

APPENDIX L

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 29 JUNE 2010

Title:

PETITIONS SCHEME FOR WAVERLEY BOROUGH COUNCIL

[Portfolio Holder: Cllr Robert Knowles]
[Wards Affected: All]

Summary and purpose:

The purpose of the report is to seek the Executive's approval for the adoption and publication of a new Petitions Scheme, which is attached at Annexe 1.

The Scheme has been created to meet the statutory requirements of Section 11 (1) of the Local Democracy, Economic Development and Construction Act, 2009, which the previous Government brought into effect (with a statutory instrument) just before the General Election, to a very unrealistic timetable

The Executive is also requested to:

- Authorise the Chief Executive to determine whether petitions are vexatious, abusive or otherwise inappropriate, as laid out in the Scheme.
- Authorise officers to amend the Council's Constitution at Article 3a and to amend Council Procedure Rules 10.9-10.17 to take account of the Scheme and to further authorise him to amend the terms of reference of all Overview and Scrutiny Committees to take account of their additional responsibilities, as laid out in the Scheme.
- Approve the list of officers who can be called to account by a petition with the requisite number of signatures, attached at Annexe 2.

Members are advised that the e-petitions facility, which is a further requirement of Section 11 (1) of the Act, is in the process of being set up in partnership with other Surrey authorities. By law, this has to be implemented by 15 December 2010, which we are on track to achieve.

How this report relates to the Council's Corporate Priorities:

The stated purpose of Section 11 of the Act is to give local people more say over decision-making in their locality. Community empowerment will support all Corporate Priorities, particularly Improving Lives.

Equality and Diversity Implications:

It is suggested that the Petitions Scheme should be made available at locality offices as well as online to enable it to reach as many local people as possible.

In common with other UK authorities, we have laid out in the Scheme provisional threshold levels of signatures, which will trigger certain responses from Waverley. The highest level of response is a full Council debate on the issue.

By statute, the maximum number of electors needed to trigger a full Council debate is 5% of the total local authority population (there are no other statutory requirements for thresholds for any other response type).

Resource/Value for Money implications:

There are no immediate Value for Money implications with regard to the implementation of the Petitions Scheme.

However, once implemented, it is likely that the Scheme will have a resource implication for the Democratic Services team, who will be the first point of contact for petitions coming into the authority and will need to direct them to the appropriate officer, member or group. There may also be an implication for the work of the Executive, Council and Overview and Scrutiny Committees, if a significant number of petitions with large numbers of signatures come into the authority, triggering Executive consideration; or full Council debate or if a large number of people complain about the manner in which their petition has been handled.

There is a possibility that the introduction of e-petitions (from December 2010) will encourage a higher volume of petitions to come into Waverley, as collecting signatures is easier online than on paper.

It may be of interest to note that since the Number 10 e-petitions website was set up in 2007, 33,000 petitions have been received. Bristol Council has received 188 since they started their facility in 2004.

Value for Money savings have been secured with regard to the setting up of the e-petitions facility by opting for a shared, Surrey-wide site, saving an estimated £14,400 for the council tax-payer (according to a Consultation Institute survey). Waverley's contribution to the partnership project was £600.

Legal Implications:

Waverley will not be able to meet the statutory deadline for publication of the petitions scheme on 15 June 2010, because of the unrealistic timing of the statutory instrument giving this deadline (just prior to the General Election) and the timetable for our Executive and Council meetings. A survey by the Consultation Institute has revealed that 66% of local authorities similarly will not meet the deadline. The Institute is also considering organising a petition of the Secretary of State for Communities and Local Government to protest about the cut-off date.

There is some concern in Local Government circles that when a petition is initiated, or is running concerning a decision that has just been taken, or is on the point of being taken, it may be the case that members' decisions will need to be held in abeyance until they have concluded. It is likely that there will only be clear guidance on this when a council has been taken to Judicial Review and there is case law on the subject to refer to.

Background

1. Waverley already has a very accessible and open process for submitting petitions to the authority, which is set out at Article 3a of the Constitution and in the Council's Procedure Rules 10.9-10.17. Waverley has set a very low threshold of signatures required to constitute a petition, though even this has on occasion been waived for petitions by younger people.
2. The core requirements of the Petitions Scheme, as laid out by the Act, are as follows. They require us to make changes to our Constitution, Procedure Rules and Terms of Reference:
 - To set a target time for the acknowledgement of petitions. This requires a clear process to be set up to manage petitions, as outlined in the scheme (this will require changes to Procedure Rules 10.10 and 10.15).
 - To widen the relevance of petitions, so that more members of the public can organise them. This requires a change to Procedure Rule 16 and Article 3a of the Constitution.
 - To explain what will be done with petitions and how the Council will respond to them. Signature thresholds are set out in the Scheme, which determine how the petition will be dealt with. This requires a change to Procedure Rule 10.17
 - To describe what will exclude a petition from being considered by the Council, which will require additional information to be included in the Constitution.
 - To outline an appeal process for those who are dissatisfied with the manner in which the Council has handled a petition, as above.
 - To outline the change in role of Overview and Scrutiny Committees (they will have three key roles – as under the current system, petitions can be referred to them, however they can also hold officers to account (if it is requested in the petition submitted and has the requisite number of signatures) and they are a key part of the appeals process. The changes in the role of Overview and Scrutiny Committees will require amendments to the Constitution, Procedure Rules and terms of reference.
 - The Scheme should also make reference to the e-petitions facility.
3. Members are advised that since 2007, only one petition has been formally submitted to Waverley at a Council meeting, though others have been received from young people. Petitions referring to matters on which there is an existing right of appeal (e.g. Planning applications, Licensing applications, Benefits, Council Tax and Business Rates) are not valid under the Scheme, which are amongst the most publicly contentious issues Waverley deals with and probably the most likely to give rise to petitions.
4. Provided Waverley continues to allow residents to express their opinions via other mediums, such as the Citizens' Panel, Tenants' Panel, Disability Forum etc and provides the public with feedback, the perceived need for petitions should be minimised.

Conclusion

5. The coalition Government's agenda includes e-petitions for Parliament, and the Big Society concept aims to devolve decision-making to the local level. It therefore seems unlikely that the legislation on implementing a petitions scheme and e-petitions facility will be overturned.
6. Providing members of the public with information on alternative and more suitable options for engaging with the Council will reduce the likelihood of a large increase in the number of petitions coming into the authority.

Recommendation

It is recommended that the Executive approves the introduction of the Petitions Scheme set out at Annexe 1, authorises the Chief Executive to determine what constitutes an inappropriate petition and authorises officers to make appropriate changes to the Council Constitution and Procedure Rules.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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