

By: Alex King, Deputy Leader  
Peter Sass, Head of Democratic Services and Local  
Leadership

To: Selection and Member Services Committee  
19 November 2010

Subject: **Petition Scheme – review**

Classification: Unrestricted

---

Summary: This report sets out the key issues for consideration in reviewing the Petition Scheme and requests the Committee to make recommendations to the County Council on 16 December 2010.

---

## **1. Background**

(1) At the meeting of the County Council on 22 July 2010 a Petition Scheme was approved, which came into force on 1 September 2010 (a copy of the Scheme is attached as **Appendix 1**). It was agreed that this would be reviewed after its first few months of operation and a report submitted to County Council on 16 December 2010.

(2) The Committee is being given the opportunity to make recommendations to the County Council amending the Scheme, in order that the necessary consequential changes can be made to the Constitution.

## **2. Current situation**

(1) On 24 September 2010 the Department for Communities and Local Government sent a letter to all Local Authority Chief Executives informing them that the statutory guidance "Listening to communities: statutory guidance on the duty to respond to petitions" had been withdrawn. The County Council is still legally bound to comply with the minimum requirements of all statutory duties but now has more discretion to decide how it wishes to approach petitions locally.

### *(a) Summary of legislative requirements*

- The County Council must establish a scheme for handling petitions (excluding petitions relating to planning matters).
- The scheme, and any subsequent amendments to it, must be approved by the County Council and published on the County Council's website.
- Anyone who lives, works or studies in the County Council's area can sign a petition.

- Petitions must be acknowledged and the lead petitioner told how the County Council responds to the Petition.
- The ways in which the County Council can respond to a petition must include the following:
  - Taking the action requested in the petition
  - Considering the petition at a meeting of the authority
  - Holding an inquiry
  - Holding a public meeting
  - Carrying out research
  - A written response setting out the authorities views
  - Referring the petition to an overview and scrutiny committee
  - Petitions that have a certain number of signatures (number to be decided by the County Council) will trigger a debate at the County Council meeting.
  - Petitions that have a certain number of signatures (number to be decided by the County Council) will require a senior local government officer to give evidence at an Overview and Scrutiny Committee
- If requested by a lead petitioner arrangements must be made for an Overview and Scrutiny Committee to review the adequacy of the steps taken to response to the petition.
- To have an e-petition scheme by 15 December 2010.

*(b) Summary of discretionary provisions within the now withdrawn statutory guidance (i.e. which could be amended or removed from the scheme):*

- Allowing petitions to be signed by visitors to Kent
- Including the following in the list of the ways in which the County Council can respond to a petition :
  - Holding a consultation
  - Holding a meeting with petitioners
  - Calling a referendum
- In cases where the petition is about a matter which the County Council has no direct control, to consider making representations on behalf of the community to the relevant body.
- Giving an indication of how the County Council will deal with petitions that relate to matters which are the responsibility of another Council or for which there is joint responsibility.
- Inviting a lead petitioner for a County Council debate to submit 500 word supporting statement.
- The process for the petition debate at County Council (see paragraph xx below)
- The statement that the County Council will not debate on the same subject within 6 months of a County Council debate.
- The process for calling an officer to give evidence at an Overview and Scrutiny Committee, including being accompanied by the Cabinet Member.

- The length of time for an e-petition to be open for signature – currently up to 3 months.
- The process for administering an e-petition.
- Inviting a petitioner who wishes the way that their petition has been dealt with to be reviewed, to submit brief details of the reasons.

## **Petitions**

(2) Since the implementation of the scheme, 16 petitions have been received (as set out in **Appendix 2**). There have been three e-petitions, and all the rest are paper petitions. The majority of petitions relate to matters within the remit of Environment, Highways and Waste.

### **(a) E-petitions.**

(3) The number of responses and closing dates for the e-petitions are set out in **Appendix 2**. If none of these petitions achieves the threshold for a County Council debate they will be submitted to the Cabinet Member for a response.

(4) Although the numbers signing the e-petitions are relatively low compared to the majority of paper petitions, it should be borne mind that this is a new facility which the majority of local authorities are not making this available until the statutory requirement comes into force on 15 December 2010. In accordance with the wishes of this Committee, the e-petition page is available one click from the Home page on [www.kent.gov](http://www.kent.gov). In order to publicise the scheme a press release was issued prior to the meeting of the County Council in October 2010.

## **3. Issues to be reviewed**

### **(a) Threshold for a County Council debate**

(1) A valid petition signed by a specific number of people (number to be agreed by the County Council) must automatically trigger a debate at County Council.

(2) The statutory requirement is that the maximum threshold that can be set is 5% of the total population of the County Council's area (i.e. 70,000 for Kent County Council). The now withdrawn statutory guidance suggested a threshold level of 1% (i.e. 14,000 for Kent County Council). The Selection and Member Services Committee, based on a recommendation from the Informal Member Group on Petitions, recommended a threshold of 12,000 signatures for a County Council debate on a Countywide matter and 1,000 for a County Council debate on a county matter relating to a single district/borough area.

(3) In the limited time that the scheme has been operating no petitions on a countywide matter have reached the 12,000 trigger for a County Council debate. It should be noted that the majority of petitions relate to District matters rather than countywide matters, which is probably to be expected as these matters tend to generate the most public interest.

(4) Set out in **Appendix 3** are the threshold levels for a County Council debate set by other County Councils.

(5) Members should consider if they wish to recommend that the number of signatures required to trigger a debate at County Council on a countywide matter should be amended. The Committee should note that we currently have a live e-petition, which seeks to reduce the threshold for a Council debate to 1000 for a countywide matter and 500 for a single district/borough issue.

**(b) Variable thresholds for a County Council Debate**

(6) Due to the withdrawal of the statutory guidance, there is now the option to simplify the variable thresholds and deal more flexibly with petitions that relate to district/borough council areas.

(7) Based on our limited experience it would seem likely we will receive more petitions on matters relating to Districts issues rather than Countywide matters. Members may wish to consider whether County Council is the most appropriate forum to discuss these matters. A way forward may be to reserve debates at County Council for Countywide matters that achieve 12,000 (or whatever number the County Council decide is appropriate) and hold any debates on a matter relating to a District, which reaches the threshold, at the next meeting of the appropriate Policy Overview and Scrutiny Committee (POSC).

(8) The advantage of having District matters debated at POSCs rather than County Council would be that the members of the POSC would have developed a detailed knowledge of the subject which would assist them in debating the matter and making recommendations. Cabinet Members attend POSCs, which are open to the public and webcast.

(9) If it was decided to recommend that District/Borough area petitions be debated at POSCs rather than County Council it would need to be remembered that POSCs only meet 5 times a year and these meetings are not spread evenly throughout the year.

(10) Another option is to refer any petition that reaches the threshold for a county matter relating to a District/Borough area and which relates to an Executive matter to be discussed at Cabinet. The advantage of this option is that petitions reaching the relevant threshold will be responded to formally in a more timely fashion because of the frequency of the Cabinet meetings. If this particular option was chosen, it might be also be appropriate to consider whether a formal amendment to the Scheme was required to allow local Members to attend and speak on petitions at Cabinet meetings.

(11) Members are requested to consider whether they wish to make any recommendations to amend the scheme in respect of countywide matters relating to a District/Borough area triggering a debate to County council, either in relation to the threshold levels or moving these debates to meetings of POSCs and/or Cabinet.

**(c) Process for a County Council debate**

(12) In light of experience of petitions debates at County Council, it would be appropriate to consider whether to amend the scheme to include fully how the debate will be run. There are a number of issues that Members may wish to consider in relation to this:-

*(i) Deadline for receipt of petitions*

(13) Currently there is no deadline for receipt of petitions for debate prior to the meeting of County Council; the scheme just says that petitions that reach the threshold will be considered at the next meeting of the County Council. Having said that, once the agenda has been published any petition received after that date could only be considered if the Chairman decided they were genuinely urgent. However, in order to make it clear to the lead petitioner when they need to submit their petition if they want it to be considered at a certain meeting of the County Council, it is suggested that Petitions for a County Council debate should be submitted to the Head of Democratic Services and Local Leadership by 5.00pm fourteen days before the meeting, which is the same as for a Time Limited Debate.

*(ii) Written statement*

(14) In the current Petition Scheme, lead petitions are given the opportunity to submit a statement of up to 500 words at least 2 working days before the meeting. At the County Council meeting on 14 October 2010 all four lead petitioners took the opportunity to do this, which hopefully helped Members to prepare for the debate.

(15) Subject to Members agreeing that this practise should continue, it is suggested that the timescale for receipt of the statement is too short and should be moved earlier to 5.00pm on the Monday of the week before the meeting of the County Council which would enable it to be sent out with the papers for the meeting.

(16) At the last County Council meeting, a brief position statement/briefing note was circulated from the Directorate for each of the petition debates to assist Members and it is considered appropriate that this practise continue, with the same deadlines as for the lead petitioner's statement.

*(iii) Timing*

(17) The Scheme states that the debate by Elected Members should be for a maximum of 45 minutes, which is based on the timing for a Time Limited Debate. The Scheme also states that the lead petitioner or their representative will be given 5 minutes to present the petition, but is silent about the Local Member and the Cabinet Member speaking.

(18) At the County Council meeting on 16 October 2010, the following process was followed (which is not currently included in the scheme):

- Lead Petitioner – speak for up to 5 minutes
- Local Member – speak for up to 5 minutes
- County Council debate – for up to 45 minutes
- Cabinet Member – respond to the debate for up to 5 minutes.

(19) Members may wish to consider whether the 45 minutes allocated for the debate should start when the Local Member speaks and include the Cabinet Members response.

(20) Members are requested to either recommend to the County Council that the above process or an amended version of it is incorporated into the Petition scheme, including the length and order of speeches during the debate.

*(v) Limit number of debates at each County Council meeting*

(21) Currently the scheme does not set a limit of the number of petition debates that can be considered at a single meeting of the County Council. As Members will be aware the agenda for the October meeting contained four petitions, although as three were on a similar subject a combined debate was held. Had these four petitions been on different subjects, it would have been very difficult to get through the business of the meeting. The only legal requirement is that a petition that meets the threshold is the subject of a debate at County Council, it does not give a timescale for this. The Petition Scheme, based on the withdrawn model, does state that the County Council will endeavour to consider the petition at its next meeting although on some occasions this will not be possible and it will be considered at the following meeting.

(22) In order to ensure that there is adequate time to consider other business at the County Council meeting, the Committee is asked to consider whether it wishes to consider setting a limit in the Petition Scheme on the number of petitions to be considered at any County Council meeting on a first come first served basis.

*(vi) Combining debates on a similar subject*

(23) At the October meeting of the County Council, the Chairman agreed to combine the debate on three of the petitions as they related to a similar decision. Members may wish to include a provision within the scheme to do this so that there is clarity for Petitioners.

*(vii) Order of Petition debate on County Council agenda*

(24) Members are requested to consider whether they wish to recommend that Petition debates are placed on the agenda at a specific point so that all concerned know what time the debate should begin and are not kept waiting for an unreasonable amount of time.

(25) There are two specific places on the County Council agenda where it would be possible to give the lead petitioners a realistic idea of when the debate is likely to take place. These are either after the Leaders' oral report (it is relatively easy to estimate the time that the preceding items will take), or immediately after the lunch break with the agenda being re-ordered if necessary to ensure that the debate is the first item when the meeting re-convenes. The Committee is asked to give guidance on this aspect.

***(d) Process for calling an officer to give evidence at an Overview and Scrutiny Committee – debate at POSCs***

(26) Contained within the Petition Scheme is the legislative requirement for a petition that reaches the threshold figure (currently half the number required of for a County Council debate i.e. 6,000 for a Countywide matter and 500 for a District related matter) to be called to give evidence to an Overview and Scrutiny Committee. However, as with the debate at County Council, the process for this set out in the scheme is not very detailed. Members' views are sought on making recommendations on the following procedural matters:

*(i) Deadline for receipt of petitions, a written statement*

(27) It is suggested that the deadline for the receipt of petitions and supporting written statement which meet the threshold for an officer to give evidence at a POSC should be, should be the same as for County Council.

*(ii) Process at the meeting*

(28) Currently the only reference to the timing of this item is that the lead petitioner will be allowed to address the Committee for up to 5 minutes and to then ask questions to seek new information from the officers for up to 5 minutes (the 5 minutes does not include the officers answers).

(29) There is no provision for the Committee to question the Lead Petitioner or the officer on points of clarification which they might need to do in order to make a recommendation, although there is an expectation that this would happen. Members may wish to add this to the formal process. There is no length of time for the discussion on this item to take, but maybe there is no need to specify this as it would be at the Chairman's discretion.

(30) In addition, the statutory requirement that the lead petitioner be sent a copy of the recommendation from the Committee should be included in the scheme for clarity. If the Committee agrees this needs to be included in the revised scheme.

**4. Any other issues that Members may wish to raise**

As Members will also have had some experience of the operation of the Petition Scheme, and may have experience of it at District/Borough Council level, there is an opportunity to discuss other aspects of the scheme and to decide if to make any further recommendations to County Council to amend the Petition Scheme.

**5. Recommendation** That the Selection and Member Services Committee consider whether to recommended that the County Council amendment the Petition scheme in relation to the following:

(a) revising the threshold level to trigger a debate at County Council (paragraphs 3(a)(1) – (5) refer)

(b) countywide matters relating to a District area triggering a debate to County Council, either in relation to the threshold levels or moving these debates to meetings of POSCs or the Cabinet (if relating to an executive matter) (paragraphs 3(b)(6) – (11) refer).

(c) whether Petitions for a County Council debate should be submitted to the Head of Democratic Services and Local Leadership fourteen days before the meeting (paragraph 3(c)(i)(13) refers).

(d) that the deadline for the receipt of the written statement is amended to 5.00pm on the Monday of the week before the County Council meeting and there be a requirement for the Directorate to submit a brief position statement/briefing note to meet the same deadline (paragraphs 3(c)(ii)(14) – (16) refer).

(e) the above timing for the process for a petition debate at County Council (as set out in paragraph 3(c)(iii)(18) above or an amended version of it is incorporated into the Petition scheme.

(f) setting a limit in the petition scheme on the number of petitions to be considered at any County Council meeting. (paragraphs 3(c)(v)(21) – (22) refer)

(g) a provision within the scheme to do combine petitions relating to a similar subject or decision (paragraph 3(c)(vi)(23) refers)

(h) whether to recommend where the Petition debate should be placed on the agenda for the County Council (paragraph 3(c)(vii)(24) refers).

(i) whether the deadline for the receipt of petitions that call an officer to give evidence to a POSC, and the supporting statement, should be the same as for a County Council debate (paragraph 3(d)(i)(27) refers).

(j) clarify the process for the POSC to come to its recommendation and include the requirement that the lead petition is given a copy of the recommendation(paragraphs 3(d)(ii)(28)(30) refers)..

(k) any other amendments to scheme that the Committee wishes to recommend.

Contact:

Peter Sass  
Head of Democratic Services and Local Leadership  
peter.sass@kent.gov.uk  
(01622) 694002

*Background documents - Nil*