

EXETER CITY COUNCIL

EXECUTIVE
15 JUNE 2010

COUNCIL
13 JULY 2010

THE DUTY TO RESPOND TO PETITIONS

1 PURPOSE OF REPORT

- 1.1 To inform Executive of the Council's duty to respond to petitions and to seek Council's approval to a proposed scheme.

2 BACKGROUND

- 2.1 The Local Democracy, Economic Development and Construction Act 2009 aimed to reinvigorate local democracy by putting local authorities at the forefront of the drive to reconnect people with public and political decision-making.
- 2.2 The Act introduced a number of measures, including the duty to respond to petitions, which aimed to address the poor public perception of how people can influence decisions that affect their local area. Signing a petition is one way for citizens to express their concerns and priorities to their local authority. The Government's Citizenship Survey has shown that petitions are the most popular and recognised form of civic action. Councils will also be required to provide a facility for the submission of e-petitions.
- 2.3 The regulations require local authorities to adopt the duty to respond to petitions by 15 June 2010. Recognising local authorities may need a longer time to prepare for the e-petitions element of the duty, the e-petitions requirements will come into force later on 15 December 2010.

3 THE MODEL SCHEME

- 3.1 The statutory guidance sets out the key principles and requirements to which local authorities must have regard when designing and complying with their petition scheme. The attached draft scheme is based on the Draft Model Scheme proposed by Communities and Local Government.
- 3.2 The proposed number of signatures identified in the scheme which trigger specific actions have been agreed by all Group Leaders.
- 3.3 The statutory guidance states that the Council's petition scheme must include the following options for further action:-
- taking the action requested in the petition
 - considering the petition at a Council meeting
 - holding an inquiry
 - holding a public meeting
 - commissioning research
 - a written response to the petition organiser setting out the Council's views on the request in the petition
 - referring the petition to the Council's scrutiny committees

and must determine a list of names and job titles of the most senior officers to whom the scrutiny trigger applies, which as a minimum must include the Chief Executive.

- 3.4 The scheme and guidance in relation to the submission of petitions will be placed on the Council's website. Whilst the requirement for the e-petitions facility does not come into force until December 2010 it is proposed to introduce the facility for e-petitions at the same time as the petitions scheme in accordance with best practice. A disclaimer will be placed on the Petitions web page stating that the Council accepts no liability for the petitions on the web pages and that the views expressed in the petitions do not necessarily reflect those of the Council.
- 3.5 The adoption of the new scheme for petitions will require an amendment to Standing Order 21 in the Council's constitution which relates to the current scheme regarding petitions presented to Council. The Standing Order states that every petition addressed to the Council or the Lord Mayor shall be brought before the Council as a Lord Mayor's communication unless the subject matter comes within the jurisdiction of the Executive or any Committee, in which event it shall be referred without discussion to the Executive or relevant Committee for consideration and report.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no direct cost implications as the Council's existing Committee Management System (Modern.gov) has a facility for e-petitions. It is anticipated that the likely workload generated by the provisions in the scheme can be met from within existing officer resources but this will be reviewed six months after the implementation of the scheme.

5 RECOMMENDATION

- (1) That Council adopts the attached scheme (Appendix 1) in respect of the duty to respond to petitions as set out in the Local Democracy, Economic Development and Construction Act 2009.
- (2) To delegate to the Assistant Chief Executive authority to finalise the Petitions Scheme following adoption by Council and to amend the Council's constitution accordingly.
- (3) That the operation of the Petitions Scheme be reviewed by Executive one year after implementation.

ASSISTANT CHIEF EXECUTIVE
1 June 2010

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

Local Democracy, Economic Development and Construction Act 2009 - Model Scheme and Guidance