

Audit & Governance Committee

15 February 2010

Report of the Head of Civic Democratic & Legal Services

Petitions Report

Summary

1. Further to a report to Audit & Governance Committee in September 2009, this report gives details of current definitions contained within the petitions guidance and updates Members on the latest legislative position, with regard to the introduction of e-petitions and corporate practices surrounding the handling of petitions with local authorities.

Background

2. Councillor Scott requested further information regarding the 'definition' of residents able to submit petitions under the new legislation (whether electronic or otherwise). This information was emailed to all Members of this Committee but was subsequently requested for formal report to Members at this meeting.
3. Since this information was requested, however, two further issues have come to light:
 - There may be a requirement to set a minimum number of signatories necessary to submit an 'official' petition
 - A consultation document was published in December 2009 by the Department of Communities & Local Government, giving further draft statutory guidance on the duty to respond to petitions. It is understood that further information on this duty will be received until after 24 February 2010.

Consultation

4. At this stage, no element of this report requires specific consultation. It is proposed, however, to consult other local authorities on any minimum number of signatories they may require for submitted petitions and to consult Directorates internally on an appropriate figure. It would be prudent, however, to await the outcome of any further guidance or information from the Department of Communities & Local Government before making any decisions on this or other details relating to this duty to respond to petitions.

Options

5. At this stage, this report is a further update to Members containing the information previously requested by Councillor Scott and giving notice of further draft guidance on the duty to respond to petitions. No decisions are required, therefore, as a result of this particular report.

Analysis

6. **Draft Statutory Guidance on Petitions (including the Definition of a 'Petitioner')**

In the Local Democracy, Economic Development & Construction Act 2009 (Chapter 2 Petitions), petitioners are defined as 'anyone who lives, works or studies in the local authority area, including under 18s'.

The initial guidance on responding to and dealing with petitions produced by the Department of Communities and Local Government, as reported to Members previously stated, in summary, that:

- A local authority scheme must set out its requirements for petitions in order for them to be dealt with, including the number of signatures required. In York, the requirements of our scheme are set out broadly in the report to Audit & Governance Committee on 21 September 2009. As part of the work agreed by this Committee to introduce a corporate scheme to address how we coordinate and respond to petitions, Democratic Services will be drafting some guidelines for internal and public use;
- Petitions in excess of an agreed number of signatures should automatically be guaranteed a debate at full Council;
- Local authorities should introduce an e-petitions facility by 1 April 2010

As a result of that initial guidance, Full Council has already agreed that:

- petitions signed by a 1,000 or more petitioners will automatically generate a debate at full Council on the issue in hand;
- an e-petition facility will be introduced by the Council enabling those petitioners who so want to put together an e-petition

7. **Further Consultation on Draft Statutory Guidance on the Duty to Respond to Petitions**

Since Members last considered a report on petitions, the Department of Communities & Local Government has published, in December 2009, its consultation on draft statutory guidance on the duty to respond to petitions, which sets out in further detail the key requirements of any local authority scheme on petitions. It is understood that no further progress on the

implementation of local authority duties surrounding petitions will be available until after 24 February 2010. In the light of this position, it is suggested that further details be awaited before implementing the agreed Corporate Petitions Register for York in case any finer details need changing. It would be sensible to report back to Audit & Governance in due course when the position on implementation dates etc becomes clearer. At that time, details of an appropriate minimum number of petitioners to be set could be reported back.

8. In the meantime, pending further news on implementation from the Department of Communities & Local Government, Democratic Services will continue with progress to ensure an e petitions facility can go live at the appropriate time and that it can be appropriately administered by the authority.

Corporate Strategy

9. The duty to respond to petitions and provide an electronic means for petitions contribute positively to the Council being both inclusive, by making sure all citizens feel included in the life of York, and effectively organised, through modernising its working practices.

Implications

9. There are no known financial, human resource or other implications associated with this report. The legal implications with the current progress of introducing this duty are set out in paragraphs 6 and 7 above and Members will be kept up to date on further legislative progress, after 24 February 2010.
10. The information technology implications of introducing an e-petitions facility which this duty envisages were set out in the earlier report to this Committee on 21 September 2009.
12. As and when a corporate scheme for handling and responding to petitions emerges from this duty, the staffing implications of supporting and administering this scheme may need to be re-addressed by Democratic Services when the outcome of the budget setting process for 2010/11 is known.

Risk Management

13. There are no known risks associated with the recommendations in this report. At this stage, care needs to be taken to ensure the Council responds to this duty with an appropriate scheme for handling petitions. That is why this report suggests awaiting further details from the next stage in its legislative development before a York scheme is finally implemented. In the meantime, work will continue with honing the Council's response and likely scheme, to ensure the Council can respond quickly if an implementation date is released.

Recommendations

14. Members are asked to note:

- the guidance relating to petitioners and who can be one (set out in paragraph 6 above);
- a further report will be received in due course on the implementation of a petitions scheme and e-petitions facility when more information is available from the Department of Communities and Local Government, as the duty to respond to petitions progresses.

Reason: In order to comply properly with the legal requirements for introducing this duty

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Report Approved



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Specialist Implications Officer(s)

Finance: N/A

Legal: Alison Lowton

Wards Affected:

All



For further information please contact the author of the report

Background Papers: None

Annexes:

None