

**To the Chair and Members of the
ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE**

**REVISIONS TO THE COUNCIL'S PETITION SCHEME AND IMPLEMENTATION OF
AN E-PETITIONS SYSTEM**

EXECUTIVE SUMMARY

1. Further to the reports considered by this Committee and the Standards Committee on 8th June and 23rd June 2010 respectively, and the subsequent Council decision at its meeting held on 19th July 2010 to approve a scheme for handling petitions including e-petitions, as required by the Local Democracy, Economic Development and Construction Act 2009, this report seeks the Committee's approval of arrangements to establish an e-petition facility by 15th December 2010, as required by the legislation. It also seeks Members' endorsement of revisions to the Petitions Scheme in relation to the e-petitions facility, as set out in Appendix A to this report. Subject to consultation with the Members of the Standards Committee, the recommendations of this Committee on the e-petitions facility and associated revisions to the Petition Scheme will be submitted to the Full Council on 29th November 2010 for final approval.

RECOMMENDATION

2. That this Committee recommends to Council:
 - (i) the adoption of the revised Petition Scheme as set out at Appendix A to this report; and
 - (ii) that the proposed revisions to the Council Constitution set out at paragraph 22 of the report be approved.

BACKGROUND

3. At its Annual Meeting on 21 May 2010, the Council considered an outline report on the implications of the Local Democracy, Economic Development and Construction Act 2009 from a scrutiny perspective and resolved that the approval of a Petition Scheme by the Council be agreed following consideration by this Committee and the Standards Committee of the Model Scheme produced by the Department for Communities and Local Government (DCLG).
4. Following consideration of the Model Petition Scheme by this Committee and the Standards Committee in June 2010, the Council subsequently approved a Petition Scheme on 19th July 2010, noting the requirement to have an e-petition facility in place by 15th December 2010 and that this would be the subject of a further report prior to being introduced.

5. The e-petition facility is being developed as an in-house package and will be ready to 'go live' by 15th December 2010.
6. Since July, 2010 the Council has received and dealt with three petitions which have been published on the Council's website. The subject matter of all three petitions received comes under the remit of the Neighbourhoods & Communities directorate. The petitions have ranged from between 50 – 170 signatories and have been similar in nature with two of the petitions requesting traffic calming measures within the Borough. The first of these two petitions requested the provision of a pelican crossing on Cantley Lane, Doncaster. The cost to the Council in dealing with this petition was approximately £1000, which comprised a cost of £780 for conducting a 12 hour vehicle and pedestrian survey, with the remainder being officer time. The second petition called for traffic calming measures at Truro Avenue, Wheatley and the cost in officer time of dealing with this was approximately £75. The third petition received called for the Council to support the growth and development of Fishlake village. The approximate cost in officer time of processing this petition was also £75. The action taken and outcome of the petitions has been published on the Council's website.
7. As Members may recall, petitions relating to quasi-judicial matters such as Planning/Licensing or matters which already have a statutory appeals process or those made under any other enactment and which qualify under that enactment (e.g. petition requiring a local authority to hold a referendum on Executive arrangements) are excluded from the scope of the petitions duty and will therefore be dealt with under separate procedures.

E-PETITION SCHEME REQUIREMENTS

8. As reported to this Committee on 8th June, the Local Democracy, Economic Development and Construction Act 2009 requires the authority to provide a facility on its website for the making of electronic petitions by 15th December 2010 to complement its scheme for the handling of paper petitions which is already in place.
9. The 2009 Act applies the same requirements to electronic petitions as to paper petitions, except for the following:
 - local authorities are only required to respond to e-petitions made through their e-petition facility;
 - local authorities must decide, when a request to host an e-petition is received, whether the petition is appropriate for publishing on their facility;
 - local authorities must decide what equates to a signature on an e-petition;
 - local authorities are required to provide a facility for people to submit petitions to the authority electronically. In addition to this, local authorities can choose to respond to e-petitions submitted by other means and should indicate in their petition scheme how they will deal with these types of petitions.
10. A local authority's petition scheme must secure that the authority's e-petition facility allows citizens to create a petition which can be published online and made available to others for electronic signature.

11. When taking the decision whether to host an e-petition, local authorities should, in addition to following the DCLG guidance on vexatious, abusive and otherwise inappropriate petitions, consider those issues pertinent when publishing any information on their website. For example, issues such as data protection, libel and the statutory requirement, as a public body, to comply with equalities and anti-discrimination legislation.
12. Under the Act, authorities are required to give reasons should they decide not to host an e-petition. This will allow petitioners an opportunity to amend and resubmit their petition.

Signatories

13. Consistent with the criteria for submitting paper petitions, anyone who lives, works or studies in the local authority area (including under 18's) can organise and sign an e-petition. The organiser of an e-petition will be required to provide their name, postal address and a valid email address. Signatories of e-petitions will be required to provide their name, postcode and a valid email address.

Acknowledgement

14. As with paper petitions, the Council will send an acknowledgement to the e-petition organiser within 10 working days of receiving the e-petition. In order for the Council to check that the content of a petition is suitable, petition organisers will be informed that there may be a delay of up to 5 working days before their petition is published online and available for signature.

Revisions to Petition Scheme

15. Attached at Appendix A to this report is a copy of the Council's Petition Scheme, as approved by the Council at its meeting held on 19th July 2010, which has been revised where necessary to include information on the e-petition facility. New text is shown in bold italics and deleted text shown as being struck through.

Next Steps

16. Once the final scheme for handling e-petitions has been agreed, there will be a need to communicate these new arrangements to staff/partner organisations as appropriate to advise them of what they should do if they receive queries about petitions or are presented with one.

OPTIONS CONSIDERED AND REASONS FOR RECOMMENDED OPTION

17. The authority must have a petitions scheme in place with an e-petitions facility by 15th December 2010; there are no alternative options available.

IMPACT ON THE COUNCIL'S KEY OBJECTIVES

18.	Doncaster Priorities	Implications of this initiative
	Improving Neighbourhoods Together (Cross-cutting)	Addressing the perception in communities that people can't influence decisions that affect their local area, ensuring people know how they can voice their concerns about local issues and encouraging communities to get involved in local decision making.

RISKS AND ASSUMPTIONS

19. The legislation requires all authorities to have an e-petitions facility in place by 15th December 2010. If the timeframe for putting the e-petition in place is delayed, the Council will not meet this statutory obligation, which could have an adverse impact on the Authority.

LEGAL IMPLICATIONS

Constitutional Changes

20. Changes will need to be made to CPR (Council Procedure Rule) 2 to include the debating of petitions and OSPR (Overview and Scrutiny Procedure Rule) 7 to include appealing petition responses and holding Officers to account however nothing in the existing Constitution prevents this from happening already. CPR 13 refers specifically to petitions and deputations and should be updated to reflect the requirements of the petition scheme.
21. Overview and Scrutiny (O & S) can review the authority's response to a petition or 'can arrange' for Full Council to undertake a review. The term 'can arrange' makes it unclear as to whether O and S has the authority to ensure this takes place or simply to recommend it. However, CPR 2 (viii) permits Council *"to receive any reports from the Executive, Overview and Scrutiny and the Council's Committee's and receive questions and answers on any of those reports"*.
22. In the light of the above, it is therefore proposed that revisions be made to the relevant parts of the Constitution as outlined below (new text shown in bold italics, deleted text is struck through):

Part 4 – Rules of Procedure: Section I – Council Procedure Rules

Council Procedure Rule (CPR) 2 – Ordinary Meetings

Amend paragraph (xi) in CPR 2 to read:

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (xi) consider any other business specified in the summons to the meeting, including ***the debating of any petition containing***

more than 10,000 signatures, and presentation of **other** petitions **falling below this threshold** from Members of the Council **and/or Members of the Public** and receiving deputations from the public.

Council Procedure Rule (CPR) 13 – Petitions and Deputations from the Public

13. **PETITIONS AND DEPUTATIONS FROM THE PUBLIC**

13.1 **Petitions**

Subject to 13.2, at a meeting of the Council **a member of the public or** any Member may present a petition, signed by **50 or more** persons other than Members of the Council **who live, work or study in the local authority area (including under 18's)**, which is relevant to some matter in relation to which the authority have functions, or which affects the area of the authority or part of it, or the inhabitants of the area or some of them.

13.2 A **member of the public or** Member wishing to present a petition shall give notice in writing to the Chief Executive **by contacting the Council's Democratic Services Team** at least 10 working days before the meeting. ~~and shall show the petition to him/her.~~

13.3 The presentation of a petition by ~~the~~ **a member of the public or a** Member **on their behalf** shall be limited to no more than 5 minutes and shall be confined to reading out, or summarising the substance of the petition, indicating the number and description of the signatories and making relevant further supporting remarks.

13.4 If presented at a meeting of the Council, the petition shall immediately be referred without discussion to the appropriate Executive Member, Committee or Sub-Committee.

13.5 ***In accordance with the Council's Petition Scheme, any petition received by the Council which contains more than 10,000 signatures will be debated by the Full Council. The Council will endeavour to consider the petition at its next ordinary meeting. Petitions received will not be considered at the Annual General Meeting or Extraordinary Council Meetings. The petition organiser, or an elected Member on their behalf, will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. The Council may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee. Where the issue is one on which the Council's Executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision.***

~~13.5~~

13.6 The Chair may agree to receive a petition at other appropriate locations in the Borough. When the Chair agrees to do so, the Ward Councillors for the area in which the person submitting the petition resides, shall be notified and invited to attend.

~~13.6~~

13.7 Following its presentation the petition shall be given to the Chief Executive.

Part 4 – Rules of Procedure: Section V – Overview and Scrutiny Procedure Rules

Overview and Scrutiny Procedure Rule 7 – Agenda Items

Insert additional paragraph number (xv) in Overview and Scrutiny Procedure Rule 7(a) - Agenda Items, as follows:

7. Agenda Items

(a) Meetings of Overview and Scrutiny Committee will conduct the following business:-

(xv) any matters referred to it in accordance with the Council's Petition Scheme.

Insert additional paragraph number (xii) in Overview and Scrutiny Procedure Rule 7(c) - Agenda Items, as follows:

7. Agenda Items

(c) Meetings of Overview and Scrutiny Panels will conduct the following business:-

(xii) any matters referred to it in accordance with the Council's Petition Scheme.

FINANCIAL IMPLICATIONS

23. The viability of creating an e-petitions facility in-house has been explored with ICT and this is considered to be the most cost effective option.
24. The costs associated with development of an in-house package by ICT will be contained within existing budgets.

OTHER RESOURCE IMPLICATIONS

25. Due to the democratic nature of e-petitioning, the administration of the petitions function will be undertaken within the Council's Legal & Democratic Services area.
26. Officer time will need to be spent checking and approving/rejecting/negotiating the content of every new petition which is submitted and a written response will also

need to be prepared by either the relevant Directorate or Lead Member. If petitions are to be reported to or debated at Full Council, Officer and Member time will be needed to facilitate this which could include additional meetings. There is also the potential impact on Officers petitioned to be held to account and a further impact on Scrutiny workload if responses to petitions are challenged by the petitioner.

CONSULTATION

27. There is the opportunity for the Local Authority or individual elected Members to use the e-petitions facility as a means of gauging public opinion on certain issues.
28. There will need to be an awareness raising process to ensure residents and other stakeholders are aware of the petition process and e-petition facility.

BACKGROUND PAPERS

29. Local Democracy, Economic Development and Construction Act, 2009;
30. Listening to Communities: Statutory guidance on the duty to respond to petitions, Department for Communities and Local Government, March 2010;
31. Reports to Council – 21st May 2010 and 19th July 2010
Report to EDSC – 8th June 2010
Report to Standards Committee – 23rd June 2010

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