
REVIEW OF THE PETITIONS SCHEME

To: **Constitutional Review Working Party – 7 March 2013**

By: **Democratic Services Manager**

Classification: **Unrestricted**

Ward: **All Wards**

Summary: **To consider amendments to the Council's petition scheme at the request of the Overview and Scrutiny Panel.**

For Decision

1.0 Introduction and Background

- 1.1 The Council has a petition scheme that allows members of the public to submit petitions to the Council on issues that affect the District. The scheme was last reviewed and amended in April 2012, as a result of the repeal, via the Localism Act 2011, of Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act 2009 (petitions to local authorities).
- 1.2 The Overview and Scrutiny Committee discussed a call-in of a Cabinet decision at its meeting of 12 February 2013 and as part of that discussion made a number of recommendations regarding possible changes to the petition scheme.

2.0 Suggested changes to the petition scheme from the Overview and Scrutiny Panel

- 2.1 The Overview and Scrutiny Panel made the following recommendations to the Constitutional Review Working Party at their meeting of 12 February 2013:
1. That the TDC Petition Scheme be reviewed to reflect that when a second petition is rejected on the basis that it is generally similar to the valid one accepted within twelve months of receipt of the petitions, then the Council should be made aware of the second petition;
 2. That Ward Councillor(s) should be informed of all petitions that directly affect their ward once they have been received by Council, regardless of whether they were valid or not.
- 2.2 The current petition scheme sets out that if a petition is received that is substantially the same as a petition that has been received in the previous twelve months that petition will be rejected after consultation with the Leader and Chairman of the Council and then reported to the next meeting of the Overview and Scrutiny Panel.
- 2.3 A petition was received by Democratic Services requesting a dog ban on Dumpton Gap beach. Democratic Services then received another petition that was virtually the same as the previous petition within two weeks of the original. This second petition was then rejected due to it being virtually the same as the first. However at the time the second petition was rejected, the first petition had yet to be discussed by Council

as is usual procedure for a petition receiving over 25 signatories. It was the view of the Overview and Scrutiny Panel that this disadvantaged those who had signed the second petition, as their opinions had not been heard.

- 2.4 It was also the view of the Panel that this disadvantaged Council when receiving the petition, because it was unaware that two separate petitions had raised very similar issues, and was thus unaware of the “total” support for what was a live petition before them.
- 2.5 In addition the Overview and Scrutiny Panel also felt that Ward Councillors should always be informed whenever a petition is received that directly affects their ward.
- 2.6 It would be a simple change to make to the petition scheme to specifically instruct Democratic Services to mention, when reporting to Council, whether any other petitions had been received on the same subject even if they had been rejected. It is however, worth noting that it would not be possible to add the number of signatures on a rejected petition to the original petition, in order to reach a different total to give a flavour of the total support.
- 2.7 This is for a number of reasons, including; it would be intensively resource intensive to cross check the signatures on the two petitions to ensure that people have not signed both petitions. Also, although petitions can be very similar indeed in their wording, they can also be subtly different, and it would be wrong of the Council to assume that all those who signed one petition would necessarily have signed the other.
- 2.8 It is also a simple change to inform Ward Councillors of petitions received that directly affect their ward. However this raises a number of further questions on how this should be done. Firstly, many petitions that the Council receives are not ward specific and affect a number of wards or even the whole of the Thanet District. It may this be simpler if the Working Party were to suggest that Democratic Services informs all Councillors of petitions received, whether Ward specific or not.
- 2.9 Democratic Services also receive Epetitions, these are electronic requests for petitions that are sent in by members of the public and if they meet the criteria as set out in the petitions scheme are then placed on the Councils website for members of the public to “sign”. The Working Party could recommend that Democratic Services inform Ward Councillors when an Epetition is received, even where there is no guarantee that it will achieve the number of signatures needed in order to reach one of the thresholds as set out in the petitions scheme to render it a valid petition.
- 2.10 Alternatively the Working Party could recommend that Democratic Services inform Ward Councillors of an Epetition once it has been on the Council’s website and has closed for signatures, even before it is formally submitted to Council, and before it is assessed as to whether it meets any of the thresholds.

3.0 Options

- 3.1 The Working Party may choose to make recommendations to the Standards Committee regarding amending the petition scheme as outlined within the report, or not do so, as it sees fit.

4.0 Next Steps

4.1 The Standards Committee will consider any recommendations from the Constitutional Review Working Party on 27 March 2013. The Standards Committee will then make recommendations to Council on 18 April 2013.

5.0 Corporate Implications

5.1 Financial and VAT

5.1.1 There would be no financial implications as a result of the options outlined in the report.

5.2 Legal

5.2.1 Since the repeal of Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act 2009 (petitions to local authorities) via the Localism Act 2011, the Council is no longer required to have a petition scheme, however it was agreed at the Council meeting of 19 April 2012 to continue to maintain a scheme.

5.3 Corporate

5.3.1 The Petitions policy helps the Council to promote community involvement.

5.4 Equity and Equalities

5.4.1 None Apparent

6.0 Recommendation(s)

6.1 The Working Party's instructions are sought as to whether to make any changes to the Council's petition scheme.

7.0 Decision Making Process

7.1 This is a non-key decision to go to Council via the Standards Committee.

Future Meeting: Standards Committee: Council	Date: 27 March 2013 18 April 2013
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Contact Officer:	Nicholas Hughes, Democratic Services Manager
Reporting to:	Glenn Back, Democratic Services and Scrutiny Manager

Annex List

Annex	None
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Background Papers

Title	Details of where to access copy
<i>None</i>	

Corporate Consultation Undertaken

Finance	<i>N/A</i>
Legal	<i>Harvey Patterson, Corporate and Regulatory Services Manager</i>