

Item No. 6.	Classification: Open	Date: 19 May 2010	Meeting Name: Council Assembly (Annual Meeting)
Report title:		Introduction of a Petitions Scheme	
Ward(s) or groups affected:		All	
From:		Strategic Director of Communities, Law & Governance	

RECOMMENDATIONS

1. That the council assembly approve the petition scheme attached in Appendix 1
2. That the council assembly approve the constitutional changes attached in Appendix 2
3. That the Strategic Director of Communities, Law & Governance make preparations for the implementation of an e-petitioning facility.

BACKGROUND INFORMATION

4. The Local Democracy Economic Development and Construction Act 2009 ["the Act"] imposes a new statutory petition scheme duty on local authorities to have a scheme for handling petitions which must be approved by Full Council and published on the Council's website.
5. The Act requires local authorities to make, publicise and comply with a scheme for handling petitions (including electronically through their websites). Schemes will set out the requirements for petitions in order for them to be dealt with, including the number of signatures required. Signatures will need to be from people who live, work or study in the authority's area.
6. To come within the scheme, the petition must relate either to a function of the authority or to an improvement in the economic, social or environmental well-being of their area to which any of their partner authorities, such as the NHS could contribute. The scheme should make it clear that planning and licensing decisions are to be excluded, as are matters where there is another appeal (e.g. Council tax banding). However these matters will not be excluded if the petition relates to a systematic failure in service provision.
7. Schemes will also need to set out how the authority will acknowledge the petition and in what time scale. The acknowledgement must give information about what the authority has done or proposes to do in response to the petition. Authorities are required to take steps in response to the petition and to inform the petition organiser and the public about what steps will be taken.
8. The Act indicates a number of steps that councils may consider taking as a result of a petition. These include:
 - giving effect to the request in the petition;

- considering the petition at a meeting of the authority;
 - holding an inquiry;
 - holding a public meeting;
 - commissioning research;
 - giving a written response to the petition organiser setting out the authority's views about the request in the petition;
 - referring the petition to an overview and scrutiny committee of the authority;
 - referring the petition to an overview and scrutiny committee or subcommittee
9. Petitions above a certain size must be debated by the full council, although the proposed scheme will allow the petition organiser to state who they want to receive the petition. These 'local' issues can go to the relevant community council and there is a lower threshold. In addition petitions could be sent to the Executive or to a committee. A petition organiser is able to refer a petition to the council's overview and scrutiny committee if dissatisfied with the process adopted.
10. It will also be possible for a petition to require an officer to be 'called to account' at a meeting of an overview and scrutiny committee or subcommittee.
11. These provisions will come into force as follows:
- **Petition scheme 15th June 2010**
 - **E-petitions 15th December 2010**

KEY ISSUES FOR CONSIDERATION

12. The Act requires local authorities to make, publicise and comply with a scheme for handling petitions (including electronically). The Act requires two types of petition, those which require council assembly to debate and those to call officers to account. However, the proposed scheme gives the petitioner the ability to submit a petition for these and in addition to other decision makers including cabinet and community councils.
13. The maximum number of signatures is 5%; however the recommended scheme sets the limit lower, at approximately 2% for a petition to be debated by council assembly.

Community impact statement

14. The petition scheme will have direct impact on local people as adoption of the scheme will allow local people to bring matters of concern before the council in a wider variety of ways than at present.

Legal implications

15. The Act requires local authorities to make, publicise and comply with a scheme for handling petitions (including electronically). Schemes must set out the requirements for petitions in order for them to be dealt with, including the number of signatures required. Signatures will need to be from people who live, work or study in the authority's area.
16. The Local Authorities (Petitions) (England) Order 2010 specifies the maximum number of signatures that authorities may include in their petition schemes as

being required to trigger a debate of the full council. That figure is 5% of the local population as estimated by the Office of National Statistics. The thresholds in the scheme in Appendix 1 are smaller than this so the requirement is satisfied.

17. Article 1 (1.5) (a) of Southwark's constitution states that any changes to the constitution which can only be approved by council assembly will require the prior consideration of the proposal by the constitutional steering panel.
18. Council assembly may approve any amendment to the constitution where the issue in general has previously been considered by the constitutional steering panel.

Resource implications

19. The budget for 2010-11 was set on 23 February 2010 and any changes to the constitution must be contained within the budget.
20. The constitution is produced in binder form with loose leaf pages and dividers. This means that any additional costs arising from the reproduction of small sections of the constitution are reduced compared to the reprinting of the whole constitution. In addition, there will be some additional officer time required to set up the e-petition scheme and to manage any petitions coming through under the scheme. However, it is not anticipated that this will be so extensive as to require additional officer resource. Therefore, it is anticipated that the cost can be contained within existing budgets.

REASONS FOR LATENESS

21. The proposals in the report contain proposed changes to the constitution to implement the petitions scheme. The constitution states that any changes to the constitution which can only be approved by council assembly will require the prior consideration of the proposal by the constitutional steering panel. The statutory guidance was published on 30 March 2010 and there was no constitutional steering panel held between this date and the election.

REASONS FOR URGENCY

22. The provisions relating to petition schemes come into force on 15th June 2010. The scheme must be approved by council assembly by virtue of section 11 (2) of the Act. There is no other meeting before the prescribed date.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark's Constitution.	Southwark Council, 160 Tooley Street, London SE1 2TZ	Lesley John 020 7525 7228
-Petitions Guidance.	Southwark Council, 160 Tooley Street, London SE1 2TZ	Norman Coombe 020 7525 7678

APPENDICES

Appendix No.	Title
Appendix 1	Proposed Petition Scheme
Appendix 2	Proposed Constitutional changes

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Authors	Norman Coombe	
Version	Final	
Dated	13 May 2010	
Key Decision?	No	
Consultation with other officers / directorates / executive member		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Incorporated
Finance Director	Yes	Incorporated
Executive Member	No	No
Date final report sent to Constitutional Team	13 May 2010	