

 Executive – 2 March 2011		Agenda Item No. 5
Title	Revision to the Council's Petitions Scheme	
For further information about this report please contact	Graham Leach (01926) 456114 graham.leach@warwickdc.gov.uk	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	Council 14 July 2010	
Background Papers	The Local Democracy, Economic Development and Construction Act 2009.	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	20/1/2011	Andy Jones
Chief Executive		N/A
CMT	2/2/2011	N/A
Section 151 Officer		N/A
Finance	20/1/2011	Marcus Miskinis
Portfolio Holder(s)		N/A
Consultation Undertaken		
Alison Williams – 27 January 2011		
Final Decision?		No
Suggested next steps (if not final decision please set out below)		
This will be a recommendation to Council on the 9 March 2011		

1. **SUMMARY**

- 1.1 The report brings forward minor amendments to the Council's petitions scheme.

2. **RECOMMENDATION**

- 2.1 The Executive recommend to Council the following additions to the Council's petition scheme:
- (a) Petitions relating to current consultations and applications due for consideration by the Council will be excluded from this scheme and considered as part of the process for the consultation or application determination; and
 - (b) The approach to responding to petitions that fall within the scheme but do not carry sufficient signatures to require consideration at Council or an Overview & Scrutiny Committee, will be determined by the relevant Head of Service in consultation with the relevant Portfolio Holder. Options will include:
 - (i) Responding directly to the petition/petitioner;
 - (ii) Referring to the relevant community forum for consideration;
 - (iii) Referring to the Executive for consideration;
 - (iv) Referring to Council for consideration; or
 - (v) Referring to the relevant Committee for consideration.

When taking this decision the Head of Service will take into consideration any request by the petitioner and, where applicable, any District Councillor sponsoring the petition. This does not alter the rights of a Councillor to ask for any item to be considered on an agenda as set out in the Council procedure rules.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The Council's petitions scheme was adopted in July 2010 under the Local Democracy, Economic Development and Construction Act 2009 regulations. Following consideration of the Council's scheme in detail and reading neighbouring authorities' schemes, it is felt appropriate that the scheme be amended to include these additional aspects because at present no guidance is provided for those petitions which do not meet the number of signatures required for debate at Council or an Overview & Scrutiny Committee for calling an officer to account.
- 3.2 It should be noted that the coalition government have withdrawn the guidance issued by the previous government on petitions and has outlined its intention to withdraw the petitions scheme requirement under the Localism Bill. Therefore once the Localism Bill has been concluded further consideration will need to be given to the Council's petitions scheme.

4. **ALTERNATIVE OPTION CONSIDERED**

- 4.1 The Executive could decide not to recommend amending the Council's petition scheme, however the proposed amendment allows for a greater number of petitions to be considered by the Council which was the intention of the legislation.

- 4.2 The Executive could decide to wait for the Government to determine the Localism Bill, however this would leave an area of uncertainty within the Council's petition scheme until the Localism Bill is enacted.

5. **BUDGETARY FRAMEWORK**

- 5.1 There are no budgetary implications of this proposal.

6. **POLICY FRAMEWORK**

- 6.1 This report brings forward amendments to the petitions scheme to ensure there is greater openness and transparency for the handling of petitions.

7. **BACKGROUND**

- 7.1 The Local Democracy, Economic Development and Construction Act 2009 introduced a requirement for each council to have a petitions scheme.
- 7.2 In late March 2010 the Department for Communities and Local Government issued a directive advising that the petitions duty contained in the Local Democracy, Economic Development and Construction Act 2009 had been enacted. Councils were thereby required to take steps to bring the duty into force on 15 June 2010. The e-petitions element came into force on 15 December 2010.