

Subject: Review of Petitions Scheme
Date of Meeting: 26 July 2011
Report of: Strategic Director, Resources
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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 In July 2010, the Council adopted a new petitions scheme. The timing and key elements of the new scheme were driven by the requirements of the Local Democracy, Economic Development and Construction Act 2009 ("the Local Democracy Act").
- 1.2 The Council's scheme goes much further than the statutory requirements in relation to handling petitions. The new scheme was used as an opportunity to improve customer engagement and to offer the public as wide access as possible to council decision making. This report reviews the scheme with the benefit of 12 months' experience of operation and in the context of the Localism Bill.

2. RECOMMENDATIONS:

- 2.1 That Governance Committee:
- (a) Notes the review of the operation of the petitions scheme and e-petitions facility;
 - (b) Considers whether changes to the petitions scheme are required and, if so, makes recommendations for the implementation of such changes to Full Council;
 - (c) Considers whether a further review of the petitions scheme is required once the Localism Bill is enacted and the legal requirement to have a petitions scheme is repealed.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 15th July 2010 the Council approved the launch of a new petitions scheme as attached at Appendix One. The scheme introduced a number of changes to the way in which the Council operates petitions and responds to them. Governance Committee requested that the scheme was reviewed after 12 months in

operation. This report considers the provisions of the scheme, how it has worked in practice and any issues that have arisen.

- 3.2 The Local Democracy Act required the Council to adopt a petitions scheme with certain elements, such as the ability to trigger a Full Council debate and the ability to hold senior officers to account. The scheme adopted by the Council went further than the legal requirements with the aim of encouraging participation in the business of the Council.

Key features of the Petitions Scheme

- 3.3 A copy of the petitions scheme is attached at Appendix One. The key elements of the scheme are set out below:-

- Elected Members are eligible to sign petitions;
- The ability to trigger a debate at Full Council on the subject of the petition is included with a threshold of 1,250 signatories;
- The ability to hold a senior officer to account at an Overview and Scrutiny meeting is included with a threshold of 750 signatories;
- There is a right for the lead petitioner to request a review of the Council's response to the petition where s/he is unhappy with the way that the petition has been handled;
- There is a wide definition of the people who can petition the Council, namely "any person of any age who lives, works, studies or uses services in Brighton & Hove";
- The scheme includes a range of actions that the Council is required to consider in response to a petition;
- The petitioner has an option under the scheme of requesting a response from a senior officer rather than taking the petition to a decision making meeting;
- Vexatious, abusive or otherwise inappropriate petitions are excluded from the scheme, together with petitions which relate to individual planning, licensing or other issues where there is a statutory right of recourse or appeal;
- The scheme formally launched the Council's e-petitions facility.

The Localism Bill

- 3.4 Elsewhere on the agenda Governance Committee will be considering an update on the Localism Bill. One of the changes proposed under the Localism Bill is to remove the requirement for councils to have a petitions scheme. This includes removing the requirement to hold Full Council debates where petitions hit a certain number of signatories and the requirements around reviewing the outcome of petitions and holding senior officers to account. Local authorities will be free to adopt their own mechanisms for responding to petitions as was the position prior to the Local Democracy Act 2009.
- 3.5 The review of the scheme should therefore be considered in the context of the Council no longer being required to operate it once the Localism Bill is enacted.

Review of the petitions scheme after 12 months in operation

- 3.6 Since the petitions scheme and the e-petitions facility were launched in July 2010, there have been a total of 63 e-petitions and 39 paper petitions - making a total of 102 petitions. Of these, 15 petitions have triggered a Full Council debate. This is a significant increase in the number of petitions coming into the Council following the launch of the petitions scheme and the e-petitions facility. By way of comparison, in 2009/2010 – before the petitions scheme and e-petitions facility were introduced – a total of 47 petitions were received.
- 3.7 The petitions that have triggered a full council debate are:-
- **Blakers Park Road Safety** – ongoing
 - **Save the Big Lemon bus** – 2,316 signatories
 - **Gypsies and Travellers** – 1805 signatories
 - **Keep the Level a green space** – 2,498 signatories
 - **Parking for Royal Sussex County Hospital** – 1,745 signatories;
 - **Keep Brighton Unique** – 1,142 signatories;
 - **Save the Drive Cycle Lanes, Hove** – 3,543 signatories;
 - **Save School Sports Partnerships in Our City** – 1,273 signatories;
 - **Bright Start Nursery** – 5,125 signatories
 - **Eco-Friendly Lights for St Ann’s Well Gardens** – 1,476 signatories.
 - **Stop the clearance (Wild Park)** – 1,700 signatories
 - **Parking in Preston Park** – 2,201 signatories
 - **Connexions** – 2,885 signatories
- 3.8 Fifteen minutes is allowed for debate on these petitions at the council meeting. Following the debate, the petitions are referred to the relevant Cabinet Member Meeting for consideration, together with minutes of the debate and, in some cases, with specific recommendations from Council for the Cabinet Member to consider. At the end of the process, the Council’s response to the petition is posted on the Council’s website.

Threshold for Full Council debate

- 3.9 Governance Committee is asked to consider whether the current trigger a for Full Council debate, is set at the right level.
- 3.10 The statutory guidance currently requires councils to ensure that the trigger for a Full Council debate is not more than 5% of the population. This would have been approximately 12,500 in Brighton & Hove. The decision taken was to seek to encourage more petitioners to come forward with the aim of opening up Council decision making. Therefore a very low threshold of 1,250 (0.5%) was set. The figure was set taking into account the fact that there was only one petition which had reached over 1000 signatories in the previous year and the guidance encouraged councils to ensure that the threshold was achievable.

- 3.11 The fact that many more petitions are now reaching high numbers is a sign of the impact of the petitions scheme. Having a target to aim for and the goal of a Full Council debate has successfully encouraged the use of petitions. Also the availability of the e-petition facility has made access to the petitions much easier.
- 3.12 Governance Committee is asked to consider whether the threshold for triggering a Full Council debate is right or whether it is too low. The argument in favour of the current threshold is that it has been shown to be achievable and has been clearly demonstrated to encourage participation in council decision making. The issue to consider is whether, in the time available, there is still an ability to effectively debate the number of petitions that are coming to Full Council.

Holding Senior Officers to account, reviewing and excluding petitions

- 3.13 The provisions to call for a review of the way the Council has handled a petition and to be able to hold senior officers to account have not been engaged. These do, however, provide useful checks in the decision making process and it is proposed that these are retained.
- 3.14 Similarly, the need to exclude petitions on the grounds that they are vexatious, abusive or otherwise inappropriate has not been engaged but again provides a balanced system that has mechanisms in place to prevent abuse.
- 3.15 In terms of who can petition the Council, the new scheme opened up the ability to petition the Council to elected Members and anyone who uses council services, not just to residents, students or those working in the City.
- 3.16 The extension of the ability to petition the Council to non residents who use council services has not created an influx of petitions led by non residents and therefore it is proposed that this opportunity remains in place, providing for the occasions where there may be an impact on non residents or those who do not study or work in the City (such as the History Centre petition from 2010).

4. NEXT STEPS

- 4.1 Governance Committee is asked to consider the current arrangements and make any recommendations for changing the petitions scheme to Council. Governance Committee is also asked to indicate whether it would like to further review the scheme once the Localism Bill is enacted and there is no longer a requirement to have a petitions scheme or whether it would wish to retain the scheme irrespective of a legal requirement to have one.
- 4.2 It is proposed that the Council's e-petitions facility should be retained. This is operated by Democracy Services within existing budgets and has significantly increased the number of petitions coming into the Council. The majority of petitions received use the e-petition facility.

5. CONSULTATION

- 5.1 Consultation has taken place internally with Democratic Services.

6. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 6.1 There are no financial implications arising from the recommendations of this report. Resources required to support the petitions process are met within staffing budgets.

Finance Officer Consulted: Anne Silley

Date: 12/07/11

Legal Implications:

- 6.2 These are set out in the body of the report.

Lawyer Consulted: Elizabeth Culbert

Date: 12/07/11

Equalities Implications:

- 6.3 The combination of an e-petitions facility and the ongoing ability to submit paper petitions ensures that there is wide access to Council decision makers.

Sustainability Implications:

- 6.4 The use and promotion of an on-line facility may contribute to a decrease the amount of paper petitions that are submitted.

Crime & Disorder Implications:

- 6.5 There are no Crime and Disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 6.6 None

Corporate / Citywide Implications:

- 6.7 The initiative supports the "Get Involved" programme which seeks to promote the Council, local democracy and active citizenship.

SUPPORTING DOCUMENTATION

Appendices:

1. Petitions scheme for Brighton & Hove City Council

Documents In Members' Rooms

None

Background Documents

None