

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

To: Selection and Member Services Committee
27 January 2009

Subject: "Listening to Communities: Consultation on the draft statutory guidance on the duty to respond to petitions"

Classification: Unrestricted

Summary: This reports sets out key issues in the consultation document "Listening to Communities: Consultation on the draft statutory guidance on the duty to respond to petitions" an Informal Member Group (IMG) is being established to prepare a draft response.

1. Introduction

(1) A consultation on the draft statutory guidance on the duty to respond to petitions was published by the Department for Communities and Local Government on 2 December 2009. The closing date for responses is 24 February 2010.

(2) The Local Democracy, Economic Development and Construction Act 2009 places a duty on local authorities to respond to petitions, both written and electronic. The aim of this consultation is to gather feedback on the draft statutory guidance and secondary legislation underpinning this duty. A copy of the consultation document is attached as **Appendix A**.

(3) In order to obtain Member input into this response, the cross party IMG which met in January 2008 to contribute to a draft response to the Department of Communities and Local Governments paper on "Local Petitions and Calls for Action" has been reconvened. The Membership of this IMG is Mr M Angell (Chairman), Mrs Allen, Mr T Dean and Mrs Stockell Mr Christie has been invited to replace Mr R Parker on the IMG. The Deputy Leader will submit the final response on behalf of the County Council

2. Scope of Consultation

(1) The consultation asks if the guidance adequately explains the key principles and requirements of the duty and is clear and easily understood. It also seeks views on matters to be excluded, suitable timescales for implementation, contains a model petition scheme and invites comments.

3. Summary of the guidance

The petition scheme

(1) Under the Petition Scheme, councils will be required to respond to petitions and tell people what action is going to be taken. The petition scheme, based on the model in the guidance, must be approved by a meeting of the full County Council before it comes into force. The model scheme requires that all petitions, regardless of the number of signatures will receive a response provided they meet the scheme criteria.

Thresholds

(2) The 2009 Act requires that all petitions with a specific level of support will trigger a debate at County Council. Petitions with a specific level of support that call a senior officer to account will trigger a requirement for an officer to give evidence at a meeting of a Policy Overview and Scrutiny Committee.

(3) Thresholds to trigger the requirements in the paragraph 3(2) are to be set by the County Council as part of the petition scheme. The guidance suggests that the threshold should be no higher than 5% of the population and should be locally achievable. It is also possible to set variable thresholds e.g. for matters specific to each of the district areas. Thresholds can be reviewed after a period of operation and the scheme amended by the County Council.

Verification of signatures

(4) Local authorities must take account of signatures of people who provide a valid address where they live, work or study in the area. It is for the County Council to decide what counts as an authentic signature, for example a valid email address or a valid postcode or both.

Relevant matters for a petition

(5) County Councils can respond to petitions which relate to an improvement in the economic, social or environmental well-being of the area and must deal with petitions which relate to the functions of partner authorities, including matters which are sub-regional and cross-authority.

Exclusions

(6) The 2009 Act allows local authorities to exclude vexatious, abusive or otherwise inappropriate petitions. The draft guidance states that it is for the local authority to decide if the petition should be excluded on these grounds and if so the petition should still be acknowledged and an explanation given as to why the local authority will not be responding to it. Guidance is given on what could constitute vexatious or inappropriate.

(7) Matters that it is proposed to exclude from the petition scheme in the draft petitions order (included within the consultation) include petitions for a

mayoral referendum, matters relating to planning or licensing decisions and matters relating to decisions where an alternative right of appeal exists.

6. Recommendation

RECOMMENDED that it be noted that the informal Member Group has been reconvened to draft response to “Listening to Communities: Consultation on the draft statutory guidance on the duty to respond to petitions” and that this response be submitted to the Deputy Leader for approval on behalf of the County Council in time for a response to be issued before the deadline of 24 February 2010.

Peter Sass
Tel No: 01622 694002
e-mail: peter.sass@kent.gov.uk

Background Information: None