



Committee and date

Council

24 June 2010

10.00 a.m.

Item No

8

Public

POLITICAL STRUCTURES MONITORING GROUP

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1.0 Summary

- 1.1 This report seeks Members' agreement for the adoption of a petitions scheme, in satisfaction of the statutory duty contained in the Local Democracy, Economic Development and Construction Act (the 2009 Act). It also seeks approval for the inclusion of a new protocol relating to Task and Finish Groups in the Part 5 of the Council's Constitution.

2.0 Recommendations

2.1 It is recommended:

- (a) that the Council adopts the Petitions Scheme, attached at Appendix A to this report;
- (b) that the Council's Constitution be amended as necessary to include the provisions contained in the Petition Scheme; and
- (c) that the Protocol on Task and Finish Groups be adopted and included in Part 5 of the Council's Constitution.

Report

3.0 Petitions Scheme

- 3.1 The aim of the 2009 Act is to reinvigorate local democracy. Presently, survey evidence shows that public satisfaction with the way councils run things is

generally low and public perception about whether people can influence the decisions Councils take is even lower. The new duty to introduce a Petition Scheme and respond promptly to any petitions received is seen as an important step towards addressing these concerns

- 3.2 Signing a petition is one way for citizens to express their concerns and priorities to their council and it is seen as the most popular form of civic action. Unfortunately, only one in five councils currently offers information on how to submit a petition so the 2009 Act is meant to provide an immediate remedy to this shortcoming.
- 3.3 The 2009 Act requires all principal Councils in England to establish a scheme for handling petitions made to them.
- 3.4 The scheme:
- must be approved by a meeting of the full council before it comes into force;
 - must be published on the Council's website and by any other method appropriate for bringing it to the attention of those who live, work or study in its area
 - can be revised at any time but the revised scheme must be approved and publicised as detailed above; and
 - the Council's must comply with its petition scheme.
- 3.5 The 2009 Act requires petition schemes to meet some minimum standards in order to ensure minimum entitlements which all citizens can expect. Beyond this small number of requirements, Councils have a high level of flexibility about how they approach that duty – leaving a lot of scope for local determination.
- 3.6 The requirements are:
- anyone who lives, works or studies in the local authority area, including under 18's, can sign or organise a petition and trigger a response;
 - a facility for making electronic petitions is provided by the local authority;
 - petitions must be acknowledged within a specified time;
 - among the many possible steps that the Council may choose to take in response to a petition, the following steps must be included amongst the options listed in the scheme:
 - taking the action requested in the petition

- considering the petition at a meeting of the authority
- holding an inquiry
- holding a public meeting
- commissioning research
- a written response to the petition organiser setting out the authority's views on the request in the petition
- referring the petition to an overview and scrutiny committee

3.7 petitions with a significant level of support trigger a debate of the full Council. Councils are able to determine this threshold locally, but it must be no higher than 5 per cent of the local population. The PSMG recommends that the threshold figure should be set at 1,000 signatures in the first instance.

3.8 petitions with a requisite level of support, set by the Council also trigger a senior local government officer to give evidence at either a hearing or a meeting of an Overview and Scrutiny Committee. The PSMG recommends that the threshold figure should be set at 200 signatures in the first instance.

3.9 If a petition organiser considers that the response of the Council to a petition is inadequate he/she can prompt a review.

3.10 The scheme can be introduced in two stages. As a minimum, arrangements for receiving written petitions must be in place before the end of June 2010. Similar arrangements must also be established for the submission of electronic petitions, although the Council has a further six months in which to develop these.

4.0 Petitions Scheme

4.1 Under the Council's Constitution, a petition can be accepted if two clear working days notice has been given and the petition has been signed by at least ten signatories. The Constitution further provides that the petition can be referred without discussion to the Executive, Scrutiny or relevant committee. There is also provision for petitions to be accepted at the Speaker's discretion without the usual requirements being met.

4.2 The proposed scheme must include similar details, but will be a little more formal, particularly as regards the Speaker's discretion. It will also require the Council to respond to petitions entirely in accordance with its scheme and to publish all such information on the Council's website.

4.3 Councils can introduce schemes which are wider than these requirements, e.g. accepting petitions from those living outside their areas, but this is not recommended at this time. The PSMG does recommend that the Council

should specify that it will acknowledge all petitions within 10 working days and guarantee to respond within 28 days of a decision being reached.

4.4 Under the proposed scheme there is a requirement for the Council to tell people what action is to be taken in respect of the issue they have raised, including:-

- Taking the action requested in the petition;
- Considering the petition at a full Council meeting;
- Writing to the petition organiser explaining the Council's position if the petition calls for something against Council policy;
- Holding an enquiry;
- Holding a public meeting;
- Commissioning research; and
- Referring the petition to an Overview and Scrutiny Committee.

4.5 All Councils must comply with their Petitions Scheme once details have been published but they can revise it at any time.

5.0 Draft Protocol on Task and Finish Groups

5.1 The PSMG accepts that no member should feel excluded from contributing to the working being undertaken by any Task and Finish Group. It acknowledges the benefit that can result from all members having the opportunity to input expert knowledge, local opinion or general observations, normally by contact with the Chair.

5.2 In order that all members are aware of the business being transacted, they should in future be given notice of the date, time and place of future Task and Finish Group meetings. However, formal agenda papers and notes of meetings will be restricted to members. Similarly, attendance will be determined by the Chairman.

5.3 However, membership of Task and Finish Groups cannot be classed as 'open' and attendance should be limited to those appointed to serve and any other member(s) invited to be present by the Chairman.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Department of Communities and Local Government – Listening to Communities
Statutory Guidance – March 2010

Local Democracy, Economic Development and Construction Act 2009
(Commencement Number 3) Order 2010

Listening to Communities : Government Response to the Consultation on Draft
Statutory Guidance on the Duty to Respond to Petitions

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998

Environmental Appraisal

There are no environmental issues relating to this report

Risk Management Appraisal

The Council has a statutory duty to introduce a Petition Scheme promptly. The Secretary of State has the power to direct authorities to amend their schemes should they fail to comply with the statutory guidance.

Community / Consultations Appraisal

The Government's response to consultation undertaken earlier in the year has been published.

Cabinet Member

Keith Barrow

Local Member

All

Appendices

Appendix A – CLG Model Scheme

Appendix B – Draft Protocol on Task and Finish Groups