

Taunton Deane Borough Council

Full Council – 30 September 2014

Review of Petition Scheme

Report of the Assistant Chief Executive

(This matter is the responsibility of Executive Councillor Vivienne Stock-Williams)

1. Executive Summary

This report sets out proposals from the Constitutional Sub-Committee which have been endorsed by the Corporate Governance Committee to review the Council's position on dealing with petitions in light of changes as a consequence of the repeal of legislation relating to this issue.

2. Background

The Local Democracy, Economic Development and Construction Act 2009 made it a statutory duty for all councils to adopt a formal petition scheme. The Council duly adopted such a scheme at its meeting held on 13 July 2010.

The scheme adopted by the Council obliged the Council to respond appropriately to compliant petitions and inform people what action would be taken to address their concerns.

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.

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.

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. There are currently three types of petitions relevant to the scheme:

- Ordinary petitions – which must contain at least 25 signatures. The petition organiser can present their petition to a meeting of the Council who will, without discussion, refer the petition to the relevant decision maker (this could be an officer of the Council or one of the Council's committees), or the petition organiser can meet with the relevant decision maker direct to present their petition.
- Petitions for Council debate – which must contain at least 1500 signatures which if validated will be debated or discussed at a meeting of the Full Council.
- Petitions calling for the Council employees to give evidence at a Scrutiny Committee meeting – which must contain at least 750 signatures which

can call for a senior Council employee to give evidence at a public meeting of a Scrutiny Committee.

To my knowledge, to date, very few petitions have been received that have required a council debate or a referral to a Scrutiny Committee.

Chapter 10 of the Localism Act 2011 has repealed the requirement for such a statutory petition scheme and mandatory new petitions facility with specified trigger points for the number of signatures required.

There is therefore now the opportunity for the Council to review its position and provide greater clarity and flexibility if it so wishes.

The Constitutional Sub-Committee gave consideration to this matter at its meetings held on 13 May and 7 August 2014.

As part of its review the Committee undertook some research to the trigger points for petition schemes that were currently operated by nearby and neighbouring local authorities – as set out in Appendix A of this report. The Sub-Committee considered various options and in particular the following three approaches:-

- 1) To retain the current scheme and perhaps consider giving this facility a higher profile to encourage the public to avail themselves of it.
- 2) To withdraw the current scheme and make the receipt and consideration of petitions as flexible as possible so that they could be dealt with in line with any correspondence received by the Council.
- 3) To continue with a more formal scheme but to vary the trigger points in terms of amounts of signatures required to encourage greater participation.

The Sub-Committee concluded that whilst there was now no duty on the Council to maintain a petition scheme, the authority had an overriding responsibility to promote democracy and it would therefore be advisable for the Council to retain a scheme of some form but to ensure that any such scheme should be flexible and user-friendly to encourage more petitions to be submitted in the future.

The Sub-Committee therefore recommended that consideration be given to instituting a simplified scheme whereby there is only one definition of a petition which must contain at least 200 signatures which, if validated, will be debated or discussed at a meeting of the Full Council. To assist users a sample petition sheet would be provided – see attached a draft of the new simplified scheme together with a possible sample petition sheet at Appendix B to this report.

The Sub-Committee submitted its proposals to the meeting of the Corporate Governance Committee on the 22 September 2014 where the proposals were endorsed and it was agreed to seek Full Council approval for the changes.

3. Finance Comments

There are no significant financial implications arising from the recommended way forward. Any additional duties/workload arising from an increased use of a petition scheme would need to be met from within existing resources.

4. Legal Comments

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. Nevertheless, in keeping with its general duty to promote democracy it would be advisable for the Council to retain a petition scheme of some form.

5. Links to Corporate Aims

There are no direct links to Corporate aims.

6. Environmental and Community Safety Implications

There are no direct Environmental and Community Safety Implications.

7. Equalities Impact

An Equalities Impact Assessment must be carried out if the report is in respect of:

- New initiatives/projects with an impact on staff, service or non-service users;
- New services/changes to the way services are delivered;
- New or refreshed Strategies;
- Events – Consultation/Training; and
- Financial/budget decisions.

Recommended way forward

The proposed changes to the petition scheme should not disadvantage any sections/vulnerable groups in the community.

8. Risk Management

There are no significant risk management issues arising from the report.

9. Partnership Implications

There are no significant partnership implications arising from the report.

10. Recommendations

That the proposals made by the Constitutional Sub-Committee and endorsed by the Corporate Governance Committee (set out in paragraph 2 above) be approved.

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Appendix A

Comparison of Current Petition Schemes

Council	Ordinary Petition Definition	Trigger Level for Council Debate	Trigger Level for Evidence Giving
Taunton Deane Borough Council	Yes 25 signatures	1,500 signatures	750 signatures
West Somerset Council	No	Not Applicable	Not Applicable
Sedgemoor District Council	No	1,100 signatures	550 signatures
South Somerset District Council	Yes 25 signatures	8,000 signatures	4,000 signatures
Mendip District Council	Yes 50 signatures	1,500 signatures	750 signatures
Somerset County Council	No	5,000 signatures	2,500 signatures
Cornwall Council	Yes 25 signatures	5,000 signatures	1,000 signatures
North Somerset Council	No	10,000 signatures	6,000 signatures

Appendix B

Presentation of Petitions

- (1)
 - (a) A petition is a written request signed by the requisite number of people appealing to an authority about a particular cause or issue.
 - (b) A petition requiring debate by full Council is a petition that contains more than 200 signatures and will be debated by full Council.
- (2) Excluded Matters are matters that are excluded from the scope of the petitions duty and these are:-
 - (a) Any matter relating to a planning decision, including about a development plan document or the community infrastructure levy;
 - (b) Any matter relating to an alcohol, gambling or sex establishment licensing decision;
 - (c) Any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.
 - (d) Any matter which the Mayor believes to be scurrilous, offensive, improper, repetitious, capricious, irrelevant or otherwise objectionable.
- (3) Petitions submitted to the Council must include:-
 - (a) A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take;
 - (b) The name and address and signature of any person supporting the petition;
 - (c) The name and address of the petition organiser.
- (4) All petitions will be acknowledged within 10 working days.
- (5) If a petition contains more than 200 signatures the petition will be debated at the next scheduled meeting of Ordinary council; the normal convention will be to debate no more than one petition at any one council meeting on a first come basis, subject to the discretion of the Mayor.
 - 5.1 The petition organiser will be given 5 minutes to present the petition to the meeting
 - 5.2 Councillors will discuss the petition up to a maximum of 15 minutes
 - 5.3 The council will decide how to respond to the petition which may include to take the action requested, not to take the action requested for the

reasons given in the debate, refer the matter for further investigation, or refer the matter to the Council Executive for final decision.

- (5) A petitioner has the right to request a review of the steps taken in response to the petition if they are unhappy and that request shall be made to one of the Council's Overview and Scrutiny Committees.

Appendix C

Petition to Taunton Deane Borough Council

Petition Scheme check list:

- 1. Any petition must meet the Council’s Petition Scheme requirements and be signed by at least 200 people.
- 2. Petitions with at least 200 signatures will be debated at Council.
- 3. Please send your petition to the Democratic Services Manager, Taunton Deane Borough Council, Belvedere Road, Taunton TA1 1HE. Email: csu@tauntondeane.gov.uk

Alternatively you can present your petition to your local Councillor.

Contact details of the lead petitioner:

(the person the Council will contact with responses to the petition)

Name (please print)	Address (please print)	Signature
	Address: Telephone No: (Home/Work) (Mobile) (Email)	

We the undersigned petition the Council to:
