



Council Overview & Scrutiny Committee  
6 July 2011

**Review of the Council's Petition Scheme**

**Purpose of the report:** Policy Development and Review

To review the effectiveness of the Council's petition scheme and report back to Council for approval.

**Introduction:**

1. The Local Democracy, Economic Development and Construction Act 2009 required all principal councils to provide a facility for electronic petitions (e-petitions) and to adopt a scheme for any e-petitions or paper petitions it receives. The paper-based scheme had to be operational by 15 June 2010 with the e-petition facility in place by 15 December 2010.
2. The County Council adopted a formal petition scheme, meeting the requirements of the Act, on 15 June 2010 and implemented an e-petition facility at the same time. In approving the petition scheme, it was recognised that there were a number of unknowns and therefore the scheme should be reviewed a year on to ensure it remained effective.
3. As the petition scheme covers the full range of services, the Council Overview and Scrutiny Committee is asked to consider the effectiveness of the current petition scheme and report its findings to the County Council for approval.

**The Petition Scheme**

4. The current petition scheme was drafted in line with the statutory guidance issued in relation to the duty to respond to petitions. A copy of the Council's petition scheme is attached as Appendix 1.

5. There are a number of features of the petition scheme which are required by legislation and therefore cannot be deleted from the scheme:
  - (i) Providing for a petition to be debated at council
  - (ii) Providing for a petition to hold an officer to account
  - (iii) Excluding petitions referring to planning decision and any individual decision where there is a statutory right of appeal (e.g. rights of way or school admissions)

### **Petitions requiring debate at Council**

6. The 2009 Act requires a council to debate at full council those petitions where the number of signatures reaches a threshold determined by the council, up to a maximum 5% of the population. In the current scheme, the Council set the threshold at 20,000 signatures (less than 2% of the population.)
7. Petitions debated by council should be reserved to the key strategic issues affecting the county and for the council to debate a petition, it would wish it to have generated interest from across a significant area of the county, as the local committee is better placed to handle petitions with a more locally specific focus. To date, one petition has reached the threshold. This related to on-street parking and achieved just over 26,300 signatures.
8. When a petition reaches the threshold, the County Council must then allow time for a debate. The model scheme proposed by Communities and Local Government (CLG) in 2010 suggested the petitioner should have five minutes to address a council meeting and that 15 minutes be given for debate. However, as standing orders allow Members to speak for 3 minutes each during any debate, the County Council recognised that a 15-minute restriction would in practice mean only 5 Members could participate. Therefore Surrey's petition scheme allows the petition organiser five minutes to present and the relevant Cabinet Member five minutes for a right of reply before Members have an opportunity to debate the petition for up to 30 minutes. At Cabinet and committee meetings, the petitioner is given 3 minutes to present.

### **Petitions requiring an officer to be held to account**

9. A petition may alternatively call for a senior officer to give evidence at a select committee provided the grounds for calling the officer relate directly to their function and not their personal circumstances. Again, a minimum number of signatures need to be obtained. The model scheme suggested this be set at half the level required for a council debate and therefore Surrey's Petition Scheme includes a threshold of 10,000 signatures. It is also up to authorities to agree which officers are eligible to be called under the scheme. Surrey's Petition Scheme allows the Chief Executive, Strategic Directors, Assistant Directors and Heads of Service to be called to give evidence.

## Current Use of the Petition Scheme

10. When a petition is submitted, it is reviewed in terms of the subject matter and number of signatures and then re-directed as appropriate. At present, the formal channels include:
  - (i) County Council (minimum of 20,000 signatures)
  - (ii) Cabinet/Cabinet Member (minimum of 100 signatures)
  - (iii) Local Committees (minimum varies from 25-100 signatures)
  - (iv) Select committee (minimum of 100 signatures)
11. Appendix 2 details the full range of petitions handled formally between June 2010 and May 2011. In summary,
  - Council has debated one petition in the last year
  - no petitions have been received requesting that an officer be held to account.
  - The Cabinet has received 6 petitions and Cabinet Members have received 8 in total at their individual decision-making meetings.
  - Local Committees have received 40 petitions.
  - Safer and Stronger Communities is the only select committee to have received any petitions (3 in total.)

## E-petitions

12. The County Council purchased an e-petition facility jointly with the 11 districts and boroughs. Surrey was the first county to join with all the districts and boroughs on e-petitions, providing a more cost effective solution. As well as providing greater value for money, this joint approach is more user-friendly as the system is fully integrated so that the petition organiser selects the topic and the facility ensures it is directed to the correct authority. In addition, and supporting our aim to promote greater transparency and openness, the public can easily see all petitions created across Surrey in one place, rather than having to visit a number of different authority websites separately.
13. Since its introduction, 55 e-petitions have been submitted. 3 have been rejected (2 on the grounds that the petition was outside the remit of the council and one on the basis that the petition did not request any action). A further 39 are closed and 13 remain open. Across the 52 accepted petitions, 40,322 signatures have been recorded.

## Proposed Amendments

14. In response to queries received and feedback on the current scheme, two minor amendments to the scheme are suggested. Firstly, in responding to petitions at Council, there may be occasions when, depending on the subject matter, it is more appropriate for the Leader of the Council to respond rather than a Cabinet Member. Therefore, it is proposed that paragraph 22 of the scheme be amended as follows:

*“The petition organiser will be given five minutes to present the petition at the meeting. The Leader or relevant Cabinet Member will then be given five minutes for a right of reply before Members have an*

*opportunity to debate the petition for no more than 30 minutes with each Member allowed to speak for a maximum of 3 minutes.”*

15. Secondly, in line with the Council’s priorities, it is suggested that the following sentence be insert at the start of paragraph 1:

*“Surrey County Council is committed to localism and ensuring the Council is as open and transparent as possible in all that it does.”*

#### **Conclusions:**

16. The e-petition facility has been well used since its introduction and is operating well from a technical point of view, with limited issues reported to date.
17. Since the new scheme’s introduction, all the formal channels for Members to receive a petition have been tested. The majority of petitions are currently being handled at Cabinet Member and Local Committee meetings. This is to be expected if the petition scheme is functioning well as this is where the majority of the decisions the petitioners are trying to influence are taken.
18. In addition, one petition has reached the threshold for a council debate and therefore demonstrates that the current limit is achievable where an issue affects the county as a whole.
19. In considering to petition scheme and whether it is working effectively, Members may wish to draw on their own experience of handling petitions at committees or Council. Members may also wish to review the list of petitions received in the last 12 months attached at appendix 2 and consider if any would have been better handled in an alternative manner and if so, whether they feel any changes are required to the scheme to facilitate this.

#### **Financial and value for money implications**

20. There are no financial implications. The e-petition facility has led to an increase in the number of petitions received by the council and there are resource implications for this in terms of processing and responding to petitions. The resource pressure for handling petitions within Democratic Services has been met to date but will need to be reviewed should the number continue to increase.

#### **Equalities Implications**

21. The petition scheme provides a range of ways in which petitions can be presenting – in paper form, electronically, or in person and therefore increases the ways in which the public can engage with the Council.

#### **Risk Management Implications**

22. None.

## Implications for the Council's Priorities or Community Strategy

23. The Petition Scheme and e-petition facility both support the Council's priorities. In particular, the Council's corporate objective to provide value for money and the themes of focusing on our core responsibility and deciding and delivering locally. It also supports the Council's desire to be open and transparent in all that we do.

### Recommendations:

- (a) To agree that the amendments outlined in paragraphs 14-15 be recommended to Council.
- (b) To consider the current scheme and its effectiveness, agreeing any recommendations to Council on the discretionary areas such as:
  - (i) The number of signatures needed to require a debate at council
  - (ii) The process for handling the debate at council
  - (iii) The number of signatures needed to require an officer to be held to account
- (c) To consider any further areas of the current scheme where Members feel improvements could be made to increase the effectiveness of the scheme.

### Next steps:

Report from the Council Overview and Scrutiny Committee to be submitted to the County Council for consideration.

The County Council to agree any changes to the current Petition Scheme as necessary at its meeting on 19 July 2011.

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**Sources/background papers:**

County Council Agenda and Minutes, 15 June 2010 (item 16 – Petition Scheme)

Local Democracy, Economic Development and Construction Act 2009

Statutory Guidance on the duty to respond to petitions, Communities and Local Government