

COUNCIL

25 NOVEMBER 2010

PETITIONS AND E-PETITIONS

Portfolio Holder: Councillor Rodney Chambers, Leader

Report from: Richard Hicks, Assistant Director Customer First, Leisure, Culture, Democracy and Governance

Author: Julie Keith, Head of Democratic Services

Summary

Every local authority is now required to respond to petitions and inform local people what action is going to be taken to address their concerns. This report provides an update on the new duty following withdrawal of the statutory guidance issued under the relevant statutory provisions and sets out the recommendations from Cabinet for a new petitions scheme for inclusion in the Council's Constitution. The Council is requested to consider and adopt the proposed scheme.

1. Budget and Policy Framework

- 1.1 Sections 10 to 22 of the Local Democracy, Economic Development and Construction Act 2009 introduce a duty for Councils to establish a scheme for handling petitions and to inform local people what action is going to be taken to address their concerns.
- 1.2 The 2009 Act requires petition schemes to meet some minimum standards in order to ensure minimum entitlements which all citizens can expect and this includes a duty to provide a facility for electronic petitions (e-petitions).
- 1.3 The requirement to have a scheme for responding to petitions came into force on 15 June 2010. The requirement for local authorities to provide a facility for making petitions in electronic form comes into effect on 15 December 2010.
- 1.4 The scheme must be approved by Full Council before it becomes effective and then must be published on the Council's website and by any other method appropriate for bringing it to the attention of those who live, work or study in the area.

- 1.5 The new scheme will be incorporated into the Council's Constitution and is expected to contribute to the achievement of NI 4 formerly in Medway's Local Area Agreement and still a local priority – the percentage of people who feel they can influence decision making in their locality.

2. Background and new requirements

- 2.1 On 6 June 2010 the Cabinet considered a proposed petitions scheme for Medway but deferred recommending the scheme to Council in order to seek clarification of the intentions of the new Coalition Government regarding this new duty. The Leader of the Council then wrote to the Secretary of State for Communities and Local Government pointing out that Medway already has a scheme for handling petitions which has served the community here very well since 2007 and asking for a repeal of the new legislative provisions in the context of the Government's stated commitment to reducing unnecessary burdens and prescription in the public sector.
- 2.2 On 17 August the Leader reported to the Cabinet that he had received a holding reply from the Secretary of State and then on 24 September all local authority Chief Executives received a letter from DCLG advising that the statutory guidance on petitions schemes had been withdrawn. In that letter, (attached as Appendix D to this report) local authorities were advised they still have a duty to adopt a petitions scheme which fulfils the minimum statutory requirements as set out in Chapter 2 Part 1 of the Local Democracy, Economic Development and Construction Act 2009 but that in considering how to approach this they should consider current circumstances, and have regard to both the Government's commitment to remove unnecessary prescription for local authorities and the priority of cutting out all wasteful expenditure.
- 2.3 Medway is well-positioned to respond to the new statutory requirement to introduce a petitions scheme. In June 2007 the Council adopted a clear and effective procedure for handling petitions presented by Councillors at Council meetings and this is included in the Council's Constitution. In 2008 the DCLG identified Medway as an expert practitioner in the area of petitioning. Subsequently the Council was invited by the De Montfort University to participate in a workshop on the practical implications of petitioning as part of a systematic review of evidence on community empowerment commissioned by the DCLG.
- 2.4 Even though the statutory guidance on petitions has been withdrawn the Council will have to adopt a new scheme for handling petitions which meets the minimum requirements in the 2009 Act as follows:
- anyone who lives, works or studies in Medway, including under 18's, must be able to sign or organise a petition and trigger a response
 - a facility for making electronic petitions must be provided
 - petitions must be acknowledged within a time period specified by the local authority
 - among the possible steps that the local authority may choose to take in response to a petition, the following steps must be included in the scheme:

- taking the action requested in the petition
 - considering the petition at a meeting of the authority
 - holding an inquiry
 - holding a public meeting
 - commissioning research
 - a written response to the petition organiser setting out the authority's views on the request in the petition
 - referring the petition to an overview and scrutiny committee
- petitions with a significant level of support trigger a debate at full Council
 - petitions with a requisite level of support, set by the local authority, trigger a senior local government officer to give evidence at a meeting of the relevant overview and scrutiny committee
 - petition organisers can prompt a review of the local authority's response if the response is felt to be inadequate (similar to an appeal facility and this Council's current procedure).

2.5 The requirements listed above are the minimum set in the 2009 Act.

2.6 Once published the Council must comply with its petitions scheme but can revise it at any time.

3. Proposed petitions scheme for Medway

The Council's current petitions scheme is attached at Appendix A. A new scheme has been drafted to meet the minimum requirements of the Act and is attached at Appendix B. This is substantially the same as the version presented to Cabinet in June, as the provisions of the Act remain the same. The opportunity has been taken to remove the lengthy examples drawn from the model scheme in the statutory guidance in an effort to keep the Medway scheme short and accessible. The new scheme will apply to all petitions received via Council meetings, sent directly to Officers or received via the new e-petitioning facility. The Cabinet considered the proposed petition scheme for Medway (attached at Appendix B to this report) on 9 November 2010 and decided to refer it to the Council for adoption. In particular, the Cabinet took a view of the following key issues as set out below:

3.1 What should be defined as a petition?

The new scheme, as drafted, assumes the Council will treat as a petition anything which identifies itself as a petition, as is the case under current arrangements.

3.2 New provision for electronic petitions

The Council's new decision-management software includes an inbuilt e-petitioning facility, which it is expected will meet the requirements of the 2009 Act. The Council must decide what counts as an authentic signature on an e-petition. The Cabinet proposes that in Medway this should include a valid email address and a valid postcode.

3.3 Steps the Council will generally take in response to a petition

The law requires the petitions scheme to stipulate that the Council may take any of the steps set out in paragraph 2.4 above. However the Cabinet has agreed to recommend that as a general rule the relevant Director will respond in writing, usually within ten working days of receipt of the petition and will explain the proposed action and timescales for implementation. The Director may have to explain the reasons why the Council cannot take the action requested by the petitioners. For example, it would conflict with Council policy or is a matter outside of the control of the Council.

3.4 New provision for petitions to call a full Council debate

Under the new scheme petitioners who get the number of signatures specified in the Council's petitions scheme will be guaranteed a public debate in full Council of their concerns, unless the subject matter falls outside of the scheme, for example because it is vexatious, or relates to a licensing or planning matter. Petitions calling for evidence from an officer are also excluded from the requirement to hold a debate.

The law specifies that 5% of the total population (as estimated by the Office of National Statistics) is the maximum number of signatures that the Council may stipulate as required to trigger a debate at full Council. This would equate to 12,675 signatures in Medway. At its meeting on 25 May 2010 the Business Support Overview and Scrutiny Committee proposed that for the Medway petition scheme the threshold to initiate a debate at Full Council should be set at 2% of the population (currently 5,070 signatures). The view of the Overview and Scrutiny Committee was that a lower threshold could generate minor and possibly frivolous matters being referred to Full Council. However it was felt that 5,070 signatures would be achievable for a ward specific issue.

(Note: Since adoption of the Council's existing petitions scheme in 2007 151 petitions have been presented at Council meetings and handled under the current scheme. Of these two would have met the signature threshold of 2% recommended by Overview and Scrutiny and generated a debate at full Council.)

On 9 November 2010 and following receipt of the letter from DCLG (attached at Appendix D to the report), the Cabinet considered the various signature threshold options as set out in the following table:

Current population 253 500

5%	12,675
4%	10,140
3%	7,605
2%	5,070
1%	2,535
0.5%	1,267

The Cabinet decided to recommend that Medway's Petition Scheme should include a signature threshold of 5% of the population (ie 12,675 signatures) to trigger a debate at full Council and this has been reflected in the proposed scheme at Appendix B, subject to full Council approval.

3.5 New provision for petitions calling officers to account

The Act says the Council's petitions scheme must provide for local people to have the right to petition for a senior member of council staff to attend a public meeting of an Overview and Scrutiny Committee to answer questions and explain how they are delivering public services. Again the Council must stipulate in its scheme the number of signatures required to trigger this.

The Business Support Overview and Scrutiny Committee proposed that the threshold for calling an officer to account should be set at 1% of the population (currently equating to 2,535 signatures). Again it was felt that this would be achievable for a ward specific issue. (Since 2007 four of the 151 petitions handled under the Council's current scheme would have met this threshold).

On 9 November the Cabinet decided to recommend a threshold of 2% of the population (ie 5070 signatures) to trigger an officer being called to give evidence at an Overview and Scrutiny Committee and also recommended that only the Chief Executive, Directors and Assistant Directors should be specified in the scheme as officers who can be called to account under the petition scheme.

This has been reflected in the proposed scheme at Appendix B, subject to full Council approval.

3.6 Petition reviews

The petitions scheme must give petitioners the opportunity to appeal to an overview and scrutiny committee if they feel the Council's final response is not adequate.

This is essentially an appeal provision giving the petition organiser the power to ask an overview and scrutiny committee to review the Council's final response to the petition and very similar to the Council's current arrangements. The overview and scrutiny committee will be able to decide whether the steps taken by the authority in response to the petition were adequate.

The Cabinet agreed, on 9 November, to recommend that Medway's Petition Scheme should include the following provision:

- (i) petitioners will have a right to ask the appropriate Overview and Scrutiny Committee to review the adequacy of the steps taken or proposed in the Council's final response or as a consequence of action proposed following a full Council debate or an officer being called to account;
- (ii) petitioners must notify the Head of Democratic Services within ten working days of the date of the Council's final response if he/she is not satisfied with reasons which would then trigger a review by the relevant Overview and Scrutiny Committee;
- (iii) that where petitioners call for a review of action taken/proposed following discussion of a petition or an officer being held to account at

an Overview and Scrutiny Committee this will be undertaken by Business Support Overview and Scrutiny Committee. Where that Committee has dealt with the petition in the first instance it may decide to refer the review to Full Council if there is scope for a conflict of interest.

4. Business Support Overview and Scrutiny Committee

- 4.1 The Business Support Overview and Scrutiny Committee considered this report on 25 May 2010 and Members expressed a view that the introduction of e-petitions could significantly increase the number of petitions received and also discussed the scope for residents to use multiple email addresses to register their name more than once for a petition.
- 4.2 Members were concerned that thresholds should be set at a level which would ensure there was a focus on substantial issues rather than minor or possibly frivolous issues at Full Council and Overview and Scrutiny Committee meetings.
- 4.3 The Committee recommended that the thresholds should be 2% and 1% of the population for triggering a debate at Full Council and an officer being held to account respectively, noting that these thresholds could be reviewed at a later date in the light of experience.

5. Risk Management

- 5.1 The proposed scheme at Appendix B has been drafted to ensure compliance with the minimum requirements of the Local Democracy, Construction and Economic Development Act 2009 relating to petitions. This will minimise the risk of any challenge to the legitimacy of the Council's arrangements for handling petitions.
- 5.2 As the Council has received an additional Government grant to meet costs associated with the new petitions duty in 2010/11 the new scheme can be introduced and administered within available resources this year. Whilst a recent survey of all Service Managers suggests very few petitions come in directly to officers, the position will have to be kept under review because the publication of the petitions scheme and the introduction of e-petitioning could generate a significant increase in the workload associated with petitions for both members and officers.

6. Financial and legal implications

- 6.1 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 e-petitions.
- 6.2 Local authorities have now received a grant for 2010/11. The amount varies by local authority dependent on the local population. Medway's allocation is £17,000. It is expected that funding for future years will be incorporated into the revenue support grant. In view of this additional funding the cost of setting up and administering the new petitions scheme in Medway will be contained within budget provision.

6.3 Sections 10 to 22 of the Local Democracy, Economic Development and Construction Act 2009 place a statutory duty on Local Authorities to respond to all petitions and to set in place the facility (including an electronic facility) to trigger a full debate at a Council meeting, or call a senior officer of the authority to account at an overview and scrutiny committee meeting. The Government has recently withdrawn the associated statutory guidance.

7. Recommendations

7.1 The Council is asked to agree the recommendations from Cabinet as follows:

- (a) To adopt the petitions scheme attached at Appendix B for inclusion in the Council's Constitution (as Appendix A to the Council rules in Chapter 4)
- (b) To agree that authority be delegated to the Monitoring Officer to determine when it would not be appropriate for a petition to be handled under the petitions scheme because it is deemed to be vexatious, abusive, otherwise inappropriate or excluded from the scheme, taking into account relevant law and statutory guidance;
- (c) To agree that authority be delegated to the Assistant Director Customer First, Leisure, Culture, Democracy and Governance, in consultation with the Leader of the Council, to make minor amendments to the provisions in the scheme relating to e-petitioning if required once the system is in place to ensure the scheme accurately reflects the technical aspects of the IT arrangements;
- (d) To approve the changes required to the Constitution as a consequence of introduction of a petitions scheme as set out in Appendix C.

Lead officer contact

Julie Keith, Head of Democratic Services

Tel. No: 01634 33 E-mail: julie.keith@medway.gov.uk

Background papers

The Local Democracy, Economic Development and Construction Act 2009

http://www.opsi.gov.uk/si/si2010/uksi_20100881_en_1

Cabinet Meeting held on 9 November 2010 – Record of Decisions

**MEDWAY COUNCIL – CURRENT PROCEDURE FOR HANDLING PETITIONS
PRESENTED AT COUNCIL**

Procedure for handling petitions at Overview and Scrutiny Committees

- 19.1 Any petition presented at Council meetings relating to matters within the remit of an Overview and Scrutiny Committee will be referred immediately to the relevant Director for consideration at officer level within five working days of the Council meeting.
- 19.2 Where the Director is able to fully meet the request of the petitioners a response will be sent within ten working days of the Council meeting advising the petition organiser of the proposed action and timescales for implementation. The petition organiser may request to refer the matter to the relevant Overview and Scrutiny Committee by way of notice to the Head of Democratic Services within ten working days of the date of the response if s/he is not satisfied with the answer and has given reasons for their dissatisfaction. The Councillor who presented the petition at full Council will be provided with copies of correspondence with the petitioners.
- 19.3 For petitions where the Director is unable to meet the request of petitioners or where there are a range of alternative responses the petition will be referred to the next relevant Overview and Scrutiny Committee for discussion. The petition organiser, the member who presented the petition, the ward Councillors and relevant portfolio holder will be invited to attend the meeting.
- 19.4 At any meeting of the Overview and Scrutiny Committee where petitions are considered the petition organiser will be invited to address the meeting. A maximum of 10 minutes may be given but this may need to be shared with other petitioners.
- 19.5 A summary of all petitions presented to the Council will be presented to each meeting of the relevant Overview and Scrutiny Committees summarising the Director's response where petitions have been dealt with at officer level and providing a recommended response or range of options for the Committees to consider where the petition is referred to the Committees for consideration as set out in paragraph 3 above.
- 19.6 The Committees will not consider a petition which raises substantially the same issues as any other petition referred to the Committee in the past 12 months.

MEDWAY COUNCIL

PROPOSED PETITION SCHEME

Petitions

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will usually receive an acknowledgement from the council within 5 working days of receipt.

We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition and a reasonable person would regard it as such. The Council reserves the right to make this judgement and may decide to determine a matter under another procedure such as the internal complaints procedure.

Paper petitions can be sent to:

Head of Democratic Services
Medway Council
Gun Wharf
Dock Road
CHATHAM
Kent ME4 4TR
Telephone 01634 332760
Email: democratic.services@medway.gov.uk

or, from 15 December 2010, be created, signed and submitted online via the Council's website.

You can also present a petition at a meeting of the full Council or ask a Councillor to present a petition on your behalf at these meetings. Council meetings take place on a 6 weekly basis. Dates and times can be found on the Council's website [\[link\]](#). If you would like advice about this option please contact the Head of Democratic Services at least 10 working days before the meeting and she will explain the process. Alternatively contact details for all Medway Councillors can be found on the Council's website [\(link\)](#). If your petition has received 12 675 signatures or more it will automatically be referred to a meeting of the full Council for debate and if this is the case we will let you know the date of the meeting in good time. (Note: the debate will not take place at the Council meeting where a petition is presented but will normally be the next ordinary meeting).

What are the guidelines for submitting a petition?

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- the name, address and signature of any person supporting the petition which the Council may choose to verify. For e –petitions you must provide a valid email address and postcode.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the council's website. If the petition does not identify a petition organiser, we will contact the first signatory to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

The Council will not consider a petition which raises substantially the same issues as any other petition submitted in the past twelve months.

What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser usually within 5 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. The subject of the petition will be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example, seeking a referendum on whether the area should have an elected Mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Please contact the Head of Democratic Services for further advice if you are uncertain.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. We may also publish correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us. You can do this by emailing the Council: add email address]

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's overview and scrutiny committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition.

*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council and other partners– in other words, the overview and scrutiny committee has the power to hold decision makers to account. (Link to Overview and Scrutiny web pages)

As a general rule in the first instance the lead petitioner will receive a response from the relevant Director usually within ten working days of receipt of the petition by the Council which will explain the action the Council proposes to take on the issues highlighted in a petition.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible here [link to A-Z of services].

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist

of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full council debates

If a petition contains at least the number of signatures equating to 5% of Medway's population (currently 12 675 signatures) it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors usually for a maximum of 20 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Cabinet is required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to councillors to enable them to make a particular decision.

If your petition contains at least the number of signatures equating to 2% of Medway's population (currently 5070 signatures), the relevant senior officer will give evidence at a public meeting of the relevant overview and scrutiny committee. You may ask for the Chief Executive, any Director or Assistant Director to be called to give evidence. The Head of Democratic Services can help you identify the most appropriate officer to call to give evidence in your petition. This must be the Chief Executive, a Director or Assistant Director. You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant Cabinet Member to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chairman of the committee by contacting the Head of Democratic Services up to three working days before the meeting. The Overview and Scrutiny Committee may also allow you to speak at the meeting.

E-petitions

From 15 December 2010 the council will welcome e-petitions which are created and submitted through our website [link]. E-petitions must follow the same guidelines as paper petitions [link to guidelines]. The petition organiser will need to provide us with

their name, address, a valid postcode and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to the Head of Democratic Services. In the same way as a paper petition, you will receive an acknowledgement usually within 5 working days. If you would like to present your e-petition to a meeting of the council or ask a Councillor to do so on your behalf, please contact the Head of Democratic Services within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. A summary of the response will also be published on this website.

How do I 'sign' an e-petition?

You will be able to see all the e-petitions currently available for signature on the Council's website (Insert link).

When you sign an e-petition you will be asked to provide your name, and a valid postcode and email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly the petition organiser has the right to request that one of the Council's Overview and Scrutiny Committee's review the steps that the council has taken or is proposing to take in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's final response is not considered to be adequate. You should notify the Head of Democratic Services within 10 working days of receiving a final response if you wish to request a review with reasons.

The relevant Overview and Scrutiny committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Cabinet and arranging for the matter to be considered at a meeting of the full council.

Once the review has been completed the petition organiser will be informed of the results usually within 5 working days. The results of the review will also be published on our website.

(Note: Where petitioners call for a review of action taken/proposed following discussion of a petition or an officer being called to give evidence at an Overview and Scrutiny Committee, this will be undertaken by the Business Support Overview and Scrutiny Committee. Where that Committee has dealt with the petition in the first instance it may decide to refer the review to full Council if there is scope for a conflict of interest).

**MEDWAY COUNCIL – PETITIONS SCHEME
PROPOSED CHANGES TO THE CONSITUTION**

Section of the Constitution	Proposed change
Chapter 1 : Summary and Explanation	<p>Page 1.3 Add bullet point to paragraph 7 – Local people’s rights: “ submit a petition to the council and receive a response under the council petitions scheme”</p>
Chapter 4 Rules: Part 1 –Council rules	<p>Page 4.4 delete 6th bullet point and substitute: “Receive and debate petitions in accordance with the Council’s petitions scheme – see appendix A to these rules“</p> <p>Page 4.5 Add new Rule 7 as follows and renumber all subsequent paragraphs of the Council rules accordingly:</p> <p>“RULE – PETITIONS</p> <p>Petitions will be dealt with at full Council in accordance with the Councils petition scheme at Appendix A to these rules. The lead petitioner or their nominated representative and Councillors may present petitions to the meeting. Where a full Council debate is triggered by a petition with the specified number of signatures or the Council considers a petition or undertakes a review of the response provided to a petition the lead petitioner (or their nominated representative) may address the meeting for up to 5 minutes and 20 minutes will usually be allowed for the Council to debate the matter.”</p>

Section of the Constitution	Proposed change
<p>Chapter 4 Rules – Part 5 – Overview and Scrutiny rules</p>	<p>Page 4.49 Delete all of paragraph 19 and substitute:</p> <p>“ 19 Procedure for handling petitions at Overview and Scrutiny Committees</p> <p>Overview and Scrutiny Committees have an important role in relation to petitions submitted to the Council. Petitions must be handled in accordance with the Councils petition scheme which is attached as Appendix 1 to the Council Rules in Part one of Chapter Four of the constitution.</p> <p>Page 4.51 Add additional point to paragraph 22.1 General Terms of Reference of Overview and Scrutiny Committees as follows:</p> <p>“ (xv) to deal with petitions referred to the Committee under and in accordance with the Council’s petition scheme</p>



Claire Cooper
Deputy Director, Community Action Division

**Department for Communities and Local
Government**
5/B4
Eland House
Bressenden Place
London SW1E 5DU

www.communities.gov.uk

24 September 2010

Dear Chief Executive

Withdrawal of statutory guidance on petitions

I am writing to you about the statutory guidance on the duty to respond to petitions. This guidance was issued by the previous administration under Section 19 of the Local Democracy, Economic Development and Construction Act 2009, to principal local authorities in England on 30th March 2010.

The Department for Communities and Local Government is withdrawing '*Listening to communities: Statutory guidance on the duty to respond to petitions*' with effect from 24 September (although the document will continue to be available for reference on the department's website). This means you will now have more discretion to decide how you approach petitions locally.

The petitions requirements in Chapter 2, Part 1 of the Local Democracy, Economic Development and Construction Act 2009 necessarily remain in force unless or until they are repealed by fresh primary legislation. This includes the requirement to provide a facility for people to make e-petitions which will come into effect on 15th December this year. Local authorities will be paid for the new burden through the area based grants process this financial year, with the first payment on 15th October.

Local authorities are legally bound to comply with the minimum requirements of all statutory duties. However in considering how you approach the petitions requirements, including in making arrangements to set up an e-petition facility, you will wish to consider current circumstances, and having regard to both the Government's commitment to remove unnecessary prescription for local authorities and the priority of cutting out all wasteful spending.

If you have any queries concerning this letter, please contact Carl Laughna on 0303 4442044, or e-mail on carl.laughna@communities.gsi.gov.uk

A handwritten signature in blue ink, appearing to read "Claire Cooper", is positioned to the left of a vertical line that serves as a signature separator.

CLAIRE COOPER