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## REVIEW OF PETITIONS SCHEME

To: **Standards Committee – 21 November 2013**

Main Portfolio Area: **Business, Corporate and Regulatory Services**

By: **Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

Ward: **Not applicable**

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**Summary:** **To review the petitions scheme, particularly in so far as they relate to petitions requiring a debate at full council and repeat petitions**

### For Decision

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#### **1.0 Introduction and Background**

- 1.1 Two petitions relating to the Pleasurama site at Ramsgate were presented to Council at two consecutive ordinary meetings of Council; the first on 18 April 2013, and the second on 11 July 2013.
- 1.2 As each of those petitions contained over 1,000 signatures, it was, under the Council's current petitions scheme, required to be debated by the Council; the relevant sections of the scheme being as follows:

**Introduction to the Scheme** (*paragraph numbered 3*)

.....Petitions signed by 1,000 or more petitioners will be debated at a meeting of Council....

**1.6 Full Council debates**

If a petition contains more than 1000 signatures it will be debated by the Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend.....

Council will then decide how to respond to the petition at that meeting.

- 1.3 One of the reasons for rejecting a petition is if it is "substantially the same as one already received within the preceding twelve months". (Clause 1.0 of the petitions scheme refers). Although the two petitions referred to related to the same subject, namely, the Pleasurama site, Ramsgate, the requests were essentially different, in that the earlier petition called upon the Council to "Stop the freehold of the Pleasurama site being sold" and the later one, "... that under no circumstances will a

discretionary extension of the practical completion be given to SFP Ventures (UK) Ltd or any developer of Royal Sands before or after 22 May 2013...”.

- 1.4 Following presentation of the later petition by the petition organiser at the Council meeting on 11 July 2013, Council agreed refer to the petition to Cabinet; the relevant minute being as follows:

“It was proposed by Councillor Poole, seconded by the Leader, and RESOLVED that the petition be referred to Cabinet for determination”.

- 1.5 Under Clause 1.3 of the petitions scheme, referral to Cabinet of a petition is a one of the options that Council can decide upon:

### **1.3 How will the Council respond to petitions?**

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- Taking the action in the petition
- Considering the petition at a Committee meeting...

*[list continues]*

- Holding a debate at that full Council meeting.

- 1.6 When the motion, as set out at paragraph 1.5 above, had been proposed and seconded, no Councillor had indicated an intention to speak by way of debate. Thus, no debate had taken place.

- 1.7 Subsequent to the Council meeting on 11 July 2013, the petition organiser complained to the Democratic Services and Scrutiny Manager that the petition had not been debated by Council.

- 1.8 The relevant clause, 1.7 - “What can I do if I feel my petition has not been dealt with properly?” - was explained to the complainant.

- 1.9 The complainant subsequently requested that the matter be referred to the Overview and Scrutiny Panel on the following grounds:

I am puzzled as to why the Members can decide "not to debate" — an entitlement we had earned and assembled for on behalf of our petitioners.

- 1.10 The complaint was referred to the meeting of the Overview and Scrutiny Panel which was held on 20 August 2013.

- 1.11 During consideration of the issue at that meeting (*to quote from the relevant minute*) ...

“Some Members felt that Councillors could not be forced to debate an issue and the wording regarding debating of petitions in the Constitution required a small amount of rewording. Following some discussion the Chairman said the issue of possible repetition of questions/petitions needs to be considered.”

- 1.12 The Panel AGREED:

“to refer the re-wording the Constitution in relation to debating of petitions at Council to the Constitutional Review Working Party”.

## **2.0 The Current Situation**

- 2.1 Members will recall that in order to comply with the requirements of Chapter 2 of Part 1 (Petitions to local authorities) of the Local Democracy, Economic Development and Construction Act 2009 (LDED&C Act 2009), the Council agreed on 15 July 2010, as part of a new petitions scheme, that petitions containing at least 1,300 signatures would require debate at full council.
- 2.2 Members will also recall that Chapter 2 of Part 1 of the LDED&C Act 2009 was repealed by Chapter 10 of the Localism Act 2011. Following that repeal, Council reviewed its petitions scheme on 19 April 2012, and RESOLVED:

That the level of threshold automatically triggering full Council debate be reduced from 1,300 signatures to 1,000 signatures.
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- 2.3 A quick online research was carried out in relation to our neighbouring councils' petitions schemes and that of Kent County Council. The research focused on three key areas:
- 2.3.1 Did petitions containing a certain number of signatures still trigger full council debate?
- 2.3.2 Did the petitions scheme change following implementation of the Localism Act 2011, and, consequently, the repeal of the Chapter 2, Part 1, LDED&C Act 2009? and
- 2.3.3 Thirdly, were there any provisions in relation to repeat petitions?
- 2.4 A summary of the results, which includes Thanet's current position for comparison purposes, can be viewed at Annex 1.
- 2.5 In brief, Members will note:
- 2.5.1 That, with the exception of Shepway, debate is still mandatory where petitions contain signatures above a certain threshold;
- 2.5.2 That of the four remaining Councils, where debate is still mandatory, Thanet & Kent Councils altered the signature thresholds which trigger full council debate following implementation of the Localism Act – in both cases, reducing them – and Canterbury and Ashford Councils kept their signature thresholds as they were.
- 2.5.3 That two councils do not have any provisions regarding repeat petitions; and that the remaining three councils have provisions which, whilst being quite similarly worded, are subtly different. For example, Canterbury's provision that a petition received "within 6 months of another petition being considered by the authority on the same matter will not normally be considered", could be construed as precluding the second petition on the matter of Pleasurama Site, Ramsgate, as referred to above.
- 2.5.4 That Democratic Services have been advised by Dover Council that a review of its petitions scheme is imminent.

## **3.0 Consideration by the Constitutional Review Working Party**

- 3.1 When this report was considered by the Constitutional Review Working Party on 30 October 2013, the following points were raised in respect of petitions reaching the 1,000 signature threshold that requires a debate at a meeting of council

- 3.1.1 Although the two petitions referred to in the report related to the same issue, namely, Pleasurama site, Ramsgate, they were substantially dissimilar in that they referred to different aspects of the same issue. It was very unusual for more than one petition on the one subject to be received within two consecutive meetings of council
- 3.1.2 A petition relating to an issue for which the executive has responsibility must be referred to the executive, and if this is the case, it should be explained to the petition organiser that the council is unable to take a decision in relation to the petition request.
- 3.1.3 Where it is necessary to refer a petition to the executive, as at paragraph 3.1.2 above, it should be possible to refer it without debate, i.e., with the referral being merely proposed and seconded.
- 3.1.4 However, if a petition is referred to the executive without debate, the petition organiser should be given an opportunity to re-present the petition at the subsequent meeting of the executive at which the petition is considered.
- 3.1.5 Apart from that exception, the petitions scheme should remain as it is; i.e., petitions containing 1,000 or more signatures should continue to require to be debated by full council.
- 3.2 The Constitutional Review Working Party AGREED TO RECOMMEND to Standards Committee:
- 3.2.1 THAT a petition with 1,000 or more signatures relating to an executive function can be referred by council to the executive without debate.
- 3.2.2 THAT if a petition 1,000 or more signatures relating to an executive function is referred by council to the executive without debate, the person who presents the petition at the ordinary meeting of council should be afforded the opportunity to re-present the petition at the subsequent meeting of the executive at which the petition is considered.
- 3.2.3 THAT otherwise the petitions scheme remains as it is.
- 3.3 It was noted by the Constitutional Review Working Party that in order to allow a petitioner to re-present a petition at a meeting of the executive, the Cabinet Procedure Rules, as well as the petitions scheme, would need to be amended.
- 3.4 How the recommendations of the Constitutional Review Working Party, if adopted, would affect the Council's Petitions Scheme and the Cabinet Procedure Rules is shown at Annexes 2 and 3 respectively.
- 3.5 Democratic Services have also corrected a few clerical errors to the petitions scheme in order to make the threshold levels of signatures required consistent throughout, i.e.:

25 or more but fewer than 650 signatures
650 or more but fewer than 1,000 signatures
1,000 or more signatures

#### **4.0 Options**

- 4.1 Standards Committee may wish to recommend to Council that the Council's petitions scheme be changed in accordance with the recommendations of the Constitutional Review Working Party or in some other way.

4.2 Standards Committee may wish to recommend to Council that the petitions scheme be retained in its current form.

## **5.0 Corporate Implications**

### **5.1 Financial and VAT**

5.1.1 None arising directly from this report

### **5.2 Legal**

5.2.1 Following implementation of Chapter 10 of the Localism Act, there is no longer a requirement to provide that petitions containing signatures over a certain level will automatically trigger full council debate.

### **5.3 Corporate**

5.3.1 The Council's petitions scheme can be used to promote community involvement.

### **5.4 Equity and Equalities**

5.4.1 The petitions scheme is open for use by all people, and it is not considered that equality considerations need to be addressed in this report.

## **6.0 Recommendation**

6.1 That Standards Committee considers whether or not to recommend to Council that the Council's petitions scheme be amended in accordance with the recommendations of the Constitutional Review Working Party, as set out at paragraphs 3.2.1 to 3.2.3 above or in some other way.

## **7.0 Decision Making Process**

7.1 Any recommendations by Standards Committee will be referred to Council for final decision.

Future Meeting if applicable:	Date:
Council	5 December 2013

Contact Officer:	<i>Glenn Back, Democratic Services &amp; Scrutiny Manager, ext. 7187</i>
Reporting to:	<i>Harvey Patterson, Corporate &amp; Regulatory Services Manager and Monitoring Officer, ext 7005</i>

## Annex List

Annex 1	Summary of neighbouring council's petitions schemes, as they relate to requirement for Council debate and repeat petitions
Annex 2	Changes to the Petitions Scheme that would arise if the recommendations of the Constitutional Review Working Party were adopted
Annex 3	Changes to the Cabinet Procedure Rules that would arise if the recommendations of the Constitutional Review Working Party were adopted

## Background Papers

Title	Details of where to access copy
None	

## Corporate Consultation Undertaken

Finance	n/a
Legal	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005