
PETITIONS POLICY

To: **Constitutional Review Working Party**

By: **Head of Legal and Democratic Services**

Classification: **Unrestricted**

Ward: **All Wards**

Summary: **To adopt a new petitions policy to bring the Council in line with new Government Legislation.**

For Decision

1.0 Introduction and Background

- 1.1 Signing a petition is one way for local residents to express their concerns and priorities to their local authority and the Communities and Local Government's Citizenship Survey shows that petitions are the most popular and recognised form of civic participation.
- 1.2 The Local Democracy, Economic Development and Construction Act 2009 requires all local authorities in England to establish a scheme for handling petitions made to the local authority.
- 1.3 The 2009 Act also applies the same requirements to electronic petitions as to paper petitions, with a number of small exceptions. The legislation for "E petitions" has a implementation date of 15 December 2010 and so will be brought before Members later in the year.

2.0 The Draft Petitions Scheme.

- 2.1 The draft scheme for Thanet District Council is attached at Annex 1.
- 2.2 The Act requires that the Scheme defines three categories of petition being 'ordinary petitions', 'petitions requiring debate at Council' and 'petitions holding officers to account'. The Act sets a maximum number of signatures required for petitions requiring debate at Council.
- 2.2 The level of signatories to trigger senior officer attendance at an Overview and Scrutiny Panel meeting or a full debate at Council is not a statutory figure; however it can not be set at more than 5% of the population of the district.
- 2.3 The latest figures available from the Office of National Statistics stated that the population of Thanet as at the mid point of 2008 was approximately 129,900. Therefore 5% of the population is approximately 6500 residents.
- 2.4 Often large amounts of time and effort are expended by local residents collecting signatures for their petitions. In the interests of promoting democracy and community involvement the thresholds suggested below are designed so that the Council will make a serious response to major local issues which have attracted large amounts of signatories to petitions.

- 2.5 If a petition receives over a suggested threshold of 650 signatories then the Chief Executive, relevant Director, Head of Service or 3rd tier Manager would be required to attend a special meeting of the Overview and Scrutiny Panel to respond to questions from the Panel in relation to the petition.
- 2.6 If a petition receives over a suggested threshold of 1300 signatories then when the Petition is presented to Council a debate on the petition must be held and a decision or recommendation on the issue of the petition must be made at that meeting.
- 2.7 As stated above the thresholds are not statutory figures and they could be increased or decreased, but not set at higher than 5% of the population of the district.
- 2.8 The Secretary of State has the power to amend a local authority's petition scheme if it is apparent that the thresholds have been set too high, due to no petitions received being considered by either the Overview and Scrutiny Panel or Full Council.
- 2.9 If the petition organiser is not satisfied by the actions taken by the Council in response to a petition, the Scheme must give a right of appeal to the Overview and Scrutiny Panel.
- 2.10 To come within the Scheme the petition must normally relate to a function of the Council. In the case of District Councils, a petition need not relate to their functions, but can relate to an improvement in the economic, social or environmental well-being of the area to which any of their partners, such as County Councils, could contribute.
- 2.11 Planning and Licensing matters are to be excluded from being the subject matter of petitions under the Scheme unless they relate to a systematic failure in service provision as the Scheme does not apply to petitions received under other statutory provisions. In addition petitions are also excluded under the Scheme where there is another appeal mechanism, such as, Council Tax banding.
- 2.12 It is suggested that the Council should delegate to the Monitoring Officer in consultation with the Leader of the Council and the Chairman of the Overview and Scrutiny Panel, the power to reject petitions which he considers to be vexatious, abusive or otherwise inappropriate. The test that should apply in such circumstances would be the same as that used for Freedom of Information requests i.e. 'Is the request likely to cause distress, disruption or irritation without any proper or justified cause'.

3.0 Members of the public allowed to sign petitions

- 3.1 Local Authorities can choose to verify the signatures given on a petition should they wish. The Council must accept the signatures of people who provide valid addresses where they live, work or study within the District.
- 3.2 However the Council may wish to accept signatures of people who do not supply such information, or supply information which shows that they do not live, work or study in the district, for example when those people are visitors to the area.

4.0 Options

- 4.1 The Constitutional Review Working Party may wish to make recommendations to the Standards Committee and ultimately Council on the following matters.
- 4.2 The Council can decide to approve the thresholds for senior officer attendance at an Overview and Scrutiny Panel meeting or a full debate at Council as set out in the report or set its own thresholds higher or lower than those suggested, but not higher than the maximum limit of 5% of the population of the District.
- 4.2 The Council can also decide whether to only accept signatures on petitions that are accompanied by a valid address where they live, work or study in the District, or accept

any signatures. The Council can also decide if to accept signatures of those who do not live work or study in the district if the petition affects them.

- 4.3 The Council can also decide on which staff should be required to attend the Overview and Scrutiny Committee to respond to questions from the Panel in relation to the petition.

5.0 Corporate Implications

5.1 Financial

- 5.1.1 There are no additional costs for the implementation of the new petitions scheme at this time. However there may be financial implications regarding the implementation of the E petitions system or if the introduction of the petitions scheme results in a significantly increased number of petitions needing to be processed.

5.2 Legal

- 5.2.1 The Government in the Local Democracy, Economic Development and Construction Act 2009 requires all local authorities in England to establish a scheme for handling petitions made to the local authority.

5.3 Corporate

- 5.3.1 The Petitions policy will help the Council to promote democracy and community involvement and fits with the Modern Council theme of the Council's Corporate Plan.

5.4 Equity and Equalities

- 5.4.1 None Apparent

6.0 Recommendation(s)

- 6.1 a) That Council approves the draft Petition Scheme with immediate effect;
- b) That the Monitoring Officer in consultation with the Leader of the Council and the Chairman of Overview and Scrutiny Panel be delegated the power to reject petitions which he or she considers to be vexatious, abusive or otherwise inappropriate;
- c) That the threshold for signatures be as follows:-
For 'ordinary petitions' – 25
For 'petitions to hold officers to account at the Overview and Scrutiny Panel' – 650
For 'petitions requiring debate at Full Council' – 1300
- d) That the Monitoring Officer be delegated authority to make appropriate changes to the Constitution to incorporate the agreed Petition Scheme into the Council's Constitution.
- e) That the Working Party considers whether to make any recommendations to Council regarding whether to accept signatures on petitions from people that do not live, work or study in the district.
- f) That the Policy be reviewed in December 2010 after the introduction of the "E-Petitions" scheme.

7.0 Decision Making Process

7.1 The report will be considered by the Constitutional Review Working Party on 17 June and Standards Committee on 29 June and then considered by Council at its meeting on 15 July.

Contact Officer:	<i>Nick Hughes, Committee Services Manager</i>
Reporting to:	<i>Glenn Back, Democratic Services and Scrutiny Manager</i>

Annex List

Annex 1	Draft Thanet District Council Petition Policy
Annex 2	Listening to Communities: Statutory guidance on the duty to respond to petitions.

Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	<i>Sarah Martin, Financial Services Manager</i>
Legal	<i>Harvey Patterson, Head of Legal and Democratic Services</i>