

Report To:	COUNCIL	Date:	13 FEBRUARY 2020
Heading:	PETITION SCHEME REVIEW		
Portfolio Holder:	PORTFOLIO HOLDER FOR CORPORATE COMMUNICATIONS, GOVERNANCE, AND CROSS-PORTFOLIO SUPPORT		
Ward/s:	ALL		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

The purpose of this report is to allow Members to consider adopting a revised petition scheme. Ashfield District Council's Petition Scheme has been reviewed with the aims of providing further clarity to petition organisers, improving accessibility, and refining petition thresholds.

This report provides background on the introduction of petition schemes in local authorities, details of the Council's existing scheme, and proposed changes to the scheme.

The proposed revised petition scheme is attached to this report as Appendix A.

Recommendation(s)

Council is recommended to:

- Approve the revised petition scheme attached as Appendix A.

Reasons for Recommendation(s)

To ensure Ashfield District Council's Petition Scheme remains fit for purpose, providing a recognised form of civic action to residents and local communities in Ashfield.

Alternative Options Considered

Council could consider maintaining the existing petition scheme, declining to make any updates or changes to the document.

Detailed Information

Legislative Background

Ashfield District Council's Petition Scheme was introduced in accordance with the requirements in chapter 2 of the Local Democracy, Economic Development, and Construction Act 2009. This legislation imposed a duty on local authorities to introduce a scheme for the handling of petitions made to the authority by people who live, work, or study in the authority's area.

The legislation required local authorities to take steps in response to petitions they receive which relate to relevant matters. Examples of steps local authorities could take in response to petitions were set out within the legislation:

- Taking the action requested in a petition
- Holding an inquiry
- Holding a public meeting
- Commissioning research

The 2009 Act required local authorities to make provision within a statutory petition scheme for petitions signed by a specified number of persons who live, work, or study in the local authority's area to trigger the holding of a debate at a meeting of the authority.

Legislation gave local authorities flexibility in setting this threshold, suggesting that it should be no more than 5% of the authority's population, and advising that the threshold should be set on the lower side to encourage democratic involvement.

The statutory requirement for local authorities to introduce petition schemes came as part of a drive to reinvigorate local democracy, putting local authorities at the forefront of the drive to reconnect people with public and political decision-making.

Ensuring local authorities had a duty to respond to petitions was conceived as one mechanism to address public perception that residents and local communities had limited influence over decisions that affect their area. Petitions are a popular and recognised form of civic action, allowing citizens to express their concerns and priorities to their local authorities.

Legislation Repeal

Chapter 10 of the Localism Act 2011 repealed Chapter 2 of Part 1 of the Local Democracy, Economic Development, and Construction Act 2009, relating to petitions.

This repeal removed:

- The need for the Council to make a scheme for the handling of petitions (with the exception of petitions made under another enactment)
- The need for the Council to accept petitions electronically
- The need for the Council to comply with its own petition scheme
- The need for the Council to publish a petition scheme on its website
- The need for the Council to acknowledge petitioners

Following these repeals, Ashfield District Council chose to maintain its petition scheme in the interest of promoting involvement in decision-making within the District.

Summary of Proposed Changes

The revised petition scheme is attached to this report as Appendix A.

Exclusions

Further clarity has been added to the petition scheme to ensure petition organisers are aware of the exclusions that apply when submitting a petition. This includes:

- Further details on petitions submitted that are determined by the Chief Executive to be vexatious, discriminatory, abusive, unreasonable, or otherwise inappropriate.
- A distinction that Ashfield District Council will only accept e-petitions submitted through the Council website. This is to ensure petition signatories live, work, or study in Ashfield.

Petition Thresholds

In the existing scheme, two thresholds are set out to trigger a response from the Council:

- If a petition submitted to the Council contains **between 500 and 999** signatures, it will be referred to the Overview and Scrutiny Committee. This would involve a Senior Officer being invited to a meeting of the Committee to respond to questions submitted by the petition organiser.
- If a petition submitted to the Council contains **over 1,000 signatures**, it will be debated by Full Council.

These thresholds within the revised petition scheme have been altered to reflect the thresholds set by neighbouring authorities. Examples of the thresholds other Nottinghamshire authorities set can be seen in the table below:

Local Authority	Officer Evidence/Scrutiny	Council Debate
<i>Ashfield District Council</i>	500 – 999	1,000+
Bassetlaw District Council	750 – 2,499	2,500+
Gedling Borough Council	1,500 – 2,999	3,000+
Newark and Sherwood District Council		1,000+
Rushcliffe Borough Council	2,200+	2,200+

The altered thresholds are:

- If a petition submitted to the Council contains **between 750 and 1,499 signatures**, it will be referred to the Overview and Scrutiny Committee.
- If a petition submitted to the Council contains **over 1,500 signatures**, it will be debated by Full Council.

Alongside the proposed changes to existing petition thresholds, two new thresholds are proposed, which are as follows:

- If a petition submitted to the Council contains **between 10 and 199 signatures**, it will be responded to in accordance with Ashfield District Council's Compliments and Complaints procedure.
- If a petition submitted to the Council contains **between 200 and 749 signatures**, it will be discussed at a meeting of the Council's Corporate Leadership Team. The discussion would lead to a formal written response from the Corporate Leadership Team to the petition organiser.

These additional thresholds have been included to provide petition organisers with a cohesive process and response if they do not achieve sufficient signatories to warrant a debate at Council or the Overview and Scrutiny Committee.

Overview and Scrutiny

A petition containing between 750 and 1,499 signatures will be considered by the Council's Overview and Scrutiny Committee. Under the current scheme, petition organisers are permitted 15 minutes to present their petition and ask three questions to the Senior Officer in attendance. Within this 15 minutes, Committee Members may discuss the petition and decide on recommendations to be presented to Cabinet.

To ensure that those petitions that have reached this threshold receive sufficient consideration, a further 15 minutes will be allocated to allow discussion between Overview and Scrutiny Committee Members and the invited Officer. During this allocated time, Committee Members may seek further clarification from the petition organiser.

Miscellaneous Changes

Several miscellaneous changes have been made in the revised petition scheme:

- Added in a clause stating the Council's petition scheme will be reviewed every 4 years.
- Changed the time the Council will take to acknowledge a new petition from within 5 clear working days to within 10 clear working days. This is to provide the Council sufficient time to ensure a submitted petition meets the criteria set out in the scheme.
- Changed the maximum period an e-petition can be open for from 12 months to 6 months. This is to ensure issues raised through a petition are considered within an appropriate timeframe.
- The relevant Ward Member(s), Cabinet Members, and Officers will be informed when a petition covering their Wards/areas of responsibility is received, and how the petition will be considered.

Implications

Corporate Plan:

Ashfield District Council's Corporate Plan 2019 – 2023 sets out three key purposes:

- The Council exists to serve the communities and residents of Ashfield.

- The Council will provide good quality, value for money services.
- The Council will act strategically and plan for the future, working with others to bring about sustainable improvements in people's lives.

The Corporate Plan also sets out the values of the Council, ensuring the delivery of high-quality public services by underpinning the successful delivery of the Council's priorities. These Values are:

- People Focussed
 - Ensuring an up-to-date petition scheme allows the Council to put people at the heart of what it does, allowing residents, local businesses and students within the District to have a clear opportunity to be involved in local decision-making.
- Honest
 - Providing Ashfield residents, businesses and students the opportunity to voice their concerns to the Council openly and confidently through petitions, ensures the Council remains honest with these stakeholders.
- Proud
 - Providing a clear and recognised form of civic action to the people who live, work, and study in Ashfield.

Legal:

The statutory requirement for the Council to maintain a petition scheme was repealed with the Localism Act 2011. Ashfield District Council elected to maintain a petition scheme following this repeal.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	None.
General Fund – Capital Programme	None.
Housing Revenue Account – Revenue Budget	None.
Housing Revenue Account – Capital Programme	None.

Risk:

Risk	Mitigation
Lack of clarity for both petition organisers and signatories. The current scheme could also be open to manipulation through the possibility of gaining signatures from people not living, working or studying in the district.	Greater clarification within the scheme allows improved authenticity and credibility, ensuring local issues are considered by local people.

Human Resources:

There are no HR implications resulting from this report.

Environment/Sustainability:

There are no environment/sustainability implications resulting from this report.

Equalities:

There are no equalities implications resulting from this report.

Other Implications:

None.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

Report Author and Contact Officer

Shane Wright
Scrutiny Research Officer
s.wright@ashfield.gov.uk
01623 457318

Director

Ruth Dennis
Director of Legal and Governance (and Monitoring Officer)
r.dennis@ashfield.gov.uk
01623 457009