

MUNICIPAL YEAR 2012/13 REPORT NO. **75A**

MEETING TITLE AND DATE:
Council 19th September 2012

REPORT OF:
Director of Finance, Resources &
Customer Services

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Agenda - Part: 1	Item: 14
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Subject: Petition Scheme Review

Wards: All

Cabinet Member consulted: Achilleas Georgiou & Bambos Charalambous
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1. EXECUTIVE SUMMARY

- 1.1 Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction (petitions to local authorities) Act 2009 placed a duty on local authorities to adopt a scheme for the handling of petitions which are made to a local authority. In compliance with its statutory duty under the 2009 Act the Council adopted a petition scheme 26 May 2010.
- 1.2 Chapter 10 of the Localism Act 2011 has repealed Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act 2009 and removed the duty on the Council to maintain a petition scheme ((with the exception of those petitions made under another enactment).
- 1.3 The Council has taken this opportunity to review the Petition's Scheme currently in place to provide the following recommendations.
- 1.4 The Council has an extremely successful and well used Petition Scheme, which is well regarded by the local community. The Council's approach to petitions in particular the community engagement process has been seen as good practice nationally. A number of other Councils has sought guidance from us.
- 1.5 This report has been agreed by the Members and Democratic Services Group on 4 September 2012.

2. RECOMMENDATIONS

- 2.1 Council to approve Option 1 (see section 4 for details). This is to include updating the referral trigger amount to take into account the current population figures in Enfield.
- 2.2 Council to note that a privacy statement to be added to the scheme (see section 5 for details).

3.0 BACKGROUND: - PETITIONS DUTY

- 3.1 Council's have always received and dealt with Petitions. The current scheme was introduced on the 15 June 2010 under the mandatory duty required by The Local Democracy, Economic Development and Construction Act 2009. It was recommended that the scheme was reviewed after 1 year.
- 3.2 Since 15th June 2010, 62 paper Petitions have been received and 5 E-Petition received. Two of the petitions that we have received have had sufficient signatures for a referral to the Overview & Scrutiny Committee (OSC) and one of these was subsequently referred to Full Council (both by OSC itself and by an increased amount in signatures).
- 3.3 Part One of the Local Democracy, Economic Development and Construction Act 2009 ('the Act') imposed a statutory duty upon the Council to establish a scheme for handling petitions ('a Scheme'). The Scheme adopted by the Council obliged the Council to respond appropriately to compliant petitions and inform people what action will be taken to address their concerns.
- 3.4 The Scheme had to be published on the Council's website and by any other method appropriate for bringing it to the attention of those who live, work, study and do business in the Borough.
- 3.5 The Council was also required to respond to petitions which relate to the functions of its partner authorities and which seek an improvement in the economic, social or environmental wellbeing of the Borough.
- 3.6 Petition organisers could prompt a review of the Council's response if it is considered to be inadequate by appealing to the Council's overview and scrutiny committee.
- 3.7 The council is currently required to respond to all compliant petitions and set thresholds for taking certain steps in response to a petition where practicable. Petitions with 2,750 signatures must trigger a debate of full Council which would be concluded with a decision being taken by the Council in respect of the petition and 1,375 must trigger a debate at the OSC .

Details of those officers able to be called to account in this way must include the statutory chief officers, non-statutory chief officers and the head of paid service. The Council's Scheme names the Chief Executive, Directors and Assistant Directors of the Council although the decision ultimately rests with Overview and Scrutiny, who may also call the responsible elected Cabinet Member.

For those petitions with less than either of the specified number of signatures, one of the following steps must be taken;

Holding an inquiry;
Taking the action requested in the petition;
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.

3.8 The repeals under Chapter 10 of the Localism Act 2011 removed the following duties with regards to the Council's petition Scheme.

- Removes the duty for the Council to make and maintain a scheme for the handling of petitions which are made to the authority
- Removes the need for the Council to be able to accept a petition electronically and there is no longer a duty for the Council to publish its petition scheme, details of a petition (including the petition) on its website.
- Removes the duty for the Council to comply with its own petition scheme.
- Removes the duty on the Council to notify the petitioner of what the Council intends to do with their petition. In addition the Council will no longer be required to provide petitioners with specified reasons for rejecting a petition.
- Removes the statutory duty on the Council to do any of the following when receiving a petition:
 - Give effect to the request in the petition
 - Consider the petition at a meeting of the authority
 - Hold an inquiry
 - Hold a public meeting
 - Commission research
 - Give a written response to the petitioner explaining the view of the Council.

- Refer the petition to the Overview and Scrutiny Panel.
 - Refer to another Committee of the Council with powers of decision.
- 3.9 The repeals remove the need for the Council to have thresholds to determine how to process petitions, for those thresholds to be reasonable and the requirement for petitions reaching those thresholds to be debated at Council and or Overview and Scrutiny.
- 3.10 The repeals remove the statutory power to review the Council's petition scheme from the Secretary of State and removes the statutory right for a petitioner to ask the Council to review its actions when dealing with their petition.
- 3.11 The Council still has a duty to promote local democracy and therefore it is recommended that a petition scheme of some form is retained, (especially for paper petitions received) as this will demonstrate to the general public that their views are important to the Council. Nevertheless until the Council decide whether to continue with the current petition scheme or adopt a new scheme, it is good practice to advise petitioners (on the Council's website) that the Council no longer has a duty to comply with its petition scheme under the Localism Act 2011.

4 Options 1, 2 & 3

Option 1

Continue with the scheme in its current format. With scheme details published on its website, the option to use Epetitions, a trigger referral amount in place for both OSC and full Council referral, a duty of officers to attend and a right of appeal for all petitions regardless of number of signatures collected to OSC. The trigger referral amounts to be updated to take into account the current population figures in Enfield (0.5% to OSC and 1% to full Council). The 2011 Census population estimate is 312,500 this would mean that 3,125 signatures would now trigger a referral to full Council (compared to the current requirement of 2,750) and 1562 signatures (compared to the current requirement of 1,375) would trigger a referral to Overview and Scrutiny Committee.

Option 2

Withdraw the scheme by withdrawing the publishing scheme details on the website, withdraw the Epetition facility, and withdraw the trigger amount and the right of appeal to OSC. Any petitions received would then be dealt with in line with any correspondence received by the Council.

Option 3

Continue with the scheme but reduce or increase the amount of signatures required for a debate at both OCS and full Council.

5. Privacy

Regardless of whichever option is agreed the privacy information details needs to be updated and detailed on the scheme. A Fair Processing Notice and details of Data Protection Act to be added to details of the scheme and a paragraph to be attached on all E-Petitions

The privacy information provides information to the data subject, where this is not already apparent, about the purpose of the data collection; identifies the data controller and how the information will be used after it is collected. This will ensure that the collection is fair

6 REASONS FOR RECOMMENDATIONS

These are contained in the body of the report.

7 COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

7.1 Financial Implications

There are no financial implications arising from any of the three options. Any additional duties will need to be met from within existing resources.

7.2 Legal Implications

Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act 2009 placed a duty on local authorities to adopt a scheme for the handling of petitions which are made to a local authority. In compliance with its statutory duty under the 2009 Act the Council adopted a petition scheme 26 May 2010.

Chapter 10 of the Localism Act 2011 has repealed Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act 2009 and removed the duty on the Council to maintain a petition scheme ((with the exception of those petitions made under another enactment)). In keeping with its general duty to promote democracy the report recommends retaining a petition scheme.

The changes in relation to privacy of information will assist in the Council complying with its duties under the Data Protection Act 1998.

7.3 Property Implications

None.

7.4 KEY RISKS

No significant risks have been identified. There may be some additional work arising from the published scheme, however this would need to be set against the opportunity to promote local democracy via a petition scheme.

8 IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for all

Maintaining the current scheme ensures that all residents have the opportunity to petition the Council on matters of concern

8.2 Growth & sustainability

None

8.3 Strong Communities

None

9. PERFORMANCE MANAGEMENT IMPLICATIONS

Maintaining the current scheme will contribute to the achievement of the Council's strategic aims and priorities

10. EQUALITIES IMPACT IMPLICATIONS

It is not relevant or proportionate to undertake a full equality impact assessment/analysis of the proposal to adopt option 1 given the successful track record of the operation of the current scheme.

Background Papers

Current Petition scheme