



ARTICLE NO: 2A

**CORPORATE OVERVIEW &
SCRUTINY COMMITTEE**

MEMBERS UPDATE 2011/12

Article of: Director of People and Places

Relevant Head of Service: Borough Solicitor

Issue: 2 September 2011

Relevant Portfolio Holder: Councillor I Grant

**Contact for further information: Mrs J Denning (Extn. 5384)
(E-mail: jacky.denning@westlancs.gov.uk)**

SUBJECT: PETITIONS - UPDATE

Wards affected: Borough wide

1.0 PURPOSE OF THE ARTICLE

- 1.1 To provide an update on the petitions received under the Council's Petition Scheme in 2010/11.
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2.0 BACKGROUND AND E-PETITIONS FACILITY

- 2.1 The Local Democracy, Economic Development and Construction Act 2009 required every local authority, from 15 June 2010, to have adopted a 'Petition Scheme' which set out how it will handle petitions, and by 15 December 2010 that every local authority had to have an on-line petition facility, under which any one may set up a petition on the Council's website, and other petitioners may 'sign up' to the petition on-line.
- 2.2 The Council at its meeting held in May 2010 approved a 'Petition Scheme' in line with The Local Authorities (Petitions) (England) Order 2010 and the statutory guidance issued by the Department for Communities and Local Government 'Listening to Communities: Statutory Guidance on the Duty to Respond to Petitions' which came into effect on 15 June 2010, and authorised the then Council Secretary and Solicitor and Assistant Chief Executive, in consultation with the Leader, to investigate options available and take all necessary steps to implement the e-petitions facility by 15 December 2010.

- 2.3 Following a quotation exercise for the provision of an e-petition facility it was felt that BMG Systems software should be purchased in view of the cost, IT compatibility and fitness for purpose. BMG were the lowest in terms of cost and following a demonstration of the system, it was found to meet all the statutory requirements within the legislation. The system went 'live' on 15 December 2010.

3.0 PETITIONS RECEIVED

- 3.1 Since implementation of the scheme on 15 June 2010, seven petitions have been received. Four petitions have been processed in accordance with the scheme procedure and two petitions were dealt with separately as they did not fall within the scheme criteria. One petition has been created on-line using the e-petition facility, although the deadline for signatures is 26 September 2011. Further details are contained in Appendix A to the report.

4.0 THE PETITIONS SCHEME - REVIEW

- 4.1 The Department for Communities and Local Government withdrew the Statutory Guidance with effect from 24 September 2010, to provide Councils with more discretion to decide how it approaches petitions locally. Minor amendments have been made to the scheme which have been carried out under the existing delegated authority of the Director of People and Places, in consultation with the Leader, however there are a number of areas that are identified below that could be changed. Any significant changes would be subject to Council approval.

4.2 Potential amendments to the Scheme

Paragraph 1.1

- a) The number of people required to sign a petition, currently 10
- b) There are currently no restrictions on who can submit or sign a petition, this could be changed to only those that live, work or study in West Lancashire.

Paragraph 4.0

The guidance adds three additional steps currently incorporated that could be removed ie.:

- a) Hold a consultation
- b) Hold a meeting with petitioners
- c) Call a referendum

Paragraph 5.2 (Petition for Debate)

- (a) Petitions with a specified number of signatures trigger a debate at full council. The Act states a maximum requirement of 5% of the population, which is currently 5510 in West Lancashire. The number set in the model scheme in the guidance was 1500 which is the number we included in the adopted scheme. It is for Council to decide the actual number should

Members feel that the level is either too high or too low (subject to the maximum requirement).

- (b) “The ‘petition organiser’ or his/her nominee, will be given three minutes to present the petition at the meeting if they so wish” this can be removed as this was only included in the withdrawn Statutory Guidance.

Paragraph 5.3 (Petition to Hold an Officer to Account)

- (a) petitions with a specified number of signatures can request a senior local government officer to give evidence at an overview and scrutiny committee (number to be specified by Council and the request must only relate to the officer’s job function). The number set in the attached scheme (Appendix B) is 750, which was the same number included in the model scheme provided in the Statutory Guidance. It is for Council to decide the actual number should Members feel that the level is either too high or too low.
- (b) Officers to include:
 - (i) The Head of Paid Service, Monitoring Officer and Section 151 Officer
 - (ii) Non-Statutory Chief Officers (ie. Directors/Heads of Service)

The Guidance advised that this could be another more appropriate officer for the purposes of addressing the concerns raised in the petition. However the attached Scheme has only been amended to take account of the revised management structure.

Paragraph 5.6 (Rejected Petitions)

- (a) “or to something over which the Council has some influence” is only included in the previous Guidance and can be removed.

Paragraphs 8.0 and 9.0 (E-Petitions)

Additional information is set out in these paragraphs which has been worded in line with the e-petition facility purchased from BMG. The 2009 Act simply states that the “authority must provide a facility for making petitions in electronic form”.

- 4.3 In accordance with the delegation arrangements, a few minor textual amendments have been made to the attached Scheme from the one previously approved at Council, including the addition of a petition template. However, no significant changes have been made to the substance of the Scheme in reference to the above paragraphs at 4.2 above.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 5.1 Petitions are another method to enable local people to raise concerns with the Council providing a feedback mechanism for the community and improving access for all.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 The cost of the stand-alone BMG E-Petitions module was £1500 which was funded from the ICT development programme 2010/11, as part of the web improvement plan. There is also an annual charge of £300 from year 2 which will include any upgrades and support for the system, which will be met from existing budgets.

7.0 RISK ASSESSMENT

7.1 The Council is required to comply with Sections 10 to 22 of the Local Democracy, Economic Development and Construction Act 2009.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public and stakeholders, therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached at Appendix C to this report, the results of which have been taken into account in the Recommendations contained within this report

Appendices

- A. Petitions received - 2010/11
- B. Petitions Scheme – August 2011
- C. Equality Impact Assessment