
REVIEW OF THE PETITIONS SCHEME

To: **Council – 18 April 2013**

By: **Democratic Services Manager**

Classification: **Unrestricted**

Ward: **All Wards**

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

For Decision

1.0 Introduction and Background

- 1.1 The Council has a petitions 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.
- 1.3 The recommendations from the Overview and Scrutiny Panel were considered at a meeting of the Constitutional Review Working Party on 7 March 2013 and at Standards Committee on 3 April 2013.

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 amended so that when a second petition is rejected on the basis that it is generally similar to a previously valid one that has not yet been reported to Council, 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.

3.0 Potential Changes to the Petitions Scheme

- 3.1 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.

- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 It would be a simple change to amend 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.
- 3.6 This is for a number of reasons, including; it would be highly 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.
- 3.7 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 thus be simpler if the Committee were to suggest that Democratic Services informs all Councillors of petitions received, whether Ward specific or not.
- 3.8 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 Council’s website for members of the public to “sign”. Democratic Services could 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 in order for it to be considered at a Council meeting.
- 3.9 Alternatively Democratic Services could 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.

4.0 Consideration by the Constitutional Review Working Party and the Standards Committee

4.1 The Constitutional Review Working Party considered the recommendations from the Overview and Scrutiny Panel and made a series of recommendations to the Standards Committee.

4.2 The Standards Committee at its meeting on 3 April then reviewed the recommendations of the Constitutional Review Working Party and made the following recommendations to Council:

1. That the Petitions Scheme be amended so that when a second petition is rejected on the basis that it is generally similar to a previous valid one that has not yet been reported to Council, then the Council should be made aware of the second petition;
2. That Ward Councillor(s) should be informed of all petitions that reached a threshold that directly affect their ward once they have been received by Council, regardless of whether they were valid or not; in the case of petitions that relate to the whole district of Thanet, then all Members should be informed;
3. That Ward Councillors be informed of E-petitions only after the thresholds of signatures, as set out in the Petitions Scheme, have been reached.

4.3 In addition to the recommendations made above the Standards committee also recommended adding the words “, or counter to,” to paragraph 12.1 of the petitions scheme; this would have the effect that a second petition in support of, or opposed to, a first petition that has yet to be reported to Council, would be referred to in the report to Council.

4.4 This and the other changes that the Standards Committee has recommended have been reflected in an updated draft petition scheme; this is shown at Annex 1 to the report.

5.0 Options

5.1 Council may choose to endorse the recommendations made by the Standards Committee or amend those recommendations as it sees fit.

6.0 Next Steps

6.1 If Council agree the recommendations from the Standards Committee then they will be incorporated in to the Council’s constitution.

7.0 Corporate Implications

7.1 Financial and VAT

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

7.2 Legal

7.2.1 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.

7.3 Corporate

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

7.4 Equity and Equalities

7.4.1 None Apparent

8.0 Recommendation(s)

- 8.1
1. That Council notes the recommendations of the Standards Committee as per paragraphs 4.2 and 4.3 of this report.
 2. That Council amends the petition scheme as per Annex 1 to this report to reflect those recommendations.

9.0 Decision Making Process

9.1 This is a decision for Council to take.

Future Meeting: N/A	Date:
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Contact Officer:	Nicholas Hughes, Democratic Services Manager
Reporting to:	Glenn Back, Democratic Services and Scrutiny Manager

Annex List

Annex 1	Draft revised petitions scheme
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

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