

BRECKLAND COUNCIL

OVERVIEW & SCRUTINY COMMISSION – 27 MAY 2010

REPORT OF THE DIRECTOR OF ORGANISATION DEVELOPMENT **(Author: Mark Broughton, Scrutiny Officer)**

DUTY TO RESPOND TO PETITIONS

1. Summary

1.1 The Local Government, Economic Development and Construction Act 2009 places a statutory duty on councils to devise a petition scheme which is cognisant of the requirements of the Act.

1.2 There is a requirement to a scheme to be adopted by the implementation date of 15 June 2010. In addition, there is also a requirement for the Council to put in place an “e-petitions” scheme which is legally required to be implemented from 15 December 2010.

1.3 This report asks members to duly agree an appropriate draft petitions scheme for Breckland Council and to recommend the scheme to Council on 24 June 2010.

2. Recommendation

2.1 Members are recommended to

- 2.1.1. endorse the draft petition scheme (Appendix 1) including the proposed thresholds and to further recommend approval to Cabinet and Council, and
- 2.1.2. agree the associated terms and conditions (Appendix 2)

Note: In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

3. Information, Issues and Options

Background

3.1 The Local Democracy, Economic Development and Construction Act 2009 (the ‘2009 Act’) requires local authorities to establish a scheme for receiving and responding to petitions, including a facility for online petitions. A petition scheme:

- must be approved by a meeting of the full Council before it comes into force
- must be published on our website and by any other appropriate method
- can be revised at any time

3.2 Recently published statutory guidance issued by the Department of Communities and Local Government sets out the detail of what is required in a petition scheme and offers a 'model' scheme for authorities to adapt to their own circumstances. The guidance also sets a new definition of a petition for the purposes of a scheme as "anything which identifies itself as a petition, or which a reasonable person would regard as a petition."

3.3 The Council will also have to respond to petitions which relate to an improvement in the economic, social or environmental well-being of Breckland. This may mean acting as an advocate for the local community, working with partners to resolve the issue, lobbying a partner organisation on behalf of the community or instigating a scrutiny review of the issue.

3.4 Breckland Council – through the Chairman of the Overview & Scrutiny Commission in February 2010 – submitted a consultation response to the draft statutory guidance on the duty to respond to petitions.

3.5 On 30 March 2010, the Government announced that the duty to publish a petition scheme will be brought into force on 15 June 2010. However, the Government has accepted that more time is needed to prepare for the e-petitions element of the duty so these requirements will come into force on 15 December 2010.

Issues

3.6 There are four major issues which are left for local determination and on which members are asked to decide. These can be summarised as follows:

- There needs to be a specified minimum number of signatures for the petition scheme to apply. It is suggested that this is set at 20 signatures to represent a reasonable *de minimis* threshold.
- There needs to be set a threshold for the number of signatures on a petition that would trigger a debate at a meeting of full Council. It is recommended that this threshold be set at 1500 signatures, representing approximately 1% of the district population.
- A threshold also needs to be set for the number of signatures that would require a senior officer of the council attending a meeting of an Overview and Scrutiny Panel to give evidence. A threshold of 750 signatures is suggested for this requirement, representing 0.5% of the district's population.
- There also needs to be determined which senior officers will be liable to be called to account in this way and include their names and job titles in the petition scheme. It is suggested that these should be the Chief Executive and Directors.

3.7 Breckland's draft Petition Scheme is attached at Appendix 1. This meets the requirements of the Act and of the accompanying statutory guidance. Allied to the scheme are the terms and conditions, which include certain exemptions, based upon statutory guidance and shown at Appendix 2.

Options

3.8.1 To endorse the Breckland Petitions Scheme

3.8.2 To not endorse the Breckland Petitions Scheme

Reasons for Recommendations

3.9 The provisions of the Act regularise the way that petitions are dealt with on a formal legal footing. This, along with the guidance, offers a framework for ensuring corporate consistency across the council including a facility for dealing with online petitions. The Breckland Petitions Scheme complies with the requirements of the Act and guidance and has been adapted from the model scheme.

4. Risk and Financial Implications

4.1 The duty to respond to petitions may potentially result in increased interest from the public and the media given that the petitioning process is in the public domain.

4.2 The cost of implementing such a petition scheme has been recognised by the government and it is understood that additional funding will be made available.

5. Legal Implications

5.1 The Council is obligated by statute to adopt and publish its own petition scheme.

6. Other Implications

6.1 Equalities, S17 Crime and Disorder Act, S40 Natural Environment & Rural Communities Act 2006, Human Rights, Other: None

7. Alignment to Council Priorities

7.1 The matters raised in this report falls within the following Council priorities:

- Building Safer and stronger Communities
- Your Council, Your Services

8. Ward/Community Affected

8.1 All

Background Papers:

Statutory Guidance from DCLG: Duty to Respond to Petitions

Response by Breckland Council to Consultation on draft statutory guidance on the duty to respond to petitions

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Appendices attached to this report:

Appendix 1 – Breckland Council Draft Petition Scheme

Appendix 2 – Draft terms and conditions

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