

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Policy and Performance Portfolio Holder's Meeting

13 May 2010

AUTHOR/S: Executive Director (Corporate Services) / Acting Legal and Democratic Services Manager

MODEL PETITION SCHEME

Purpose

1. To adopt a new petitions scheme to meet the requirements of the Local Democracy, Economic Development and Construction Act 2009. This is not a key decision.

Recommendations

2. That the Policy and Performance Portfolio Holder agree:
 - (a) to adopt the draft Petition Scheme, in respect of executive functions, and to recommend it to Council in respect of non-executive functions;
 - (b) that the Democratic Services Team Leader be designated as the Petitions Officer and be instructed to report annually to Council or to the relevant Portfolio Holder on the operation of the Scheme;
 - (c) that the relevant Portfolio Holder, based upon the topic of the petition, will receive Ordinary Petitions for decision, but that the Portfolio Holder may refer a petition to Cabinet if s/he felt that it raises wider issues or is outside the powers delegated to the Portfolio Holder;
 - (d) that that Group Leaders / Convenors and relevant ward Councillor(s) be provided with a copy of each petition within 5 working days of receipt, at the same time as it is put on the Petitions Site on the Council website and that all Members and relevant officers be advised by e-mail of its receipt;
 - (e) that the Chief Executive be instructed to incorporate the Petition Scheme in the Council's Constitution and make consequential amendments;
 - (f) that a maximum of 30 minutes be allowed at any meeting for discussion of a petition, but that this can be extended by the Chairman when appropriate; and, where a decision or response is not reached at a meeting, that the petition stand referred to the relevant Portfolio Holder to respond; and
 - (g) that the Democratic Services Team Leader undertake immediate investigation of alternative software provision, including the possibility of an in-house solution, in consultation with the Head of ICT and the Policy and Performance Portfolio Holder.

Background

3. The Local Democracy, Economic Development and Construction Act 2009 requires every local authority, from 15 June 2010, to have adopted a "Petition Scheme" which sets out how it will handle petitions, and by 15 December 2010 every local authority must have an on-line petition facility, under which anyone may set up a petition on the authority's website, and other petitioners may "sign up" to the petition on-line.
4. The Act defines different categories of petitions, and allows the authority to define the number of signatures required for each category:
 - (a) "Petitions for Debate" must be reported to and debated at full Council;

- (b) "Petitions to hold an Officer to Account" trigger an open meeting of an Overview and Scrutiny Committee at which the named officer will report and be questioned on their actions;
 - (c) "Exempted Petitions" – Petitions received in response to statutory consultation on planning and licensing applications will continue to be reported to Planning and Licensing Committees; and
 - (d) "Ordinary Petitions", for which the authority can determine how these petitions will be handled.
5. The Department for Communities and Local Government has issued statutory guidance on Petition Schemes which suggest that authorities should set the number of signatures required for each category of petition at levels which encourage rather than discourage petitions, and should set a lower threshold for petitions on local rather than authority-wide matters.
6. The Petition Scheme would only apply to petitions which relate to matters for which the authority has responsibility or which it is able to influence.

Considerations

7. A draft Petition Scheme is attached as **Appendix A**, which has been drafted by Peter Keith-Lucas of Bevan Brittan solicitors, taking the statutory guidance into account. The key features of this Scheme are:
- (a) An appropriate officer needs to be designated as the Petitions Officer, to be responsible for recording all petitions received, responding to petition organisers, ensuring that petitions are reported to Council or to Cabinet Members as required, updating a Petitions Site on the authority's website, inviting petition organisers to attend meetings. This work is best handled by the Democratic Services Team, and so it is recommended that the Democratic Services Team Leader be designated as Petitions Officer for this purpose;
 - (b) The authority needs to decide the number of signatures required for petitions. The current requirement for 20 signatories for ordinary petitions have been retained in the new scheme, and it is suggested that 50 signatories be required for a petition to hold an officer to account (reduced to 20 where it is a local matter which affects no more than 2 wards) and 50 signatories be required for a Petition for Debate (reduced to 20 where it relates to a local matter affecting no more than two wards). These figures can be revised at any time if they are found to act as a deterrent to petitions, or found to encourage frivolous or vexatious petitions, and it is recommended that the Democratic Services Team Leader be instructed to report annually to Council or the relevant Portfolio Holder on how the Petition Scheme is working;
 - (c) The authority needs to decide to whom Ordinary Petitions will be reported for decision. This should ordinarily be the relevant Portfolio Holder based upon the topic of the petition, but the Portfolio Holder should be able to refer a petition to Cabinet if s/he felt that it raised wider issues or was outside the powers delegated to the Portfolio Holder;
 - (d) The authority needs to decide who will be provided with copies of petitions. It is recommended that Group Leaders / Convenors and relevant ward Councillor(s) be provided with a copy of each petition within 5 working days of receipt, at the same time as it is put on the Petitions Site on the Council website and all Members and relevant officers advised by e-mail of its receipt;

- (e) The authority will in practice need to set a maximum time to be allowed for discussion of petitions at any one meeting of Council or Cabinet. Whilst the 2009 Act does not provide for such a limit, the authority does need to ensure that it can continue to discharge its ordinary business effectively. Accordingly, it is suggested that a maximum of 30 minutes be allowed at any meeting, but that this can be extended by the Chairperson when appropriate. Where a decision or response is not reached at a meeting, the petition would stand referred to the relevant Portfolio Holder to respond.
- (f) The authority needs to commence the procurement of an On-Line Petition Facility, to be available from 15 December 2010. Although the existing modern.gov system does have the facility for the authority to enable an e-Petition scheme immediately, the software release version currently used by SCDC is not fully compliant with the requirements of the 2009 Act. An upgrade is available, but NT/e, the modern.gov software providers, warned the authority in January 2010 that, in line with Microsoft's current practice, they would discontinue support for the Windows 2000 operating system used by our modern.gov server from 1 March 2010. This has been reported monthly to Executive Management Team since January, and, although a server upgrade is scheduled for the 2010-11 year, there remains a significant danger that the Council will be unable to receive the necessary upgrades in time to have the scheme fully installed, tested and launched by the statutory deadline of 15 December 2010. In order to ensure that the Council does not fail to achieve its requirements, it is recommended that the Democratic Services Team Leader undertake immediate investigation of alternative software provision, including the possibility of an in-house solution, in consultation with the Head of ICT and the Policy and Performance Portfolio Holder.

Options

8. The scheme is mandatory, so the only options available would be to reduce or increase the number of signatures required to trigger action on a specific category of petition. It would be advisable to operate the scheme for at least a year before considering any revisions to these thresholds, by which time the public response and use of the scheme would be known.

Implications

9.	Financial	The costs of dealing with petitions under the draft Petition Scheme, if adopted, cannot be ascertained in advance, as they will depend on the number of petitions received. Currently the majority of petitions received relate to statutory consultations, for example on planning applications, which will continue to be handled as at present.
	Legal	These changes are required to comply with the Local Democracy, Economic Development and Construction Act 2009
	Staffing	There will be a time cost to the Democratic Services Team in setting up and testing the Petitions Website.

Risk Management	As described above, there is a significant risk of the Council not having the necessary server platform to enable an upgrade to its existing software package in time to meet the statutory deadline of 15 December 2010. Alternative arrangements will add additional costs for new software, as well as additional officer time to research the availability of other software packages, including training and development on a new system, as well as the potential time required for development of a viable in-house solution. This will have to be weighed against the cost of, and officer time required for, a server upgrade.
Equal Opportunities	The new rules on petitions are intended to enable public access to the decision-making processes of the authority and as such contribute towards open and inclusive governance.
Climate Change	None specific.

Consultations

10. Head of ICT.

Effect on Strategic Aims

11. A revised petitions scheme will support the Council's vision to be a listening Council, and provide additional avenues for residents to raise issues of concern. The new scheme is more specific, so residents petitioning the authority will be better informed from the beginning of the process how their petition will be handled by the authority.

Conclusions / Summary

12. The Council's existing petition scheme must be updated to reflect the new legislative requirements. There remains a significant risk that the e-petitions facility might not meet the statutory deadline without additional cost to the authority.

Background Papers: the following background papers were used in the preparation of this report:

Sections 10 to 22, Local Democracy, Economic Development and Construction Act 2009
DCLG Statutory Guidance on Handling Petitions
Procedural Guidance on Petitions, SCDC Constitution Part 5, Section L

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