
Subject:	REVISED PETITION SCHEME
Meeting and Date:	Governance Committee – 27 February 2023 Council – 1 March 2023
Report of:	Democratic and Corporate Services Manager
Classification:	UNRESTRICTED

Purpose of the report: To consider a revised Petition Scheme.

Recommendation: That the Council approve the new Petition Scheme as set out in Appendix 1 of the report and incorporate it into the Constitution of the Council (Issue 25).

1. Summary

In accordance with the requirements of the Local Democracy, Economic Development and Construction Act 2009 the Council adopted a 'Petition Scheme' reflecting statutory guidance at its meeting held on 19 May 2010. As part of this, the previous Petition Scheme of the Council was repealed.

The intention was always to review the Petition Scheme after sufficient time had passed so that its performance could be assessed. Following the repeal of the provisions within the Local Democracy, Economic Development and Construction Act 2009, the statutory guidance was also repealed allowing the Council to conduct a fuller review of its arrangements.

2. Introduction and Background

2.1 The Council's Petition Scheme currently reflects the now repealed statutory guidance for Local Authority Petition Schemes in full. This Scheme has been in operation for over a decade and the need to review it was identified in a previous review of the Constitution. This was in part delayed by Covid but the opportunity has now presented itself for review as at the time of writing the Council is not in receipt of an active petition. As part of the review, consideration has been given to the operation of the current Petition Scheme and what has worked well or needs improvement and the elements of the pre-2010 petition scheme that would benefit from reintroduction to a revised scheme. There has also been benchmarking against a number of other Local Authorities that have revised their schemes since the abolition of the statutory guidance.

2.2 The review has also examined two new features introduced in 2010 to the Petition Scheme which were the arrangements for a threshold for petitions to require senior officers to account for their decisions to the Overview and Scrutiny Committee (these petitions required 800 signatures) and a threshold for petitions to go directly to consideration by the full Council (these petitions require 1,600 signatures).

Overview and Scrutiny Committee

2.3 The operation of the 2010 Petition Scheme has evolved over time to make the Overview and Scrutiny Committee the main gatekeeper for petitions received by the Council. This has been very successful given the range of statutory powers that the Overview and Scrutiny Committee has in holding officers and cabinet members to account.

- 2.4 It is proposed that this position be formalised with the assignment of the receipt of petitions being placed with the Overview and Scrutiny Committee in the scheme. This ensures that Members have an early intervention in the process and reflects the pre-2010 Petition Scheme that required all petitions with 20 or more signatures to be received by the then Scrutiny (Policy and Performance) Committee.

Signatures

- 2.5 The current Petition Scheme has no minimum number of signatures required which has resulted in one petition having been received with 2 signatures on it. It is proposed that a minimum threshold of 20 signatures be introduced in the new Petition Scheme which reflects the qualifying threshold in the pre-2010 Petition Scheme of the Council. That petition scheme required that a “petition must bear the signatures of at least 20 local government electors for the District”.
- 2.6 It is not proposed to adopt the requirement that signatories to a petition be local government electors in order to allow younger members of the district below the voting age to still have the opportunity to engage with their elected Members through a petition. As a result, the revised Petition Scheme does not contain a minimum age requirement for signatories.
- 2.7 Where a petition has received less than 20 signatures it is proposed that it will be automatically referred to the relevant manager to respond to rather than go through the petition scheme. This will ensure that no petition will go unanswered.
- 2.8 The revised Petition Scheme has replaced the ‘live, work and study in the district’ qualification for signatories with a provision that signatories be resident in the district. This is an amended version of the pre-2010 petition scheme’s requirement that signatories be resident in the Dover District, though this time as residents rather than local government electors.
- 2.9 The Council has previously received petitions with signatures from every constituent country in the United Kingdom and every continent on the planet with the exception of Antarctica. This has led to decisions having to be made as to the validity of signatures outside of the district as whether they could realistically be said to work or study in the district. To simplify this, the revised scheme has been amended to focus on those who are resident in the Dover district in line with the pre-2010 petition scheme.

Officer Evidence

- 2.10 This function that required senior officers to account for their decisions to the Overview and Scrutiny Committee (where a petition requesting this had 800 or more signatures) has never been used at Dover. It is proposed to remove this provision as the Overview and Scrutiny Committee already has this function at its disposal to bring senior officers and cabinet members before it to account for their decisions and regularly exercises this function in respect of petitions. For example, in respect of a recent petition on enclosed dog parks the Head of Commercial Services attended a meeting of the Overview and Scrutiny Committee to speak to the petition in response to questions from Members.
- 2.11 The proposed removal of this function on the revised Petition Scheme does not weaken the holding of officers to account for decisions as the Overview and Scrutiny Committee already has this function. Indeed, the existing powers of the Overview and Scrutiny Committee are wider as they include the ability to bring Cabinet Members before the Committee in respect of petitions.

Petitions to the Council

- 2.12 The current Petition Scheme has a requirement that petitions of a certain size (1,600 signatures) can be brought before the full Council for consideration. The Petition

Organiser would have 10 minutes to present the petition followed by 20 minutes for the full Council to debate the petition.

- 2.13 It is proposed to remove that signature threshold for referrals to the full Council and instead place that responsibility for deciding whether a matter should be referred to full Council with the Overview and Scrutiny Committee. If a petition is referred by the Overview and Scrutiny Committee to the full Council for consideration, the Petition Organiser would be given the opportunity to speak for up to 10 minutes in support of their petition at the Council meeting.
- 2.14 This change preserves the essence of the current scheme that there are some petitions that should be debated by the full Council, while at the same time empowering members of the Overview and Scrutiny Committee with the flexibility to decide which petitions should be referred.

3. Identification of Options

- 3.1 Option 1: To approve the revised Petition Scheme and incorporate it into the Constitution of the Council (Issue 25).
- 3.2 Option 2: To amend the revised Petition Scheme and incorporate it into the Constitution of the Council (Issue 25).
- 3.3 Option 3: To reject the revised Petition Scheme and retain the current Scheme.

4. Evaluation of Options

- 4.1 Option 1: This is the option recommended by the author of this report and by the Council's statutory officers. It draws on practice at other local authorities and preserves the elements of the current petition scheme that work well and codifies current best practice. The new scheme is intended to be more user-friendly and formalise the role of the Overview and Scrutiny Committee as the gatekeeper for petitions. It provides a new scheme that is intended to combine the best elements of participatory and representative democracy to form an improved Petition Scheme.
- 4.2 Option 2: This is not the recommended option, though depending on the nature of the amendments may be able to be incorporated into the scheme with modest change. In the event that significant changes are required it is proposed that officers be instructed to bring back a revised Petition Scheme that reflects the desired changes.
- 4.3 Option 3: This is not the recommended option as it does not introduce the best elements of other practice elsewhere or previous DDC practice and retains a Petition Scheme based on withdrawn statutory guidance. As it retains the status quo there are no negative impacts to this decision other than the loss of the opportunity to improve the Scheme.

5. Resource Implications

- 5.1 There are no direct resource implications arising from the report.

6. Climate Change and Environmental Implications

- 6.1 There are no direct Climate Change and Environmental Implications arising from the report. The Council continues to encourage the use of electronic petitions to reduce the amount of paper use.

7. Corporate Implications

- 7.1 Comment from the Section 151 Officer: Accountancy has been consulted and has no further comment. (JS)

- 7.2 Comment from the Solicitor to the Council: The Solicitor to the Council/Monitoring Officer has been consulted in the preparation of this report and has no further comments to make.
- 7.3 Comment from the Equalities Officer: This report relating to a revised Petition Scheme does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010
<http://www.legislation.gov.uk/ukpga/2010/15/section/149>
8. **Appendices**
Appendix 1 – Revised Petition Scheme
9. **Background Papers**
Local Democracy, Economic Development and Construction Act 2009

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