

CITY OF PLYMOUTH

Subject: Compulsory Petitions Scheme
Committee: Council
Date: 2 August 2010
Cabinet Member: Cllr Ian Bowyer
CMT Member: Adam Broome, Director for Corporate Support
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Ref: TH
Part: I

Executive Summary:

The Local Democracy, Economic Development and Construction Act 2009 requires every local authority, to adopt a Petition Scheme which sets out how it will handle petitions, and by 15 December 2010 every local authority must have an on-line petition facility, under which anyone may set up a petition on the authority's website, and other petitioners may sign up to the petition on-line.

Corporate Plan 2010 - 2013:

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

There are no tangible implications.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

There are no tangible implications.

Recommendations & Reasons for recommended action:

It is recommended that Council :

- (i) Designates the AD Democracy and Governance as the Council's Petitions Officer;
 - (ii) Adopts the Petition Scheme attached at Appendix 1;
 - (iii) Creates an on-line petition scheme by the 15th December 2010; and
 - (iv) Agrees to amend the Constitution to include the petition scheme.
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Alternative options considered and reasons for recommended action:

The Council is obliged to implement a scheme.

Background papers:

Sections 10-22 Local Democracy, Economic Development and Construction Act 2009
DCLG Statutory Guidance on Handling Petitions

Sign off: comment must be sought from those whose area of responsibility may be affected by the decision, as follows (insert initials of Finance and Legal reps, and of HR, Corporate Property, IT and Strat. Proc. as appropriate):

Fin		Leg		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

1.0 Purpose of the Report

1. This report seeks approval to recommend the Council to adopt a new petition scheme.
2. The Local Democracy, Economic Development and Construction Act 2009 requires every local authority, to adopt a Petition Scheme which sets out how it will handle petitions, and by 15 December 2010 every local authority must have an on-line petition facility, under which anyone may set up a petition on the authority's website, and other petitioners may sign up to the petition on-line.
3. The petition 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 authority must comply with its petition scheme.
4. The Act defines different categories of petitions, and allows the authority to define the number of signatures required for each category:
 - "Petitions for Debate" must be reported to and debated at full Council. It is proposed that the appropriate threshold level for signatures in this category of petition for is 5,000.
 - "Petitions to hold an Officer to Account" require a senior Council officer to attend a meeting of one of the Council's Scrutiny Panels to answer questions and explain how they are delivering public services. It is proposed that the appropriate threshold level for signatures in this category of petition is 2,500.
 - "Exempted Petitions" – These are petitions received in response to statutory consultation on planning and licensing applications and will continue to be reported to the appropriate Committees.
 - "Ordinary Petitions" - The authority can determine how these petitions will be handled. It is proposed that the appropriate threshold level for signatures in this category of petition is 25.
5. The Council has discretion on the "trigger level" of signatures required to trigger a debate at Council or to ask for a senior officer to give evidence at one of the Scrutiny Panels. The maximum threshold is 5% of the population or approximately 12,500 signatures. The model scheme suggests that the signatures required for requesting an officer to give evidence are half that needed to call a debate at Council. Some research has been done on similar and neighbouring authorities and the proposed threshold is in the "middle range" of those authorities.
6. The Council needs to designate a Petitions Officer, to be responsible for managing the scheme. The work will be undertaken within Democratic Support and therefore it is recommended that the AD Democracy and Governance is designated.
7. Petitions which are considered by the Council to be vexatious, abusive or otherwise inappropriate do not need to be accepted. However, the guidance states that authorities should approach petitions positively and not assume that the motivation is one which is vexatious, abusive or inappropriate.

8. The Department for Communities and Local Government has issued statutory guidance on petition schemes, including a suggested model petition scheme.
9. Cabinet is asked to recommend Council to adopt the proposed Petition Scheme attached at appendix 1, which is based on the model scheme suggested by the DCLG, and to agree to insert the following or similar equivalent wording into the Constitution:

“Petitions with 5,000 or more signatures will be debated by at the next ordinary meeting of the Council unless it is a petition asking for a senior council officer to give evidence at one of the Council’s Scrutiny Panels. If it is not possible for the petition to be discussed at the next ordinary meeting then consideration of it will take place at the following ordinary meeting. The petition organiser will be given five minutes to present the petition at the meeting and put forward his/her case for action. The Council will decide how to respond to the petition and the petition organiser will receive written confirmation of this decision, which will also be published on the Council’s website as part of the minutes for that meeting.”

Plymouth City Council's Petition Scheme

Plymouth City Council welcomes petitions and understands that they are one way in which people's concerns can be expressed.

Within 10 working days of receiving your petition, we'll let you know how we plan to deal with the petition and when we will respond to you. We'll also say as much as we can about what we have done, or plan to do, with the petition.

Petitions may be sent, either on paper or via email, to:

- Democratic Support, Plymouth City Council, Plymouth PL1 2AA
- democratic.support@plymouth.gov.uk
- First Stop (the main reception at the Civic Centre) (paper copies only)

(From December 2010 onwards, online petitions can be submitted - advice will be available at a later stage)

Plymouth City Council will consider all petitions received. (We will treat it as a petition if you say it is a petition, or if it seems to us that it is intended to be a petition.) The minimum number of signatures required on a petition is 25.

What are the guidelines for submitting a petition?

Petitions must include:

- a clear statement covering the subject matter
- what the petitioners want the council to do and
- the name, address and signature of everyone supporting the petition

Petitions should be accompanied by contact details (address [and email if available]) for the petition organiser (this is the person the council will contact to give a response to the petition). Anyone who lives, works or studies in the city of Plymouth may sign a petition.

When will a petition not be accepted?

A petition will not be accepted or dealt with:

- if it is considered to be vexatious, abusive or otherwise inappropriate
- it relates to matters where there are ongoing legal proceedings
- it targets individuals
- it applies to a matter where there is already a right of appeal (e.g. planning or licensing applications or statutory petitions (such as that for requesting a referendum on having an elected mayor) as these will be dealt with under separate arrangements

If your petition is about something over which the city council has no direct control we may consider making representations to the relevant organisation and, where possible, ask partners to respond to you. If your petition is about something that another council is responsible for, we will forward it to that council, and let you know that we have done so.

How will the Council respond?

The response to a petition will necessarily depend on what it is asking for and how many people have signed it, but may include:

- taking the action requested
- considering the petition at a council meeting
- holding an inquiry or researching the matter
- holding a public meeting or a meeting with petitioners

- holding a consultation
- referring the petition to the relevant [Scrutiny Panel](#)
- calling a referendum
- writing to the petition organiser giving our views about the request and / or letting you know what the city council has already decided to do or proposes to do on the issue

Exclusions

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here:

- [Planning](#)
- [Licensing](#)
- [Council tax bands and business rates](#)

Debate at city council meetings (over 5,000 signatures)

If the petition has received 5,000 signatures it will automatically trigger a debate at the next ordinary [city council meeting](#). In this case, we will confirm the date of the next meeting and the petition organiser will be given five minutes to present the petition and put forward his / her case for the action requested.

At the meeting, the city councillors will decide how to respond to the petition and the petition organiser will receive written confirmation of this decision, which will also be published on the council's website as part of the [minutes for that meeting](#).

Officer evidence (over 2,500 signatures)

If your petition contains at least 2,500 signatures, you may ask for a senior council officer (Chief Executive, Assistant Chief Executive, Directors and Assistant Directors) to give evidence at one of the Council's Scrutiny Panels (e.g. to explain progress or to explain the advice given to councillors to assist their decision making). The Panel may also require the relevant Cabinet Member to attend the meeting. Panel members will ask the questions at this meeting, but you can suggest questions to the Chair of the Panel by contacting the Democratic Support team (democratic.support@plymouth.gov.uk) at least seven working days before the meeting.

What can I do if I feel my petition has not been dealt with properly?

If you feel that the council has not dealt with your petition properly, the petition organiser has the right to ask the relevant Scrutiny Panel to review the council's response. The petition organiser should give a short explanation as to why the council's response is not felt to be adequate.

That Scrutiny Panel will try to consider your request at its next meeting. Once the appeal has been considered the petition organiser will be informed of the results within 5 working days and they will be published on the [council's website](#) as part of the minutes for that meeting.

Please note:

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.