevant Overview and Scrutiny Committee.
- 2) That, subject to (1) above, the Council approves the draft Petitions Scheme attached as Appendix A to this report.
- 3) That, subject to (1) and (2) above, the Council approves the following amendments to the Council's Constitution
 - a) that the existing Petitions Protocol in Part 5 Section D6 of the Council's Constitution is replaced in its entirety by the Petitions Scheme attached as Appendix A to this report; and
 - b) paragraph 2.01(f) of Article 2 is deleted and replaced with the following wording:
"Members of the public have the right to petition the Council. The Petitions Scheme at Part 5 of this Constitution shall apply to petitions presented to the Council."

1. Background

1.1 The Local Democracy, Economic Development and Construction Act 2009 introduces a requirement for all local authorities to manage petitions, including a duty to respond to petitions.

1.2 Petitions are an important part of the democratic process and one way in which the views of local people can be heard, therefore informing decision-makers as they develop or manage the Council's strategies and policies.

1.3 Lincolnshire County Council has always recognised the importance of petitions and has existing procedures in place to respond to all petitions received and to provide the opportunity for the lead petitioner to address a meeting of the County Council (Part 5 of the Council's Constitution refers). The new requirements introduced by sections 10 - 22 of the Local Democracy, Economic Development and Construction Act 2009 will allow the Council to develop further the way in which it deals with petitions. Accompanying the new legislation is a model scheme which local authorities can choose to adopt or adapt. This model scheme is attached at Appendix A to this report and has been adapted to include this Council's details and incorporate the Council's existing petitions protocol.

1.4 The 2009 Act requires all local authorities to establish a scheme for handling petitions. There are number of minimum requirements that the legislation sets out but beyond this each authority has considerable discretion as to how it can best serve its local communities. The legislation also requires the Council to develop an e-petitioning facility which will follow the same principles as the main scheme outlined in this report. From December 2010, the Council will be required to provide on its website facilities for the design and hosting of a petition and the collection of signatures, or in the case of e-petitions, a valid e-mail address.

1.5 According to the legislation, the Petition Scheme:

- must be approved by a meeting of the full council before it comes into force;
- must be published on the 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; and
- the authority must comply with its petition scheme.

1.6 The 2009 Act requires petition schemes to meet some minimum standards in order to ensure minimum entitlements which all citizens can expect.

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 local authority may choose to take in response to a petition, the following steps must be included amongst the options listed 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 relevant overview and scrutiny committee.

- petition organisers can prompt a review of the local authority's response if the response is felt to be inadequate and this review will be undertaken by the relevant overview and scrutiny committee.

1.7 One of the key issues to be determined prior to the introduction of the scheme is how many signatures a petition will require to trigger either a debate at a meeting of the County Council or for a senior council officer to give evidence at a meeting of the relevant overview and scrutiny committee.

1.8 The model scheme published by the Department for Communities and Local Government bases its calculations on a local population of 150,000 and suggests that signatures equivalent to 1% of this population (1,500) would trigger a debate at a meeting of full council and that signatures from the equivalent of 0.5% of the population would require a specified senior officer to attend and provide evidence at a meeting of an overview and scrutiny committee. If Lincolnshire County Council was to follow this example then based on a current population estimated at 695,600 (Office of National Statistics mid 2008), 6,956 signatures would be required for a County Council debate and 3,478 signatures (0.5%) for the overview and scrutiny meeting.

1.9 The Overview and Scrutiny Management Committee considered this issue at its meeting on 27 May 2010 and its recommendations are contained in paragraph 5c below.

1.10 Other local authorities are also preparing for this new responsibility and the table provides details of the possible thresholds that a sample of other councils are considering and how these thresholds relate to the overall population of those authorities.

Name of Council	Signatures required for a Full Council Debate (% of population)	Signatures required for a senior officer to attend O & S (% of population)	Population estimate (mid-2008 ONS*)
Cumbria CC	3,000 (0.6%)	1,500 (0.3%)	495,900
Derbyshire CC	15,000 (2.0%)	7,500 (1.0%)	758,100
Leicestershire CC	10,000 (1.6%)	2,000 (0.3%)	641,500
Norfolk CC	5,000 (0.6%)	2,500 (0.3%)	847,300
Northamptonshire CC	15,750 (2.3%)	2,000 (0.3%)	679,200
Nottinghamshire CC	5,000 (0.6%)	2,500 (0.3%)	773,300

*ONS – Office for National Statistics, latest figures released 13 May 2010.

1.11 During the last year four petitions have been presented to a meeting of the County Council and 21 petitions have been submitted to the Planning and Regulation Committee. When considering trigger point levels for the County Council it is not only relevant to consider the current level of petitions received but also the potential for an increase in petitions going forward as a result of the introduction of new e-petitioning facilities.

2. Conclusion

The Council is required to have a petitions scheme in place. Councillors are invited to determine the number of signatures that would trigger a debate at Council and the number of signatures that would require a senior officer to attend and provide evidence at a relevant Overview and Scrutiny Committee before approving the scheme attached at Appendix A.

3. Legal Comments:

The Council is required to have a petitions scheme in place and such scheme must be approved by full Council. The Petitions Scheme proposed at Appendix A is based on the model scheme and accords with statutory requirements.

4. Resources Comments:

The recommendation does not itself have significant financial implications. There may be minor incidental expenditure which will be met within existing budgets.

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The Overview and Scrutiny Committee considered a report on the Petitions Scheme at its meeting on 27 May 2010 and recommended approval of the draft scheme.

In terms of the threshold levels the Committee recommended that 3,500 signatures be required in order for a petition to be debated at a meeting of the County Council and 1,750 signatures be required in order for a senior officer to be required to attend and give evidence at a meeting of the relevant Overview and Scrutiny Committee.

The Committee also recommended that a review be undertaken in 12 months time to consider the impact of these new responsibilities and consider whether a review of the threshold levels was required.

d) Policy Proofing Conclusions

This proposal could increase involvement in local decision making.

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Draft Petitions Scheme

7. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Petitions Scheme report to Overview and Scrutiny Management Committee 27 May 2010.	Democratic Services.

This report was written by Nigel West, who can be contacted on 01522 552840 or nigel.west@lincolnshire.gov.uk.