

ASSEMBLY

5 December 2012

Title: Review of the Council's Petition Scheme	
Open Report	For decision
Wards Affected: All	Key Decision: No
Report Author: John Dawe, Group Manager Democratic Services	Contact Details: Tel: 020 8227 2135 E-mail: john.dawe@lbbd.gov.uk
Accountable Divisional Director: Fiona Taylor, Divisional Director of Legal and Democratic Services	
Accountable Director: Graham Farrant, Chief Executive	
Summary: This report sets out proposals to amend the Council's current Petition Scheme by: (i) removing the provision to submit petitions to the Assembly and instead that they be considered by the relevant Select Committee, (ii) removing a right of appeal on the outcome of an appeal, (iii) increasing the thresholds for triggering member debates for petitions to bring them in line with thresholds in neighbouring borough schemes, and (iv) extending the basis of the scheme in accepting e-petitions generated via other systems on the basis of conforming to the same guidelines that apply to all other petitions.	
Recommendation The Assembly is recommended to agree the amended Petition Scheme as set out in Appendix B .	
Reason(s) It is appropriate to seek the views of this meeting bearing in mind that changes to the Petition Scheme have a direct bearing on the work of the Assembly.	

1. Introduction and Background

- 1.1 The Council's Petition Scheme was drawn up in accordance with the provisions of the Local Democracy, Economic Development and Construction Act 2009 (LDEDCA). Although these provisions were repealed by the Localism Act 2011 this Council decided to retain a petition scheme to aid the open and transparent workings of the Authority.

- 1.2 Under the terms of the current scheme all petitions containing more than 100 signatures from different households are presented to the Assembly with a covering report from the relevant Corporate Director. Whilst in theory this provides a platform for debate the reality is that due to the large range of important issues dealt with already at the Assembly and the increasing number of petitions being presented, the opportunity for full debate is limited. In addition the frequency of the meetings coupled with the need to produce an accompanying officer report, often leads to unreasonable delays in the submission of petitions. This, together with the intimidating environment of an Assembly meeting for some petitioners, means that the Assembly is not the ideal forum to consider petitions.

2. Proposal and Issues

- 2.1 Having reviewed the current scheme it is felt that rather than present petitions to the Assembly (currently over 100 signatures from different households, or 1% of the whole electorate for e-petitions [presently 1200]), their submission to the relevant Select Committee would provide a better forum to encourage objective debate on petitions with more time to discuss and recommend solutions to issues.
- 2.2 The current scheme provides for an appeal process for those petitions presented to the Assembly through the Select Committees. However as the proposal is to submit petitions to the Select Committees in the first instance, and as there is no longer a statutory requirement to maintain a scheme, it is proposed not to include an appeal process which will also support effective and timely outcomes to petitions.
- 2.3 The opportunity has been taken to review neighbouring borough petition schemes in relation to the thresholds triggering member level debates. The results are set out in **Appendix A**. In summary, the current thresholds in the existing scheme for both ordinary and senior officer petitions are significantly less, and nor is there any distinguishing between paper based and e-petitions, or other qualifying criteria. In those circumstances it is being proposed to increase the thresholds for both paper based and e-petitions to 1500 names for all petitions with no limit on the number of signatures from each household. Furthermore, in order to provide clarity to the public about submitting petitions and seeing there is no longer any statutory requirement to distinguish between general and senior officer petitions, it is also proposed to drop the requirement within the scheme to make separate provision for the latter.
- 2.4 Following on from the decision to retain a petition scheme and in order to be more flexible in the approach to community engagement and participation, it is also proposed to extend it so that petitions in a variety of formats are acceptable, such as those started via Facebook. To be considered as a valid petition however the guidelines relating to other e-petitions will apply - namely providing a name, a postcode and a valid email address.
- 2.5 If the proposals in this report are supported then the Council's current Petition Scheme will require amendment, and the changes are set out in the attached draft at **Appendix B**.

3. Options Appraisal

- 3.1 The repealing of the provisions of the LDEDCA by the Localism Act 2011 means there is no longer a statutory obligation on the Council to maintain a petition

scheme, although for reasons of openness and transparency this option is not supported.

4. Consultation

4.1 The Leader of the Council

5. Financial Implications

Implications completed by: Olufunke Johnson, Group Accountant
Telephone: 020 8227 2485 e-mail: Olufunke.johnson@lbbd.gov.uk

5.1 There are no financial implications associated with this report

6. Legal Implications

Implications completed by: Paul Feild Corporate Governance Solicitor
Telephone: 020 8227 3133 e-mail: paul.feild@lbbd.gov.uk

6.1 The law in relation to petitions was recently amended by the Localism Act 2011. It repealed the provisions of the Local Democracy, Economic Development and Construction Act 2009 which had required the publication of a petition scheme. The Localism Act 2011 restores the discretion Councils have to address petitions, so enabling the establishment of an approach which reflects local conditions.

7. Other Implications – N/A

Background Papers Used in the Preparation of the Report:

Council Petition Scheme
Local Democracy, Economic Development and Construction Act 2009
Localism Act 2011

List of appendices:

Appendix A Thresholds for triggering member level debates in neighbouring borough petition schemes

Appendix B Proposed changes to the Petition Scheme