

## PETITIONS TO THE COUNCIL

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<b>Cabinet Portfolio</b>	Leader of the Council
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<b>Papers with report</b>	Appendix A: Petition Scheme

### HEADLINE INFORMATION

<b>Purpose of report</b>	By 15 December 2010, all councils are required (under the Local Democracy, Economic Development and Construction Act 2009) to have a Petition Scheme in place for their residents, which covers electronic petitions as well as paper petitions. This scheme must be formally approved by the Council before it comes into force. The report gives details of the proposals for implementing a revised Petition Scheme in Hillingdon to meet the new requirements as detailed in the Act, widening the way we handle petitions on behalf of Hillingdon residents.
<b>Contribution to our plans and strategies</b>	The Council's Petition Scheme is a prime example of how Elected Members seek to put residents at the heart of everything the Council does.
<b>Financial Cost</b>	As the electronic petitioning facility is already available within existing software, there are no direct financial implications to the recommendations other than the time and training required by officers to use the system, which are anticipated to be minimal. As this is a new burden on councils the Government have agreed to provide a grant through the Area Based Grant, although the actual level of funding is yet to be confirmed. Ongoing funding will then be added into the Revenue Support Grant.
<b>Relevant Policy Overview Committee</b>	Corporate Services and Partnerships
<b>Ward(s) affected</b>	All

### RECOMMENDATION

**That Cabinet considers the Petition Scheme (Appendix A) and recommends it to full Council for adoption as part of the Constitution.**

## INFORMATION

The *Local Democracy, Economic Development and Construction Act 2009* placed a duty on principal local authorities to provide a facility for those who live, work or study in the Borough to submit petitions in hard copy format by 15 June 2010 and electronically by 15 December 2010, and to produce and publish a Petition Scheme. It also brought in some new requirements for the Council to hear petitions.

Following consultation with the Leader and relevant Cabinet Members, this report to Cabinet sets out a new Petition Scheme which, subject to Cabinet's agreement, will form part of the Constitution and be recommended to Council on 4 November 2010.

### Current Petition Process

Members will be aware that the Council has benefited from an effective paper petition procedure that was established in May 2002. Thousands of residents from across the Borough participate each year in this transparent, democratic process of signing petitions, which continues year-on-year to receive high praise. For example in 2009/10, 100% of residents attending were satisfied with the procedures for Petition Hearings and 95% were satisfied with the way the Petition Hearing was held.

This interaction with residents is very important in showcasing not only the Council but the important work Hillingdon's Elected Councillors do. Democratic Services seeks to provide the best possible experience for residents before, during and after they attend such meetings to participate in democratic processes.

In Hillingdon, the paper petitioning process requires 20 signatures from Borough residents (each of which must provide their name, address and signature) for it to be classed as a valid petition. For action to be taken on a petition, the subject matter must be in relation to something over which the Council has control or over which it has some influence. Over the last three years, the number of paper petitions received has been fairly stable:

<b>PETITIONS RECEIVED</b>	<b>2009/2010</b>	<b>2008/2009</b>	<b>2007/2008</b>	<b>2006/2007</b>
<b>Cabinet Member</b>	106	94	107	94
<b>Planning</b>	166	148	173	145
<b>Licensing</b>	9	1	2	2
<b>TOTALS</b>	<b>281</b>	<b>243</b>	<b>285</b>	<b>243</b>

It is not anticipated that the introduction of electronic petitioning will dramatically increase the total number of petitions received by the Council. As such, it is proposed that the threshold at which electronic petitions are to be considered valid is also set at 20.

### Current Petition Categories

There are currently three main categories of petition received by the Council which are classed as 'Ordinary Petitions':

1. Cabinet Member petitions;
2. petitions regarding planning applications; and
3. petitions regarding licensing applications.

These categories are explained in more detail in the Petition Scheme appended to this report.

### **Proposals for Electronic Petitions**

In terms of the move to electronic petitioning, Democratic Services is prepared and has previously invested in the technology capable of implementing this new requirement using the *modern.gov* software.

The *Local Democracy, Economic Development and Construction Act 2009* specifies that a council's electronic petitioning facility must have a moderation feature to ensure that all electronic petitions can be vetted before they go live. It should be noted that *modern.gov* includes a moderation facility and enables officers to communicate with the lead petitioner (and, if required, those who have signed the electronic petition) and keeps a log of this communication.

The pre-petitioning phase is unique to electronic petitions and is the time between the petitions being submitted for publication on the website and the Council's decision to make them available for signature. The existence of this initial step means that petition organisers can be assisted with the wording of their petitions and, where possible, made aware of alternative options for resolving the issue. This early notice of the topics of forthcoming petitions will also help officers by enabling them to better monitor and coordinate the response process.

As well as defining when an electronic petition can start, the Council will have the option to define the default and maximum electronic petition duration. It is proposed that the maximum duration of an electronic petition be set as three months.

### **New Petition Requirements of the Act**

The Act requires that all councils produce, publicise and comply with a scheme for handling both paper and electronic petitions (the draft Scheme is attached at Appendix A). Councils must also ensure that notification of all petitions (even those that are deemed invalid) is published on the councils' website, unless the authority considers that it would be inappropriate to do so. *modern.gov* (the software that will be used by Democratic Services to facilitate electronic petitioning) is being updated by the provider so that details of all paper petitions received by the Council can be included on the system and published on the website. Furthermore, all petitions should be deemed valid if they contain the specified number of valid signatories who live, work or study in the Borough.

In addition to having an Ordinary Petition process (which at Hillingdon covers Cabinet Member petitions, planning petitions and licensing petitions), the Act stipulates that councils are required to consider two other types of petition:

1. **Petitions requiring Council debate** – petitions containing the names, addresses and signatures of 2,500 people will be debated by the full Council.
2. **Petitions to hold Council employees to account** – petitions which call for evidence from a senior Council employee must have 1,250 signatures to trigger that action.

## Petitions requiring Council debate

Where a petition is:

- signed by a specified number of people who live, work or study in the Borough;
- not a petition which requires an officer to be called to account by the Council; and
- requesting a debate;

the petition should be considered by Councillors at a full Council meeting. As the guidance has suggested that the number of people required for this type of petition be set at 1% of the Borough population, it is recommended that the threshold be set at 2,500 signatories and that only those aged over 18 can sign such petitions.

## Petitions to hold Council employees to account

A petition can be signed by 1,250 people who live, work or study in the Borough (the guidance suggests 0.5% of the population) to require that a relevant officer of the Council be called to account at a public meeting of the authority (Policy Overview and Scrutiny Committee meeting). It should be noted that any such petition must give grounds for the request which must relate to the discharge of functions for which the specified officer is responsible. As there is a requirement for statutory chief officers, non-statutory chief officers and the head of paid service to be amongst those officers that can be called to account, it is recommended that only the following officers be included in those that can be asked to give evidence at such a meeting:

- Chief Executive / Head of Paid Service
- Monitoring Officer (or any officer fulfilling the statutory role)
- Section 151 Officer (or any officer fulfilling the statutory role)
- Deputy Chief Executive
- Director of Planning, Environment and Community Services
- Director of Adult Social Care, Health and Housing
- Director of Education and Children's Services
- Director of Finance and Business Services

For the purposes of addressing the concerns raised in the petition, the Committee could decide that it would be more appropriate for an alternative officer to give evidence at the meeting other than the one named in the petition. Once the relevant officer has given evidence at the public meeting, the Committee is required to forward a report or recommendations to the Council as well as to the petition organiser.

## **Petition Signature Thresholds**

The proposed thresholds for the three types of petitions can be summarised as follows:

<b>Type of petition (including e-petitions)</b>	<b>Recommended guidance - % of population</b>	<b>No of valid signatures required</b>
Ordinary petitions	N/A	20*
Petitions requiring Council debate	1%	2,500*
Petitions to hold Council employees to account	0.5%	1,250*

*\* Members may wish to amend one or more of these thresholds*

Members do have some flexibility in determining thresholds, whilst bearing in mind the guidance above in terms of percentages.

## **Review of Petition Procedures**

It is proposed that the electronic petitioning facility be reviewed approximately three months after the system has gone live. This will give officers the opportunity to look at what has gone well and where improvements need to be made. A review of the new petition requirements will take place after they have been used for the first time.

## **Constitutional Changes Required**

It should be noted that, in order to make access to the process and scheme as simple as possible, it is proposed that current detailed references to the Ordinary petitioning process be deleted from the Council's Constitution and replaced with the attached Petition Scheme (Appendix A). This Scheme would form a new section of the Constitution under Part 4 of the Constitution, Rules of Procedure K. Minor additional wording will also need to be inserted into the Constitution:

- Information relating to Petitions requiring debate at Council will need to be inserted into Article 4 (Full Council) and also the Council's Procedure Rules (Schedule A of the Constitution).
- Information relating to petitions requesting that an employee be held to account will be included in the generic Policy Overview and Scrutiny Terms of Reference found within the Procedure Rules (Schedule E of the Constitution).

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## **Financial Implications**

The costs associated with facilitating an electronic petition facility will be met from within existing budgets as the electronic petitioning facility is already available within existing software. However, Democratic Services staff will need to spend some time learning to use the new facility, which may result in training costs which are anticipated to be minimal.

It should be noted that, under the new burdens principle, central Government will meet the costs of the new burdens associated with the petitions duty. It is expected that the national cost to the public sector of responding to local petitions will be approximately £4.7 million per year, decreasing over time. These costs arise from increased work for council officers, time at Council meetings and Overview and Scrutiny Committees and set up costs for electronic petitions.

The Department of Communities and Local Government (DCLG) has advised that local authorities will each receive a grant for 2010/2011 which will vary by local authority, depending on the local population. Although the figures for each Council have not yet been finalised, Hillingdon is likely to receive the grant at the end of September/beginning of October 2010 which will be paid through the Area Based Grant Allowance. It is anticipated that funding for future years will be incorporated into the Revenue Support Grant.

### **Reasons for recommendation**

To inform Cabinet of legislation that becomes law with effect from 15 December 2010 requiring the Council to have in place an electronic petition scheme with the aim of strengthening local democracy.

### **Alternative options considered / risk management**

Whilst Cabinet may consider amending the recommended Petition Scheme, it is a statutory requirement to recommend the adoption of a scheme.

### **Comments of Policy Overview Committees**

None at this stage, though the Committees will be given a new role in relation to Petitions as outlined in this report.

## **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

The Council needs to fulfil the legal requirement to have a Petition Scheme in place for their residents, which covers electronic petitions as well as paper petitions, by 15 December 2010. By providing facilities for residents to submit electronic petitions, the Council is increasing the ways in which residents can be involved in the democratic process.

### **Consultation Carried Out or Required**

Members will be made aware of the new petition rules and how e-petitioning will work. There has and will also be consultation with ICT and internal testing of the system using Council staff.

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## **CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report and is satisfied that the costs associated with the electronic petition facility will be met from existing budgets as this facility is already available within existing software. However, it should be noted that there may be training costs associated with this new facility which are anticipated to be minimal.

The Department of Communities and Local Government (DCLG) has advised that local authorities will each receive a grant for 2010/2011 which will be paid through the Area Based Grant Allowance. It is anticipated that funding for future years will be incorporated into the Revenue Support Grant.

## **Legal**

As stated in the report the Local Democracy, Economic Development & Construction Act 2009 requires the Council to make and publicise a scheme for the consideration by the Council of both written & electronic petition. The proposals contained in this report comply with the legislation and because these changes will require changes to the Council's Constitution, the Petition Scheme must be adopted by Full Council.

There has been recent guidance from the Department of Communities and Local Government, stating that Councils need only apply the 'minimum' requirements of the Act, which is what is being proposed in this report.

## **BACKGROUND PAPERS**

Local Democracy, Economic Development and Construction Act 2009