

BUSINESS SUPPORT OVERVIEW AND SCRUTINY COMMITTEE

30 MARCH 2023

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2012 the provisions relating to petitions in the Local Democracy, Economic Development and Construction Act 2009 were repealed by Section 46 of the Localism Act 2011.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. The Committee considered an annual review of the Petitions Scheme for the first time in March 2022 covering the 2021 calendar year; this report covers the 2022 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 2022 is set out in full at Appendix A to the report.
- 3.2. 19 petitions were received during 2022, compared to 31 in 2021. 13 were received via paper petitions and 5 were received via the Council's e-petition facility and 1 petition was 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. Such petitions were dealt with under those other formal processes instead of the Petitions Scheme. 3 of the 19 petitions received in 2022 fell into this category, compared to 12 of the 31 in 2021.
- 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. 16 petitions received responses from the relevant Directorate during 2022. 9 out of the 16 lead petitioners did not request a referral to Overview and Scrutiny. However, 7 lead petitioners did state they were dissatisfied with the responses that they received, compared to 3 in 2021, and 6 of these were therefore referred to, and considered by, the relevant Overview and Scrutiny Committee, as set out in Appendix A. The seventh referral is on hold pending the outcome of a technical assessment.
- 3.6. During the year, 3 requests to host e-petitions on the Council's website were not accepted by the Monitoring Officer. In two cases they were deemed to be inappropriate because the subject matter was in relation to specific members of the Council. The other petition was not accepted since it related to a matter where there was already an existing right of appeal in place. Another e-petition did not progress as it attracted no signatures. It was therefore referred to the relevant Directorate as a service enquiry.

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 2022 annual review of the Council's Petitions Scheme.

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Appendices

Appendix A – Petitions Summary 2022

Background papers

None