

Annual Council – 13 May 2010**DUTY TO RESPOND TO PETITIONS – PETITION SCHEME****Report of the Member Support Services Manager and Policy Implementation Officer**

Statutory Powers: Local Democracy, Economic Development and Construction Act 2009 s.10-22.

Financial Implications

The impact assessment from the statutory guidance consultation stated that 'the proposals set out in this consultation will impose costs on local authorities; they may also deliver savings. In line with the Government's new burdens doctrine, any net additional cost will be fully and properly funded by the DCLG so that no additional pressure is placed on council tax bills'.

Purpose of Report

This report seeks the approval of a Petition Scheme to ensure the Council is abiding by our new Duty to Respond to Petitions, which is to be enforced on 15 June 2010.

Links to Council Priorities

Responding to issues of concern to our communities through an adopted Petition Scheme, will enable the Council to further improve the well being of the people of the South Hams. Abiding by this Duty could be of benefit to all of our Corporate Priorities, depending on the subject of the petition.

RECOMMENDATION

That Council approves and adopts the Draft Petition Scheme as presented at Appendix 1.

Background

1. The Local Democracy Act 2009 introduced a new Duty for all principle authorities to respond to petitions. To meet this Duty, the Council must adopt a 'Petition Scheme' (s.11) that sets out how the authority will acknowledge receipt of all petitions, including electronic petitions, and advise the petition organiser how the petition will be dealt with (dependent on the petition request and number of signatures).
2. The Act requires that the Petition Scheme defines three categories of petition, and sets a minimum number of signatures for each type of petition. The three categories are:
 - A 'Petition Requiring Debate'- if a threshold of valid* signatures (proposed to be 4092 within the South Hams- 5% of the population) is met or exceeded the subject of the petition must be debated by Full Council, who will decide on the action or otherwise the Council will undertake in response.
 - An 'Ordinary Petition'- where the minimum number of signatures for a debate has not been met, then the petition must be responded to by either carrying out the

request, justifying the reasons why it will not be carried out or responding through other means as specified in the Scheme.

- A 'Petition to hold an officer to account'- if a petition asks for a senior officer to be held to account and if a threshold of valid signatures is met or exceeded (proposed to be 4092), this type of petition will trigger an open meeting of the Scrutiny Committee. At this meeting, the named senior officer may be questioned by the Committee in relation to his/her actions on a particular matter (subject to safeguards). The Act provides that the Chief Executive and Chief Officers must be open to this type of petition, the Council may extend this to Heads of Service, but not to junior members of staff.

(* a valid signatory is a person who lives, works or studies in the South Hams.)

3. A petition must relate to a function of the Council or, for all upper tier authorities, to "an improvement in the economic, social or environmental well-being of the authority's area to which any of the authority's partner authorities could contribute". Therefore upper tiers must deal with petitions that do not directly relate to their functions (in cooperation with partners), as well as those that do.
4. Petitions considered to be vexatious, abusive or otherwise inappropriate, can be rejected, and the organiser of the petition must be informed of the reasons behind this decision.
5. The Petition Scheme will not apply to petitions received under other statutory procedures, such as petitions for a mayoral constitution, petitions relating to a planning decision, (including Development Planning Documents or the Community Infrastructure Levy), and licensing decisions, (including licensing applications under the Licensing Act 2003 and Gambling Act 2005). However, failure to deliver services in these areas is still scope for a petition.
6. Where the petition organiser is not satisfied by the actions taken by the Council in response to a petition, the Petition Scheme gives a right of appeal to the Scrutiny Committee. Therefore Scrutiny can make a recommendation to Council, a Committee or the Executive (as appropriate) but it cannot over-ride the original decision. This provision makes it important for the Council to keep a record of how and why we came to give the response/decision.

Electronic Petitions

7. The new Duty to Respond to Petitions also requires the Council's website to have an on-line petition facility that allows residents, workers or those who study in the area to set up a petition and for supporters to "sign" the petition on-line. An 'e-signature' is proposed to be a valid postcode and/or email address. All e-petitions will be published online. The Government has yet to publish best practise guidance, advice on setting-up an e-petitions facility or a set of recommended data standards. This part of the Duty will not be enforced until 15 December 2010.
8. Implementing this part of the Duty is not likely to incur any additional financial costs as the Community People's Consultation Finder software is due to be upgraded to incorporate an e-petitions facility, within our current licence arrangements.

Strategic Risk Assessment

Opportunity	Issues	Benefits
To become a more accessible Council by debating issues concerning our communities during public meetings.	We receive many petitions concerning areas that are not our responsibility.	The community appreciate the breadth of services we deliver.
Our communities have another tool to raise their concerns and improve their lives with help from the district council.	The burden of acknowledging and responding to a large number of petitions places pressure on existing resources.	The community is empowered.

Conclusion

The new South Hams District Council Petition Scheme will ensure that we are complying with our new Duty to Respond to Petitions and prepare us for the introduction of e-petitions, expected later in 2010.

Darryl White
Member Support Service Manager

Annual Council
13 May 2010

Laura Payne
Policy Implementation Officer

Appendix

1. South Hams District Council Draft Petition Scheme

Background Documents:

Communities in Control- White Paper 2008

Local Democracy, Economic Development and Construction Act 2009

Listening to Communities- Duty to Respond to Petitions Statutory Guidance 2010