

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 18th November 2010
Report of: Borough Solicitor
Subject/Title: E Petitions - The Local Democracy, Economic Development and Construction Act 2009 and the Local Authorities (Petitions) (England) Order 2010

1.0 Report Summary

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 places a new duty on Councils to promote local democracy and introduce facilities for receiving and dealing with petitions. The Act received Royal Assent on 12th November 2009. The majority of provisions came into force through the publication of orders. The Local Authorities (Petitions) (England) Order 2010 was published on 22nd March and came into effect on 15th June 2010. The effect of the order required every local authority, from 15th June 2010, to have adopted a "Petition Scheme" which sets out how it will handle petitions, and by 15th December 2010 every local authority must have an on-line petition facility, under which anyone may set up a petition on the authority's website. Other petitioners would be able to "sign up" to the petition on-line. This report invites the Committee to revise the Scheme for dealing with petitions to include provision for e petitions.

2.0 Recommendations

That the Committee

(1) approve the revised Petition Scheme; and

(2) authorise the launch of the proposed on-line e petition facility with effect from 1st December 2010.

3.0 Reasons for Recommendations

- 3.1 Petitions are the most widely used form of civic action by individuals and communities to make representations to different public bodies on matters affecting them. The Government has decided that Councils must introduce facilities for both paper and electronic petitions. The new duty being introduced increases the range of opportunities for individuals and groups to engage with the Council.

4 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 Not applicable.

7.0 Financial Implications

- 7.1 The Council's Modern.gov agenda management system has been upgraded at no extra cost, with an e-Petitions module. The cost of controlling, moderating and dealing with paper and e petitions is being met from within existing resources.

8.0 Legal Implications

- 8.1 Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act places a duty on the Council to have a Scheme in place to handle petitions and to provide a facility for making electronic petitions to the authority. The Local Authorities (Petitions) (England) Order 2010 requires the Council to adopt a Petitions Scheme by the 15th June. The order requires e petitioning to be introduced by 15th December 2010. The Scheme must receive formal approval of the Council before it comes into force. There are specific requirements about the way petitions should be acknowledged and categorised and which require officers to be held to account. The Act also requires publication of details of the petition and action taken by the authority. The legislation also proposes that, if the petitioner so requests, an Overview and Scrutiny Committee may review the steps taken or action proposed to be taken by the Council.

9.0 Risk Management

- 9.1 The Council will need to moderate petitions and criteria were established to decide if a petition should be rejected. The Government had indicated that further guidance on e-petitions would be available, including practical advice for selecting and setting up an e-petitions facility. This has yet to be published.
- 9.2 The Council's IT Service are running a diagnostics check to ensure that the module meets the Council's IT Strategy requirements.

10.0 Background and Options

- 10.1 The Local Democracy, Economic Development and Construction Act 2009 requires all principal local authorities in England to establish a scheme for handling petitions made to the authority. Under the Local Authorities (Petitions) (England) Order 2010 and in accordance with the Statutory Guidance the Council approved its Petition Scheme on 27th May 2010 and requested that the Borough Solicitor report to the Constitution Committee on the development of an on-line petition facility.
- 10.2 The Order requires the authority to develop an On-Line Petition Facility, to be available from 15th December 2010. In the absence of any further guidance the Council's Modern.gov agenda management system has been upgraded at no extra cost with an e-Petitions module. This has allowed officers to trial the system to ensure that it meets the legislative requirements to allow anyone to set up a petition on the authority's website, and other petitioners may "sign up" to the petition on-line.

- 10.3 The system meets these legislative requirements and allows the Petitions Officer to moderate petitions and decide if a petition should be rejected before it is published.
- 10.4 The Council's Petition Scheme needs to be revised to reflect e-petitioning. A proposal is made at Appendix A. Appendix B is the existing scheme.

11.0 Access to Information

- 11.1 The background papers relating to this report can be inspected by contacting the report writer:

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Appendices:

Appendix A –Additional Section to Model Scheme to deal with E petitioning
Appendix B – existing scheme