

**MEETING OF THE COUNCIL**

**13 OCTOBER 2010**

**REPORT OF MONITORING OFFICER**

**PETITIONS SCHEME AND E-PETITION FACILITY**

**1.0 PURPOSE OF REPORT**

1.1 This report addresses the Council's decisions made at its last meeting held on 14 July 2010 :-

*(4) it be noted that there be a review of the scheme and the procedure for the E-petition element of the scheme be considered by the Council prior to the 15 December 2010 deadline;*

*(5) with regard to the request for a supplementary estimate of up to £7,000 to purchase an E-petition facility to meet the 15 December 2010 deadline, this be investigated as to whether absolutely necessary and if so, refer to the Policy, Finance and Administration Committee for further consideration.*

1.2 To consider a procedure for the E-petition facility within the revised Petitions Scheme at Appendix A (amendments highlighted) and to approve its inclusion within the Constitution.

1.3 To update the Council on the Policy, Finance and Administration Committee's decision to purchase an E-petition facility.

**2.0 RECOMMENDATIONS**

**2.1 To approve a procedure for the E-petition facility within the revised Petitions Scheme and to approve its inclusion within the Constitution.**

**2.2 To note that the Policy, Finance and Administration Committee had approved an E-petition facility to be provided by government area grant funding.**

**2.3 To grant delegated authority to the Monitoring Officer to amend the procedure in line with good practice and the supplier's advice/policies.**

**3.0 KEY ISSUES**

**3.1 Background on Petitions Scheme**

The Local Democracy, Economic Development and Construction Act 2009 introduced a duty on the part of local authorities to respond to petitions.

3.2 The core elements of the petition's duty came into force on 15 June 2010. There are further provisions relating to the need to make the scheme available for e-petitions which come into effect on 15 December 2010.

3.3 The Council adopted a Petitions Scheme at its meeting on 14 July 2010 and it is available on the Council's website. Since its introduction, no petitions have been received and no issues raised.

### 3.4 **E-Petition Facility and Supplier**

With regard to the introduction of the e-petition element of the scheme, a letter was received from the Department for Communities and Local Government dated 24 September 2010 headed 'Withdrawal of statutory guidance on petitions'. Although the letter gives some doubt to the future of the scheme, it explains that the duty to comply in providing an e-petitions facility by 15 December 2010 still applies and the government is to provide a grant to assist in installing the facility of £4,221.

3.5 At its meeting on 29 September 2010, the Policy, Finance and Administration Committee agreed to provide an e-petition facility at a cost of £1,999 for the year, paid from the area based grant given for this purpose and mentioned at 3.4.

3.6 The supplier selected for the E-petitions facility is mysociety.org – a company which provides an E-petition service to No.10 Downing Street.

### 3.7 **E-Petition Scheme**

The E-petitions element of the legislation comes into force on 15 December 2010. The 2009 Act applies the same requirements to electronic petitions as to paper petitions except for the following:-

- Principal local authorities are only required to respond to e-petitions made through their e-petition facility
- Principal local authorities must decide when a request to host an e-petition is received whether the petition is appropriate for publishing on their facility
- Principal authorities will decide what equates to a signature on a petition
- Principal local authorities are required to provide a facility for people to submit petitions to the authority electronically. In addition to this, local authorities can choose to respond to e-petitions submitted by other means and if they choose to do this, should indicate in their Petitions Scheme how they will deal with these types of petitions

3.8 The authority's e-petition site must allow citizens to create a petition which can be published on-line and made available to others for electronic signature. Acceptances of email petitions will not meet this requirement.

3.9 In dealing with e-petitions, Councils will need to take into account issues such as Data Protection, libel and a requirement to comply with equalities and anti-discrimination legislation.

3.10 With regard to the procedure for dealing with e-petitions, the requirements set out in the Petitions Scheme approved in July 2010 will apply with adjustment for receiving the information electronically – Appendix A has been revised to include this adjustment and the additions are highlighted.

3.11 Local authorities can choose to verify the signatures given on a petition and in the case of E-petitions, must decide what counts as an authentic signature eg. this could be a valid email address or postcode or both. **In the revised Petitions Scheme at Appendix A it is proposed that with regard to e-petitions, signatories will be requested to confirm their email address and details are included in the scheme.** However, delegated authority to the Monitoring Officer is requested in the recommendations to enable any

amendments to be made to take account of best practice and any advice/policies of the supplier.

#### **4.0 POLICY AND CORPORATE IMPLICATIONS**

4.1 The scheme is compatible with the Council's intention to be more proactive in promoting democracy, involving the community in Council decision-making and providing the opportunity for enhanced electronic communication.

#### **5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

5.1 Financial and resource implications will be met from area based grant funding and within existing arrangements.

#### **6.0 LEGAL IMPLICATIONS/POWERS**

6.1 To adopt an E-Petitions element to the Petitions Scheme complies with the Council's statutory responsibility under the Local Democracy, Economic Development and Construction Act 2009.

#### **7.0 COMMUNITY SAFETY**

7.1 There are no community safety implications in this report.

#### **8.0 EQUALITIES**

8.1 The scheme will be available to the public.

#### **9.0 RISKS**

9.1 If an E-Petitions Scheme is not adopted, the Council could be accountable for public challenge.

#### **10.0 CLIMATE CHANGE**

10.1 There are no climate change implications in this report

#### **11.0 CONSULTATION**

11.1 The Policy, Finance and Administration Committee has been involved in the selection of an E-Petitions facility and the funding arrangements.

#### **12.0 WARDS AFFECTED**

12.1 All.

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Contact Officer: Sarah Evans, Senior Democracy Officer  
Date: 1 October 2010  
Appendices: A – Petitions Scheme (including E-Petitions)  
Background Papers: Consultation on Draft Statutory Guidance on the Duty to Respond to Petitions Overview, Scrutiny and Audit Committee – Minutes of 8 June 2010  
Letter from Department of Communities and Local Government dated 24 September 2010 - Withdrawal of Statutory Guidance on Petitions  
Reference: X: Committees/Council/2010-11/131010 SE – Petitions Scheme