

Item 5a - The Duty To Respond to Petitions

Modern Local Government Group's Recommendation to Council

At its meeting on 8 July 2010, the Modern Local Government Group

Resolved:

That Council be recommended to:

- (a) adopt the Petition Scheme (attached as Appendix A) and include it as Appendix Y to the Council's Constitution, subject to the following amendments;**
 - (i) Section headed "Officer Evidence", Paragraph 2 - the fourth sentence be deleted and replaced with "The Committee will also require the relevant Portfolio Holder to attend the meeting"**
 - (ii) Section headed "Full council debates" – After the first sentence, add new sentence to read "Petitions which relate to an issue which affects a particular area of the District and have a significant level of support from people who live, work or study in that area are also likely to be debated at a Full Council meeting."**
- (b) implement the Petition Scheme with immediate effect, with the exception of those sections of the scheme which relate to e-petitions.**
- (c) grant the Chief Executive delegated authority to bring the e-petitions elements of the Petition Scheme into effect, no later than 15 December 2010 (or such other timescale as approved by Government).**
- (d) designate the Chief Executive as "petitions officer", with responsibility for determining the admissibility of petitions under the scheme and delegated authority to make minor administrative amendments to the petition scheme if required.**
- (e) agree the consequential amendments to Part 2 of the Constitution - Council Procedure Rules (Appendix B) and Part 5 of the Constitution - Overview and Scrutiny Procedure Rules (Appendix C).**

The full Minute will be circulated separately.

Performance and Governance Committee's Recommendation to Council

At its meeting on 29 June 2010, the Performance and Governance Committee considered the matter as follows:

The Democratic Services Manager stated that whilst the proposed petitions scheme met the relevant legislative requirements, wherever possible it had taken account of the current constitutional arrangements in place for petitions submitted to the Council.

Following a query it was explained that the cost of introducing an E-Petitioning system would vary based on the supplier as some charged a one-off fee whilst others required an annual subscription. The Democratic Services Manager stated that he would be seeing a demonstration of a system from Swale Borough Council and there was also an option to purchase a system through CMIS, the Council's current Committee Management software supplier. Both options were based on a one off purchase cost. The Chairman told Members that the installation time for the Council was hoped to be no more than one working day for one member of staff.

It was explained that residents who wished to create or sign an e-petition would be asked to 'register online by giving a contact name and email address. A postcode would also be required to ensure that the petitioner lived or worked within the District. In relation to potentially vexatious petitions it was explained that, under the proposed scheme, the Chief Executive would be given delegated powers to refuse to consider further any petition that was considered vexatious.

The Committee noted that the data protection implications of e-petitioning would be fully considered before any system was introduced. Petitioners would be informed that their name would be published but that other personal data such as their e-mail address would not be.

Resolved:

That Council be recommended to:

- (a) Adopt the Petition Scheme and include it as Appendix Y to the Council's Constitution;**
- (b) Implement the Petition Scheme with immediate effect, with the exception of those sections of the scheme which relate to e-petitions;**
- (c) Grant the Chief Executive delegated authority to bring the e-petitions elements of the Petition Scheme into effect, no later than 15 December 2010 (or such other timescale as approved by Government);**
- (d) Designate the Chief Executive as 'petitions officer', with responsibility for determining the admissibility of petitions under the scheme and delegated authority to make minor administrative amendments to the petition scheme if required;**
- (e) Agree the consequential amendments to Part 2 of the Constitution – Council Procedure Rules (Appendix B) and Part 5 of the Constitution – Overview and Scrutiny Procedure Rules (Appendix C).**