

BUSINESS SUPPORT OVERVIEW AND SCRUTINY COMMITTEE

31 MARCH 2022

ANNUAL REVIEW OF THE COUNCIL'S PETITIONS SCHEME

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Summary

This report provides an annual review of the Council's Petitions Scheme.

1. Budget and policy framework

1.1 The Petitions Scheme forms part of the Council's Constitution and is attached as Appendix A to the report.

2. Background

2.1. Full Council adopted its current Petition Scheme on 25 November 2010 in response to provisions in the Local Democracy, Economic Development and Construction Act 2009. The Act placed a new duty on local authorities to respond to all petitions and to establish a scheme for handling petitions including provision of a facility for electronic petitions (e-petitions).

2.2. With effect from 1 April 2012 the provisions relating to petitions in the Local Democracy, Economic Development and Construction Act 2009 were repealed by Section 46 of the Localism Act 2011. The Government considered this would provide more discretion for local authorities to decide how to approach petitions locally. Full Council was advised of this at its meeting on 26 July 2012 and took the view that no change was required to Medway's Petition Scheme as it was working effectively.

2.3. The Business Support Overview and Scrutiny Committee considered a report reviewing e-petitions on 30 January 2018 and recommended to Full Council to consider an amendment to the Council's Petition Scheme to accept e-petitions which did not include all of the personal details currently required by the scheme.

- 2.4. Full Council considered this recommendation on 26 April 2018 and resolved only to accept e-petitions which fully comply with the existing requirements of Medway Council's constitution, i.e. where an e-petition hosted on an alternative platform is received by the Council, the petition will only be accepted when the Council is able to see a name, postal address, a valid postcode and email address for the lead petitioner as well as each signatory.
- 2.5. This is the first occasion that an annual review of the Petitions Scheme has been provided to the Committee and covers the 2021 calendar year.

3. Annual review

- 3.1. Information on the number of petitions received each year, their subject matter, the Council's response and the outcome of the review is published on the Council's website. The information available on the website dates back to 2011 (following Full Council approval of the current scheme at the end of 2010) and is regularly updated. This information with reference to 2021 is set out in full at Appendix B to the report.
- 3.2. 31 petitions were received during 2021 on a range of issues including a number related to highways/traffic issues, as well as a number of specific issues including No Mow May and free school meals. 12 were received via paper petitions, 16 were received via the Council's e-petition facility and 3 petitions were a mixture of both.
- 3.3. Members will also note that a number of petitions were submitted for which other formal processes were in place, specifically planning applications and licensing applications. Such petitions were dealt with under those other formal processes instead of the Petitions Scheme. 12 of the 31 petitions received in 2021 fell into this category.
- 3.4. Once a petition has been received by the Council, the Lead Petitioner will receive a response from the relevant Directorate. Where a lead petitioner is dissatisfied with the response from the Directorate, the matter can be referred to the relevant Overview and Scrutiny Committee for further consideration.
- 3.5. 19 petitions received responses from the relevant Directorate during 2021. 16 out of the 19 lead petitioners did not request a referral to Overview and Scrutiny. However, 3 lead petitioners did state they were dissatisfied with the responses that they received, therefore, the following petitions were referred to Overview and Scrutiny as follows
 - 3.5.1. Oppose GP Practices Moving out of the Rainham Healthy Living Centre - at the meeting of the Health and Adult Social Care Overview and Scrutiny Committee held on 11 March 2021, the Committee agreed to:
 - a) note the response provided to the petition and the reasons for referring the response to the Committee.

- b) welcome the assurance given by the CCG that local people will be consulted and engaged on any proposals relating to the Rainham Health Living Centre.
 - c) welcome the commitment given by the CCG that this Committee will be consulted on any proposals to change the current primary care provision at the Rainham Healthy Living Centre.
 - d) request a briefing paper from the CCG on GP numbers across Medway, including the numbers of other primary care practitioners.
- 3.5.2. To reject plans to build a relief road on Deangate Ridge Golf and Sports Complex. We further call on Medway Council to retain Deangate Ridge Golf and Sports Complex as an asset that would further the social wellbeing and social interests of the local community such as a Country Park – at the meeting of the Regeneration, Culture and Environment Overview and Scrutiny Committee held on 12 August 2021, the Committee thanked the lead petitioner for attending the meeting and addressing the Committee on his petition and noted the various contributions put forward.
- 3.5.3. Medway Council to take action in implementing effective traffic calming measures along the entirety of Marlborough Road where they are not already in existence – At the meeting of the Regeneration, Culture and Environment Overview and Scrutiny Committee held on 2 December 2021, the Committee requested that it be informed of the outcome of the investigation work into the request for traffic calming measures in Marlborough Road, Gillingham.
- 3.6. During the year, 2 petitions were not accepted by the Council for the following reasons:
- 3.6.1. One petition was received via change.org where the information received did not meet the criteria in the Council's Petitions Scheme for a petition. The lead petitioner was contacted requesting the additional information but no response was received.
 - 3.6.2. One petition was not accepted which related to matters where there was an already existing right of appeal (fixed penalty notice).
 - 3.6.3. Separately, one petition was withdrawn by the lead petitioner prior to it going live on the Council's e-petition facility.
4. Risk management
- 4.1. The publication of clear arrangements for handling petitions ensures transparency and consistency of approach.
 - 4.2. Clear advice is set out on the Council's website strongly advising anyone wishing to start an e-petition to use the Council's e-petition facility to ensure

the petition meets the requirements of the Council's Petitions Scheme. A template for paper petitions is also available to download from the Council's website for the same reason.

5. Financial implications

- 5.1. The cost of administering and processing petitions is met from within existing budgets.

6. Legal implications

- 6.1. Since the repeal of the provisions relating to petitions in the Local Democracy, Economic Development and Construction Act 2009 local authorities have discretion to put in place locally determined arrangements for handling petitions. Any changes to the Council's Petition Scheme would require approval by full Council as the scheme forms part of the Council's Constitution.

7. Recommendations

- 7.1. The Committee is asked to note the 2021 annual review of the Council's Petitions Scheme.

Lead officer contact

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Appendices

Appendix A – Petitions Scheme

Appendix B – Petitions Summary 2021

Background papers

None