



Full Council
13 September 2010

Report from the Borough Solicitor

For Action

Wards affected:
ALL

London Borough of Brent Petition Scheme

1.0 Summary

The council is required to have a petition scheme which outlines how the council will respond to petitions and the arrangements for a petition to trigger attendance by senior officers at an overview and scrutiny committee and a debate at a meeting of Full Council. There is also a requirement that by 15 December 2010 there should be provision for on-line petitions to be submitted. This report proposes a petition scheme and outlines how the new arrangements will work.

2.0 Recommendations

- 2.1 that the requirements of a petition scheme be noted;
- 2.2 that the petition scheme attached as an **Appendix A** to the report be adopted and the consequential amendments to standing orders attached as **Appendix B** be agreed;
- 2.3 that a review of the operation of the petition scheme be carried out in 6 months time.

3.0 Detail

- 3.1 The Local Democracy, Economic Development and Construction Act 2009 introduced a requirement for councils to respond to petitions and tell local people what actions are going to be taken to address their concerns. First tier authorities are required to 'respond to petitions which relate to an

improvement in the economic, social or environmental well-being of the authority's area to which any of its partner authorities could contribute'. This means that petitions that relate to the functions of partner authorities, cross-authority or are related to sub regional matters will also be dealt with by local authorities. In addition first tier local authorities must make arrangements for a petition to trigger the attendance of a senior officer at the council's overview and scrutiny committee.

3.2 The aim of these duties is to provide local people with the means to express their concerns and priorities, connect with their locally elected representatives and therefore contribute to democratic life in their local area. The duty came into force on 15 June 2010. A duty for local authorities to provide a facility for making electronic petitions comes into force in December 2010

3.3 **Summary of the key requirements of the new scheme**

The following are key requirements of a new petition scheme:

- the scheme must be approved by full council
- must be published on the council's website
- must be accessible for anyone who lives, works or studies in the area, including those under 18. The process must be easy to understand and use
- must include the following options for further action:
 - taking the action requested in the petition
 - consideration of the petition at a meeting of the authority
 - holding an inquiry
 - 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
 - referring the petition to an overview and scrutiny committee
- must set a threshold trigger for a petition to be debated in full council (required to be no greater than 5% of the local population as published by the Office of National Statistics)
- must notify the petition organiser of the date of the debate to enable them to attend and may allow for the petitioner to address full council
- must allow for a trigger to require a senior officer to attend an overview and scrutiny committee to answer questions from the committee (the number of petition signatures needed is suggested to be 2½% of the local population)

- must include a list of the most senior officers to whom the overview and scrutiny trigger applies (which as a minimum must include the Chief Executive and Chief Officers)
- may exclude petitions which are vexatious, abusive or inappropriate
- must not apply to petitions on excluded matters (planning, licensing, individual appeals)

3.4 These are the minimum requirements, but local authorities are encouraged to ensure that the scheme is tailored to local circumstances and is easy to use with low thresholds where possible.

3.5 If a petition organiser is not satisfied with the council's response to their petition they will be able to appeal to the One Council Overview and Scrutiny Committee (or the Children and Young People Overview and Scrutiny Committee where appropriate). The committee's role will be to decide whether or not the steps taken in developing the response to the petition were adequate. If the Committee is sufficiently concerned about how a petition was handled it can require a meeting of Full Council to discuss the response. One complicating factor is that one of the council's potential initial responses to a petition is to ask an overview and scrutiny committee to look at the issues involved. The council would therefore need to ensure that the overview and scrutiny committee that looked at the issue prior to the council responding was not used in the appeal process.

3.6 The council already has a well established scheme for receiving and responding to petitions contained in the council's standing orders. The new scheme attached as appendix A to this report builds on this and ensures the council is meeting its new statutory obligations. The development of a facility for people to make electronic petitions is underway and will be introduced later in the year, accompanied by additional guidance.

3.7 Further to the requirement to include a list of senior officers who may be called to give evidence, the proposed scheme includes the Chief Executive, as required, all Directors and all Assistant Directors.

3.8 **Main features of Brent's scheme**

The scheme retains the need for a petition to contain at least 5 names before it can proceed.

It retains the provision for petitions containing 5 to 50 names being referred to the relevant service area to respond to directly.

It retains the provision for petitions containing 50 or more names to be directed to the relevant decision maker for consideration.

It introduces a threshold of 2,500 names required to call for officers to appear before overview and scrutiny (approximately 1% of the local population).

It introduces a threshold of 5,000 names to trigger a debate at Full Council (approximately 2% of the local population)

It includes a right of appeal to the One Council Overview and Scrutiny Committee (or in relevant cases the Children and Young People Overview and Scrutiny Committee) if it is felt that the petition was not dealt with properly.

It makes provision for the introduction of an on-line facility for petitions to be gathered and submitted.

It provides for all people who live, work or study in the borough to be entitled to sign a petition.

- 3.9 Up until now all petitions received have been validated by checking the signatures against names on the electoral register. Opening up petitions to people that not only live in the borough but work or study in Brent will mean that it will not always be possible to use the electoral register to validate a petition. However, the scheme still includes the right of the council to carry out whatever checks considered necessary to ensure a petition is genuine.
- 3.10 Because the duty to develop a petition scheme introduces a number of additional requirements it is proposed to carry out a review of the new arrangements after six months. This will also allow early consideration of how the new e-petition facility is being used.
- 3.11 The council is required to give publicity to its petition scheme. Information will be included on the web site and a feature will appear in a forthcoming edition of the Brent Magazine.

4.0 Financial Implications

- 4.1 There will be resource implications in managing the new e-petition facility which are difficult to estimate because it largely depends on how often it is used. The costs will be absorbed into existing resources. The provision of the IT facility is part of the existing software system used by the council to manage the decision making process and so there will be no set-up costs. However, as the new duty on local authorities to develop petition schemes is taken up, there may be some developmental costs arising which will need to be absorbed.
- 4.2 The council's standing orders need to be amended to reflect the new arrangements and these are attached as tracked changes in appendix B.

5.0 Legal Implications

- 5.1 The Local Democracy, Economic Development and Construction Act 2009 introduced the requirement for councils to respond to petitions and tell local people what action is to be taken. This is to be set out in a petition scheme which all local authorities are required to have. Statutory guidance was issued which local authorities are required to have regard to and which

included a model scheme. The implications of introducing this new requirement on local authorities are contained within the report.

6.0 Diversity Implications

- 6.1 The stated aim of the Local Democracy, Economic Development and Construction Act 2009 is to reinvigorate local democracy and the petition scheme opens up additional channels for local people to make their views known and be heard. The introduction of e-petitions will enable greater access and ease for gathering petitions, whilst retaining paper petitions will ensure those not able to access the council on-line will still be able to take action.

Background Papers

The Local Democracy, Economic Development and Construction Act 2009
Listening to communities: statutory guidance on the duty to respond to petitions

Samples of other council's petition schemes
The council's standing orders

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