

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**8<sup>TH</sup> JULY 2010**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

### **COUNCIL DECISION**

***Corporate Management & Finance– Lead Cabinet Member – Councillor Laing***

#### **DUTY TO RESPOND TO PETITIONS-LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT & CONSTRUCTION ACT 2009**

1. Summary

This report proposes amendments to the Council's procedures for responding to petitions in the light of a new duty introduced to local authorities by the Local Democracy, Economic Development & Construction Act 2009.

2. Recommendations

1. That the requirements of the statutory duty for responding to petitions introduced by the Local Democracy, Economic Development & Construction Act 2009 be noted.
2. That Council approves the draft petition scheme attached at **Appendix 2** as this authority's preferred petition scheme required under the Act ; and confirms that:-
  - In line with DCLG guidance, a threshold of 50 signatures be set as the minimum amount required before the Council will regard the petition as falling within the parameters of the duty to respond;
  - In line with DCLG guidance, the threshold of petition signatures required for triggering a full Council debate be set at 2000 signatures;
  - In line with DCLG guidance, the threshold of petition signatures required for senior members of staff being required to give evidence at a meeting of overview and scrutiny be set at 1,000 signatures;
  - In respect of the senior members of staff required to give evidence under Section 16 of the Act, the Chief Executive, Corporate Directors and the Director of Law & Democracy and/or their nominees, be identified as the responsible officers for the purpose of this duty; and that this Council's Executive Scrutiny Committee be designated as the responsible overview and scrutiny committee of this Council for considering valid petitions requiring appropriate Council staff to give evidence;
  - In instances where a petition organiser is not satisfied with the way this authority has dealt with a petition, and subsequently requests a review to be undertaken of the

authority's response, the Executive Scrutiny Committee be authorized to carry out such a review provided that the matter has not already been considered by this Committee (eg in accordance with Section 16 of the Act , paragraphs 20-25 refer) and in such cases, it is proposed that the petition review be carried out by the most appropriate Select Committee to be determined by the Head of Democratic Services in consultation with the relevant Committee Chair and/or Vice Chair;

- The Head of Democratic Services be designated as the Council's responsible officer for the receipt, recording and acknowledgement of petitions received and for ensuring that the authority's response to any petitions received is in accordance with its approved scheme with reasons given for any decisions/action taken including any reasons for not accepting petitions, eg as a result of them being considered vexatious, abusive or otherwise inappropriate; and that details of any petitions received be referred for the attention of the relevant Cabinet Member(s), Chief Executive and (Corporate) Directors, as well as to the appropriate ward councillors and all Group Leaders, as well as being publicized on the Council's website.
- The use of delegated powers exercised by the Head of Democratic Services in procuring the development of an E-Petition scheme, be noted;
- Subject to Council's agreement to the new procedures proposed by the scheme for the handling of both paper and electronic petitions, the necessary changes be made to the Council's Constitution setting out how the Council will respond to any petitions received.
- The Head of Democratic Services be requested to carry out a review of the operation of the Council's petition scheme in twelve months time and the findings be included in an annual report to be submitted to Cabinet/Council.

### 3. Reasons for the Recommendations/Decision(s)

The proposals contained within this report seek to ensure the authority's compliance with statutory guidance issued in respect of the duty to respond to petitions as contained within Chapter 2 of the Local Democracy, Economic Development & Construction Act 2009.

### 4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same

purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;

- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

**Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.**

**AGENDA ITEM**

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**8<sup>TH</sup> JULY 2010**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

**COUNCIL DECISION**

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CONSTRUCTION ACT 2009**

**SUMMARY**

This report proposes amendments to the Council's procedures for responding to petitions in the light of a new duty introduced to local authorities by the Local Democracy, Economic Development & Construction Act 2009.

**RECOMMENDATIONS**

1. That the requirements of the statutory duty for responding to petitions introduced by the Local Democracy, Economic Development & Construction Act 2009 be noted.
2. That Council approves the draft petition scheme attached at **Appendix 2** as this authority's preferred petition scheme required under the Act ; and confirms that:-
  - In line with DCLG guidance, a threshold of 50 signatures be set as the minimum amount required before the Council will regard the petition as falling within the parameters of the duty to respond;
  - In line with DCLG guidance, the threshold of petition signatures required for triggering a full Council debate be set at 2000 signatures;
  - In line with DCLG guidance, the threshold of petition signatures required for senior members of staff being required to give evidence at a meeting of overview and scrutiny be set at 1,000 signatures;
  - In respect of the senior members of staff required to give evidence under Section 16 of the Act, the Chief Executive, Corporate Directors and the Director of Law & Democracy and/or their nominees, be identified as the responsible officers for the purpose of this duty; and that this Council's Executive Scrutiny Committee be designated as the responsible overview and scrutiny committee of this Council for considering valid petitions requiring appropriate Council staff to give evidence;
  - In instances where a petition organiser is not satisfied with the way this authority has dealt with a petition, and subsequently requests a review to be undertaken of the authority's response, the Executive Scrutiny Committee be authorized to carry out such a review provided that the matter has not already been considered by this Committee (eg in accordance with Section 16 of the Act , paragraphs 20-25 refer) and in such cases, it is proposed that the petition review be carried out by the most

appropriate Select Committee to be determined by the Head of Democratic Services in consultation with the relevant Committee Chair and/or Vice Chair;

- The Head of Democratic Services be designated as the Council's responsible officer for the receipt, recording and acknowledgement of petitions received and for ensuring that the authority's response to any petitions received is in accordance with its approved scheme with reasons given for any decisions/action taken including any reasons for not accepting petitions, eg as a result of them being considered vexatious, abusive or otherwise inappropriate ; and that details of any petitions received be referred for the attention of the relevant Cabinet Member(s), Chief Executive and (Corporate) Directors, as well as to the appropriate ward councillors and all Group Leaders, as well as being publicized on the Council's website.
- The use of delegated powers exercised by the Head of Democratic Services in procuring the development of an E-Petition scheme, be noted;
- Subject to Council's agreement to the new procedures proposed by the scheme for the handling of both paper and electronic petitions, the necessary changes be made to the Council's Constitution setting out how the Council will respond to any petitions received.
- The Head of Democratic Services be requested to carry out a review of the operation of the Council's petition scheme in twelve months time and the findings be included in an annual report to be submitted to Cabinet/Council.

## **DETAIL**

### **BACKGROUND**

1. The Council's Constitution currently provides that members of the public, who wish to submit a petition to the Council, may do so and a petition can then be referred to the relevant Chief Officer, who in turn has the authority to receive, consider and initiate any appropriate action in consultation with the relevant Cabinet Member(s). This may include a report to the relevant Select Committee and/or Cabinet if considered necessary and, if requested to do so, Council may also, if it agrees, receive deputations in the form of the presentation of petitions at a meeting of full Council provided that the Proper Officer has received 8 prior working days notice of the proposed deputation.
2. Up to now, public interest in the submission of petitions has varied with a number (13) having been received within Technical Services over the last two years requesting specific traffic calming measures; and others having been received in respect of Building Schools for the Future (2), Wi Fi, Parkview Care Home, the opening of the Anhydrite Mines (2), the permanent location of a dentists practice in Ingleby Barwick, and opposition to proposed improvements to Durham Road Cemetery.
3. The Local Democracy, Economic Development & Construction Act 2009, which received Royal Assent on the 12<sup>th</sup> November 2009, contains wide ranging provisions aimed at reinvigorating local democracy, including the Duty to Respond to Petitions. Statutory guidance in relation to this duty was issued by the previous Government on the 25<sup>th</sup> March 2010 and sets out a requirement for local authorities to have adopted a petition scheme from the 15<sup>th</sup> June 2010; and to have implemented an electronic petition (E-Petition Scheme) by the 15<sup>th</sup> December 2010. The new duty therefore now makes it a statutory requirement for local authorities to respond to petitions and to tell local people what action is going to be taken to address their concerns and seeks to ensure that everyone, no matter where they live, will easily be able to find information about how to petition their local

authority, and they will know what to expect from their local authority in response. This report seeks agreement to a new petition scheme for the Council incorporating the requirements arising from the new duty to respond to petitions.

## DETAIL

4. The new legislation requires all principal authorities in England to establish a scheme for handling petitions made to the authority, and such a scheme:-

-must be approved by a meeting of the full Council before it comes into force;

-must be published on the local authority's website and by other methods appropriate for bringing it to the attention of those who live, work or study in its area;

-can be revised at any time, but the revised scheme must be approved and publicised as detailed above;

-the authority must comply with its petition scheme.

5. The Act stipulates some minimum standards required of the petition scheme, but beyond this allows local authorities flexibility to determine how they approach the duty. The requirements of the scheme are that:-

i) anyone who lives, works or studies in the local authority area, including under 18's can sign or organise a petition and trigger a response;

ii) a facility for making electronic petitions is provided by the local authority ( a requirement as from 15<sup>th</sup> December 2010);

iii) petitions must be acknowledged within a time period specified by the local authority;

iv) among the many possible steps that the principal local authority may choose to take in response to a petition, the following steps must be included amongst the options listed in the scheme:-

-taking the action requested in the petition,

-considering the petition at a meeting of the authority,

-holding an inquiry,

-holding a public meeting,

-commissioning research,

-a written response to the petition organiser setting out the authority's views on the request in the petition,

-referring the petition to an overview and scrutiny committee.

v) petitions with a significant level of support trigger a debate of the full Council. (Councils will determine this threshold locally but it must be no higher than 5% of the local population.) (Paragraph 14 refers);

- vi) petitions with a requisite level of support, set by the local authority, trigger a senior local government officer to give evidence at a meeting of the authority's overview and scrutiny committee(s) (Paragraph 20 refers);
  - vii) petition organisers can prompt a review of the local authority's response if the response is felt to be inadequate (Paragraph 20 refers).
6. Local authorities are encouraged to consider designing a scheme which is wider than these requirements; for example responding to petitions from those *who do not live, work or study in the area*, or to respond to e-petitions *not made through the authority's own e-petition facility*. However, it is considered that the Council's scheme should only apply to petitions signed by those who live, work or study in the area and to e-petitions made in accordance with our e-petition arrangements.

### What Constitutes A Petition?

7. Whilst the legislation does not define what constitutes a petition-believing that in virtually all cases it will be immediately obvious whether something is a petition or not- it highlights that authorities must make sensible judgements about whether to deal with an item of correspondence under its petition scheme, or under some other procedure such as its internal complaints procedure. The Government's view is that authorities should treat as petitions for the purpose of their scheme anything which identifies itself as a petition, or which a reasonable person would regard as a petition. A petition should however contain a clear statement of the persons concerns and what the person wants the authority to do.
8. Importantly, the Act requires top tier authorities to respond to petitions which relate to *an improvement in the economic, social or environmental well-being of the authority's area to which any of its partner authorities could contribute*. This means that these local authorities, including Stockton, must deal with petitions which relate to the functions of partner authorities as well as petitions which relate to their own functions; including petitions which are sub-regional and cross-authority. Details of partner authorities, as defined by the Local Government & Public Involvement in Health Act 2007, are attached at **Appendix 1**. Petitions which are considered by the authority to be vexatious, abusive or inappropriate do not qualify under the requirement to take steps in response to its receipt however the authority must also acknowledge such petitions received but explain why the authority will not be taking action.
9. Petitions made under other enactments, such as petitions under the Local Government Act 2000 asking for a referendum on whether the area should have an elected mayor, should be dealt with according to the procedures set out in those enactments. However, if such a petition fails to meet the requirements of the enactment in question; eg under the 2000 Act does not achieve the requisite number of signatures, it will still have to be addressed through a local authority's petition scheme in exactly the same manner as any other petition.
10. In order not to duplicate procedures where established processes exist for communities to have their say, the following matters are **excluded** from the scope of the petitions duty:-
- any matter relating to a planning decision, including about a development plan document or the community infrastructure levy;
  - any matter relating to an alcohol, gambling or sex establishment licensing decision;
  - any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment

-petitions calling for evidence from an officer are excluded from the requirement to hold a debate at full Council

11. The Act applies the same requirements to electronic petitions as to paper petitions, except for the following:-

Principal local authorities, such as Stockton:-

- are only required to respond to e-petitions made through their e-petitions facility;
- must decide, when a request to host an e-petition is received, whether the petition is appropriate for publishing on their facility;
- will decide what equates to a signature on an e-petition;
- are required to provide a facility for people to submit petitions to the authority electronically which can be published online and made available to others for electronic signature.

12. Whilst generally it is assumed that a Council will respond to every petition it receives, regardless of the number of signatures it attracts, it is accepted that some authorities may feel this is too onerous, and that a petition with say, two signatures, would constitute a letter rather than a petition. Some authorities may also receive very large numbers of petitions, which may well make it appropriate to provide an incentive before the statutory duty to respond is invoked. The Department for Communities and Local Government (DCLG) advocates that a threshold of 50 signatures be set as the minimum amount required before the Council will regard the petition as falling within the parameters of the duty to respond. Other local authorities in the region have determined as follows:-

<b>Council</b>	<b>Threshold for Response as a Petition (Signatures)</b>
Cumbria County Council	50
Darlington Borough Council	No minimum number
Hartlepool Borough Council	No minimum number
Middlesbrough Borough Council	No minimum number
North Tyneside Borough Council	No minimum number
Sunderland Borough Council	No minimum number
Newcastle City Council	20
Northumbria County Council	10

13. Council are invited to consider adopting a threshold of 50 signatures as the minimum number of signatures required to be regarded as a petition. Submissions purporting to be petitions containing less than this number would be rejected and the reasons for rejection given. For submissions of 49 signatures or less, it is proposed that the relevant Chief Officer be authorized to determine and respond as appropriate. In addition, for submissions of 49 signatures or less, the petitioner may request to present, but not debate, the petition at a meeting of full Council as currently provided by the Council's Constitution (paragraph 1 above refers). In accordance with our corporate Customer Service Standards, it is proposed that receipt of any submission purporting to be a petition be acknowledged within ten working days, and that this acknowledgement include details of the timescale for the matter to be determined/considered further by the Council.

### **Petition Debates**

14. As referred to earlier at paragraph 5 (v), Section 15 of the Act requires that petitions which receive a significant level of support should be debated at a meeting of the full Council. Principal local authorities are required to set out in their petition scheme the number of



signatures needed to trigger a debate as part of the authority's response. This debate may be added to the agenda of a normal meeting of the full Council, or may be facilitated by holding a special meeting of the full Council. When a petition receives the required level of support to trigger a Council debate, the Council should also consider what other steps they should take in order to ensure their response is adequate. Should the petition organizer be not satisfied with the way an authority has dealt with a petition, he/she may subsequently ask the authority's overview and scrutiny committee to review that authority's response. In Stockton's case, it is proposed that the overview and scrutiny committee would be the Executive Scrutiny Committee (ESC) unless Council, as part of its response to the petition, had already requested it to carry out a review of the matter, in which case the matter would be referred to an appropriate Select Committee.

15. In determining the threshold for triggering a full Council debate, the Act provides that the maximum threshold which can be set is 5% of the local population. It was expected however that in most cases a much lower figure would be considered locally appropriate and the Act allowed for a review of the threshold and subsequent amendment if it was found that no debates were triggered over a significant period; eg a year. Guidance issued by the DCLG suggests that authorities consider a threshold of 1% of their population to trigger a debate by full Council.
16. Each local authority in the area are currently considering their own threshold. Details of those known to date, are as follows:-

<b>FULL COUNCIL DEBATE</b>		
<b>Council</b>	<b>Threshold for Petition Debate (Signatures)</b>	<b>% of Population</b>
Cumbria County Council	3000	0.6%
Darlington Borough Council	2,500	2.5%
Hartlepool Borough Council	1,500	1.6%
Middlesbrough Borough Council	1,500	1.0%
Newcastle City Council	2,500	1.0%
Northumbria County Council	1,500	0.5%
North Tyneside Council	5,000	2.5%
Redcar & Cleveland Borough Council	1,500 (500 if a local issue)	1.0 (0.3)%
Sunderland City Council	7,000	2.5%

17. Should this Council determine that it wished to adhere to DCLG guidance and set a threshold at 1%, this would equate to approximately 1,915 signatures based on the current population (191,500- JSU figures 2009) and therefore could reasonably be set at 2000 signatures.
18. The principle behind a petition debate is seen as the increased transparency of the local decision making process and therefore it is a requirement that the petition organiser be informed in writing about when the debate will be held and with sufficient notice to enable their attendance. This notification should also be published on the authority's website. Petitioners should be offered the opportunity to present their petition at the beginning of the debate and the local authority should also consider what other contribution the petitioners might make to the discussion, for example answering questions put by councillors.

19. The debate should conclude with a decision being taken by the full Council, which could be a decision to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council Executive, in Stockton's case Cabinet, is required to make the final decision, the full Council should decide whether to make recommendations to inform that decision. The petition organiser should receive written notification of the decision, and notification should also be published on the Council's website.

### **Petition for Senior Members of Council Staff to Give Evidence**

20. A further key provision of the legislation is the right for local people to petition for a senior member of Council staff to attend a public meeting of an overview and scrutiny committee (in Stockton's case, it is proposed to be the Executive Scrutiny Committee) and answer questions about their work. This builds upon existing powers of scrutiny committees who can already require members and officers to attend a meeting and give evidence. However, it is considered essential that the scrutiny prompted by petitions is appropriate and fair to the officers involved and must relate to their job/service and does not subject them to inappropriate public scrutiny of their private lives, nor to harassment or bullying.
21. Section 16 of the Act provides that local authorities must determine which of their officers are able to be called to account in this way and for such details to be included in their petition scheme. As a minimum requirement, schemes must provide that the head of paid service (the Chief Executive) and the most senior officers responsible for the delivery of services, can be required to provide information on their activities at public meetings of the Executive Scrutiny Committee.
22. As with the threshold for Council debates, most authorities are currently considering the issue of a threshold for senior members of staff being required to give evidence, and which officers were to be eligible to be called to attend. The DCLG have indicated that this threshold should be in the region of 0.5% of the population, which in Stockton's case would be approximately 958, or more easily rounded up to 1,000 signatures. Details of the thresholds set by some other neighbouring authorities are as follows:-

<b>Council</b>	<b>Threshold for Officers to Give Evidence (Signatures)</b>	<b>% of Population</b>
Cumbria County Council	1,500	0.3%
Darlington Borough Council	1,000	1.0%
Hartlepool Borough Council	750	0.8%
Middlesbrough Borough Council	750	0.5%
Newcastle City Council	2,500	1.0%
Northumbria County Council	750	0.3%
North Tyneside Council	2500	1.25%
Redcar & Cleveland Borough Council	750 (100 if local issue)	0.5% (0.07%)
Sunderland City Council	3,000	1.1%

23. Each of these authorities has also indicated it is likely to name its senior management team as those officers required to be called to give evidence, and it is proposed that for this

Council, officers of the Corporate Management Team (or nominated substitute) be deemed eligible to be required to give evidence.

24. Again, it is a requirement that the petition organiser be informed in writing about when the Executive Scrutiny Committee meeting will be held and with sufficient notice to enable their attendance. This notification should also be published on the authority's website. Petitioners should be offered the opportunity to present their petition at the meeting and after they have done so, the committee must make a report or recommendations to the authority (under its existing powers) and send a copy of that report or recommendations to the petition organizer. The committee should also consider what other contribution the petitioners might make to the discussion, for example answering questions put by councillors and notification should also be published on the Council's website.

## **Petition Reviews**

25. Section 17 of the Act provides that where a petition organiser is not satisfied with the way an authority has dealt with a petition, he/she may ask an overview and scrutiny committee to review that authority's response. In instances where the matter had already been referred to the overview and scrutiny committee, authorities were encouraged to consider arranging for a differently constituted overview and scrutiny committee to carry out any such review. It is proposed that in Stockton's case, the Executive Scrutiny Committee be delegation responsibility for carrying out such a review, provided that the matter had not already been considered by this Committee (Section 16 of the Act, paragraphs 20-24 refer). In such cases it is proposed that the petition review be carried out by the most appropriate Select Committee to be determined by the Head of Democratic Services in consultation with the relevant Committee Chair and/or Vice Chair.
26. The committee carrying out such a review will be asked to bear in mind the list of potential steps which could be used to respond to the petition (paragraph 5 iv refers) and should they be subsequently concerned about the adequacy of the authority's response, it may decide to carry out a full review of the issues raised in the petition using their existing scrutiny powers laid down under Section 21 of the Local Government Act 2000 and arrange for full Council to carry out the review function.
27. The petition organiser must be informed of the results of the review and the results published on the authority's website.
28. It should be noted that the right to ask for a review of the way in which a petition has been dealt with, does not apply to petitions concerning matters excluded from the scope of the petitions duty, nor to petitions which have been judged to be vexatious, abusive or otherwise inappropriate.

## **CONCLUSIONS**

29. To assist local authorities in determining a petition scheme for both manual and electronic petitions received, the DCLG have drafted a model scheme setting out how an authority may decide to implement the duty to respond to petitions. This model is considered appropriate upon which to base this authority's own scheme and therefore at **Appendix 2** details are provided of the proposed scheme, containing the threshold proposals previously referred to earlier in this report.
30. To date, there has been little co-ordination of the authority's response to petitions received however, in order to ensure accountability for the authority's responsiveness to petitions received, it is proposed that the Head of Democratic Services be now designated as the Council's responsible officer for the receipt, recording and acknowledgement of petitions

received and for ensuring that the authority's response to any petitions received is in accordance with its approved scheme with reasons given for any decisions/action taken, including any reasons for not accepting petitions, eg as a result of them being considered vexatious, abusive or otherwise

31. If the proposed thresholds within this report are approved, consideration of any valid petition containing between 50 and 1,999 signatures (that does not require an officer to give evidence at a meeting of Executive Scrutiny Committee-paragraphs 20-24 refer), would firstly be received by the Head of Democratic Services, who would determine the most appropriate course of action in consultation with the relevant officers/members. **Appendix 3** provides a flow chart diagram of the options/route this Council's response to such petitions may take and details the relevant officers/members to be consulted by the Head of Democratic Services.
32. Valid petitions containing 2,000 signatures would automatically trigger a debate by full Council (paragraphs 14-19 refer) and attached at **Appendix 4** is a flow chart example of the options/route this Council's response to petitions that have triggered a Council debate, may take.
33. For petitions containing more than 1,000 signatures that specifically request senior officers of Council staff to attend a public meeting (paragraphs 20-24 refer) details are provided at **Appendix 5** of the route such petitions would take.
34. Given the need for the Council's petition scheme to include an e-petition facility, and the obvious links to both full Council and the Council's scrutiny committees already administered electronically via the Council's E-Genda system, the Head of Democratic Services has, in consultation with the Council's Procurement and Performance Manager, made a delegated decision to procure the development of an appropriate E-Petition scheme for the authority with Associated Knowledge Systems (the providers of E-Genda). Such a scheme will be in accordance with the petition scheme set out within this report should it be agreed by Council. The costs of this development have been funded from existing budgets.
35. It is proposed therefore that any petition received by the Council, whether delivered in paper form to a Council officer or elected member; or submitted electronically via the Council's E-Petition scheme, should in the first instance be referred for the attention of the Head of Democratic Services for acknowledgement. Thereafter, the details of all petitions received, whether in paper or electronic form, will be referred to the attention of the relevant Cabinet Member(s), the Chief Executive and (Corporate) Director(s), as well as to the appropriate ward councillors and all Group Leaders, and publicised on the Council's website.
36. Subject to Council's agreement to the new procedures proposed by the scheme for the handling of both paper and electronic petitions, it is also recommended that Council approve the necessary changes to the Council's Constitution setting out how the Council will respond to any petitions received.

## **REVIEW OF THE SCHEME**

37. Reference has been made (paragraph 2) to the number of petitions received by the authority in the last 2-3 years. However, the new duty introduced by the legislation passed by the former Government seeks to increase public awareness of the means by which they can petition their principal local authority by requiring the authority to make, publicise and comply with a scheme for handling both paper and electronic petitions and to make the responses given publicly available. The facility for submitting electronic petitions also makes it easier for members of the public to seek support and obtain petition signatures in support of their particular cause (as opposed to door to door/canvassing of paper petitions),

and therefore the number of petitions likely to be submitted to the authority in the future may increase as a result.

38. The legislation also introduces new minimum standards required from a petition scheme with a range of possible steps the authority may choose to take included within the scheme. The proposed designation of the Head of Democratic Services Officer as the responsible officer for receiving, recording, acknowledging and rejecting any petitions received, will assist the Council to monitor the effectiveness of its petition scheme and its responsiveness to the new duty introduced. It is therefore proposed that the Head of Democratic Services be authorized to carry out such a review and the findings be included in an annual report to be submitted to Cabinet/Council.

## **FINANCIAL IMPLICATIONS**

39. The potential financial implications arising from implementation of this duty are difficult to fully quantify and are dependent upon the number of petitions received and the workload arising from them. However, the cost of development of an e-petition facility alone is £2,500, which has been met from the Democratic Services budget.
40. The former Government agreed to offset the cost of this legislation under the terms of the new burden principle with it being expected that the national cost to the public sector of responding to local petitions would be approximately £3 million per year, decreasing over time. These costs arise from increased work for council officers, time at council meetings and overview and scrutiny committees, and set up costs for e-petitions. It is not known what approach the new Government will take with regard to the cost of this legislation. It had previously been expected that local authorities would each receive a grant for 2010/11, the amount varying by local authority dependent on the local population and that funding for future years would be incorporated into future revenue support grant.

## **LEGAL IMPLICATIONS**

41. The proposals contained within this report seek to ensure the authority's compliance with statutory guidance issued in respect of the duty to respond to petitions as contained within Chapter 2 of the Local Democracy, Economic Development & Construction Act 2009.

## **RISK ASSESSMENT**

42. Low to medium risk.

## **SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS**

### **Stronger Communities**

43. This new legislation, passed by the former Government, contributes to the strengthening of stronger local communities by empowering people to become involved in, and influence, local decision making and the results of the achievement of this are expected to be reflected in future results of the areas Place Survey. It also contributes towards National Indicators NI 3& 4 regards democratic engagement.

## **EQUALITIES IMPACT ASSESSMENT**

44. The report has not been the subject of an Equality Impact Assessment as it seeks only to comply with the requirements of the Local Democracy, Economic Development and Construction Act 2009. Promotion of the Council's arrangements to respond to the new duty introduced will be carried out in accordance with corporate procedures and, as part of the proposed monitoring of petitions received, consideration will be given to the geographical source of all petitions received to ensure that all areas of the Borough are aware of the Council's duty to respond to petitions received.

## **CONSULTATION INCLUDING WARD/COUNCILLORS**

45. Comparative data has been compiled in consultation with other local Councils in the region paragraphs 12, 16 and 22 refer.

**Name of Contact Officer: Margaret Waggott**  
**Post Title: Head of Democratic Services**  
**Telephone No. 01642 527064**  
**Email Address: margaret.waggott@stockton.gov.uk**

Education related? No

Background Papers

Ward(s) and Ward Councillors: Not Ward specific

Property

N/A