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## **Audit & Governance Committee**

**6 December 2010**

Report of the Assistant Director of Legal, Governance & ITT

### **Updated Council response to the ePetitions duty in the Local Democracy, Economic Development and Construction Act 2009**

#### **Summary**

1. This report provides an update on how this Council intends to respond to the petitions duty in the Local Democracy, Economic Development & Construction Act 2009 (2009 Act), following recent changes introduced by the new Government.

#### **Background**

2. The 2009 Act required all principal local authorities in England to establish a scheme for handling petitions made to the authority. The 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 any other method appropriate for bringing it to the attention of those who live, work or study in the 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 scheme
3. The 2009 Act required a petition scheme to meet some minimum standards. The Department of Communities & Local Government (DCLG) therefore provided some draft statutory guidance which suggested that any petition scheme should be based on the following key principles:
  - Ensuring that local people know how to express their views
  - Local authorities will take action to respond to petitions
  - Local people know that their views have been listened to
  - Keeping prescribed requirements on councils to a minimum, and building on local authority best practice

4. The duty to provide such a scheme came into force **on 15 June 2010**, and the e-petitions requirements are due to come into force on **15 December 2010**.
5. In September 2009, based on the DCLG guidance, a report recommending a corporate approach for handling all petitions (both paper and ePetitions) was presented to Full Council who endorsed the introduction of a centrally administered Corporate Petitions Register which included an ePetitions facility implemented through the electronic Committee Management System.

### **Update Following General Election**

6. Following the recent general election the new coalition government has withdrawn the statutory guidance, thereby allowing local authorities more scope for formulating their own petition scheme.
7. In light of the removal of the statutory guidance, the suggested petitions scheme previously considered by this Committee at a meeting in July 2010, has been simplified to minimise the work involved with its implementation whilst ensuring it still meets the requirements of the 2009 Act. In essence, the elements in Chapter 2, Part 1, remain in tact unless repealed by fresh primary legislation. Paragraphs 8-11 below set out the required elements.
8. Paper Petitions  
Our current methods for administering and responding to paper petitions are already in line with the requirements of the 2009 Act. The revised scheme shown at Annex A, builds upon these ways of working and introduces:
  - petition debates - see paragraph 14 below;
  - holding relevant officers to account - see paragraph 15 below;
  - the right for Lead petitioners to have the adequacy of the steps taken in handling their petition reviewed by an Overview & Scrutiny Committee;
  - written notification of the steps we have taken or propose to take in response to a petition with reasons for doing so, and publication of that notification on the council's website – see paragraphs 17 & 18 below
9. ePetitions  
As the introduction of ePetitions is new to this Council, the Petitions Scheme at Annex A details in full the proposed working methods for administering and responding to them.
10. The electronic Committee Management System remains fit for purpose and the revised scheme is less labour intensive for officers implementing it.
11. Finally, in order to meet the full requirements of the 2009 Act, the Council will need to publish details of its petitions scheme (including e-petitions) on its website and ensure those who live, work or study in the area can find out about the scheme publicly .

## **Consultation**

12. Having sought the views of this committee, the intention is to present the attached scheme to Full Council for their approval.

## **Options**

13. Having considered all of the information within this report, Members may choose to amend and/or agree the revised petitions scheme attached at Annex A.

## **Analysis**

14. Petition Debates

It is acknowledged that when petitions are linked with decision making, there are increased levels of empowerment. Therefore, the 2009 Act requires petitions which receive a significant level of support to be debated at a meeting of full council. 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. In York it has previously been agreed that petitions signed by a 1,000 or more petitioners will automatically generate a debate at full Council, and CYC standing orders have been amended accordingly. In the revised scheme at Annex A this remains relevant to both paper petitions and ePetitions.

15. Calling an Officer To Account

The proposed scheme allows for a petition containing at least 500 signatures to ask for a relevant officer to be called to account at a public meeting. The 2009 Act describes 'relevant' officers as:

- the statutory chief officers of the authority i.e. Monitoring Officer & Chief Finance Officer
- non-statutory chief officers of the authority i.e. Directors of Service
- the head of the authority's paid service i.e. the Chief Executive

16. Review Of Steps Taken In Processing A Petition

The 2009 Act gives petition organisers the right to request that an Overview & Scrutiny Committee carry out a review of the steps taken in response to their petition, if they feel it was not dealt with in accordance with the authority's petitions scheme. In such circumstances the authority must inform the petition organiser of the results of the review and publish the results on their website. How this authority proposes to do that is set out in paragraph 17 below.

17. Keeping Petitioners Informed

The 2009 Act states that a petition organiser should:

- receive acknowledgement when their petition is considered to be vexatious, abusive or inappropriate, explaining why the authority will not be taking action.
  - be informed in writing of what the authority decides, has done or proposes to do in response to a petition (as the authority considers appropriate). This should also be published on the authority's website.
  - Be informed of the result of a review of the handling of their petition, if such a review has been requested. This should also be published on the authority's website.
18. The proposed ePetitions Scheme attached at Annex A allows for all the above communication with petition organisers. The intention would be to produce a number of letter templates for use by those officers administering the scheme within Directorates. In York, information on the decisions taken in relation to any petitions (paper or ePetitions) and the results of any reviews undertaken by scrutiny, will be made available electronically via the published relevant meeting minutes. It will also be possible to track the implementation of any actions arising from them, via the online committee management system.
19. Getting Involved  
The revised scheme at Annex A also details how a petition organiser and/or signatory can participate in any meeting where their petition is to be considered e.g. to listen to the debate, or by registering to speak at the meeting via the Council's Public Participation Scheme.

## **Corporate Strategy**

20. The introduction of the revised Petition Scheme will assist the council in making York an Inclusive City i.e. it will provide an opportunity for all citizens, regardless of race, age, disability, sexual orientation, faith or gender to feel included in the life of York by helping to reinvigorate local democracy and reconnect people with public and political decision-making.

## **Implications**

21. **Financial** – The Committee Management System (Modgov) will provide the ePetitions facility, therefore there is no additional costs to the council of implementing the introduction of ePetitions. There are minimal changes to the process for handling paper petitions so there will be no associated financial implications.
22. **Human Resources** – Democratic Services will still be required to administer the ePetitions facility Services as they are responsible for the electronic Committee Management System. However, the revised scheme will be less labour intensive than the scheme originally proposed, as paper petitions will now not be fed into, and tracked through the electronic system.

23. **Legal** – The revised scheme at Annex A meets all the requirements relating to the petitions duty of the Local Democracy, Economic Development & Construction Act 2009.
24. There are no known Equalities, Crime and Disorder, Property or Other implications associated with the recommendations in this report.

### **Risk Management**

25. If the Council fails to adopt an appropriate Petitions Scheme it will fail in its duty to respond to the Local Democracy, Economic Development & Construction Act 2009.

### **Recommendations**

26. Members are asked to consider and endorse the revised Petitions Scheme as set out in at Annex A

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

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Report Approved  Date 18 November 2010

**Specialist Implications Officer(s)**

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**Wards Affected:**

All



**For further information please contact the author of the report**

**Background Papers:** N/A

**Annexes:**

**Annex A** – Revised ePetition Scheme