

MUNICIPAL YEAR 2017/18 REPORT NO: **103**

**MEETING TITLE AND DATE:**  
Council – 22 November 2017

**REPORT OF:**  
Chief Executive

Contact officer and telephone number:  
Governance & Scrutiny Manager  
Claire Johnson 0208 379 4239

<b>Agenda - Part:</b> 1	<b>Item:</b> 9
<b>Subject:</b> Petition Scheme Review	
<b>Wards: All</b>	

**1. EXECUTIVE SUMMARY**

- 1.1 The Council's petition scheme was last reviewed in September 2012 when the Localism Act 2011 removed the duty on the Council to maintain a statutory scheme.
- 1.2 The Council still has a duty to promote local democracy and therefore the petition scheme is retained, however, it is now timely to undertake a further review to ensure the scheme is clear and effective.

**2. RECOMMENDATIONS**

- 2.1 To approve the proposed changes to the scheme shown in appendix A.

**3. BACKGROUND**

**3.1 The Current Petition Scheme**

- 3.2 The Council has a well used Petition Scheme, with over 280 petitions submitted since it began in 2010.
- 3.3 Under the Council's petition scheme, 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.
- 3.4 Petitions with 3,124 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 1,562 must trigger a debate at the Overview & Scrutiny Committee.

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

- Taking the action asked for
- Taking action that is different but achieves the same desired results
- Writing to explain why we will not take the action
- Organising a public meeting or a meeting with the petitioners
- Considering the petition as part of a wider consultation, for example consultations on planning and licensing applications
- conduct further research or consult with others
- We may call a referendum
- We may approach another organisation on your behalf to ask them to respond to the petition.

#### **4.0 Review of the scheme**

##### **4.1 Valid signatures**

4.2 The current petition scheme does not stipulate that someone signing a petition must either live work or study in the Borough, this is different from most other authorities.

4.3 A desktop exercise looking at the London Boroughs showed that 27 out of the 33 required anyone signing a petition to provide an address within the Borough, this could be home, work or study.

4.4 Further analysis of the petitions received shows that of the petitions that have triggered a Full Council debate over 10% and up to 60% of signatures have been from outside of the borough.

4.5 for example :

‘Keep our local advice centre’ had 3,382 signatures, 2939 had an Enfield address, 442 were outside the borough, and 1 was outside the UK.

‘Save the Green Dragon Pub’ had 4107 signatures. 3,367 had an Enfield address, 740 were out of borough signatures

‘Save Trent Park’ had 3731 signatures, of these 2316 had an Enfield address, 1285 were outside of the borough, and 130 were outside the UK.

‘Protection of Green Belt Land and Wildlife at Enfield Road’ had 3,462 signatures of these 1424 had an Enfield address, 1708 were out of borough and 330 were outside the UK.

4.6 The views of those that live, work and study in Enfield are important to the Council, and a change to the scheme to accept that a valid signature is an

address within the Borough of Enfield, and can be home, work or study, or an address in an Enfield-owned Council estate outside of the borough (in Potters Bar and Cheshunt) would show this commitment. It would also be consistent with other Boroughs.

## **5.0 Complaints route**

- 5.1 Currently, if the petition organiser is not happy with the way the petition was dealt with, the scheme allows the petition organiser to request a review by the Councils Overview & Scrutiny Committee of the steps taken.
- 5.2 The proposed change to this is if the petition was considered and a response given by Officers then concerns can be raised through the Council's complaints system.
- 5.3 If the petition was considered and debated at either an Overview & Scrutiny meeting, or Full Council, then concerns will be raised with the Chair of OSC who will consider how best to respond, depending on the nature of the concerns.

## **6.0 Exempt petitions**

- 6.1 The list of exempt items that can't be dealt with through the petition scheme needs clarification. Again, a desktop exercise looking at other authorities' schemes has provided some good examples.
- 6.2 Additional items have been added to the paragraph "petitions which we cannot accept" please see the attached document.

## **7. ALTERNATIVE OPTIONS CONSIDERED**

There is no statutory requirement to have a petition scheme, however, it remains good practice to have one.

## **8 REASONS FOR RECOMMENDATIONS**

The proposed changes will provide clarification to the process.

## **9 COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS**

### **9.1 Financial Implications**

The scheme is supported within existing resources.

### **9.2 Legal Implications**

The recommendations set out in this report are within the Council's powers and duties.

The statutory duty to have a petition scheme was repealed under the Localism Act 2011. Upon abolition of this duty the Council resolved to retain its petitions scheme in the interests of promoting democracy.

The Council has power under section 1(1) of the Localism Act 2011 to do anything that individuals generally may do, provided it is not prohibited by legislation and subject to Public Law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way. In addition, section 111 of the Local Government Act 1972 gives a local authority power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

The Council has statutory duties regarding the collecting, processing and storage of personal data and a privacy information notice is contained in the Council's Petitions Scheme.

### **9.3 Property Implications**

None

## **10 KEY RISKS**

None

## **11 IMPACT ON COUNCIL PRIORITIES**

### **11.2 Fairness for All**

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

### **11.3 Growth and Sustainability**

None

### **11.4 Strong Communities**

This allows communities to come together for a common cause

## **12 EQUALITIES IMPACT IMPLICATIONS**

## **13 PERFORMANCE MANAGEMENT IMPLICATIONS**

## **14 HR IMPLICATIONS**

None

## **15 PUBLIC HEALTH IMPLICATIONS**

None