

**TO: GOVERNANCE AND AUDIT COMMITTEE
27 MARCH 2012**

**PROPOSED ABOLITION OF THE PETITION SCHEME
Director of Corporate Services – Legal**

1 PURPOSE OF REPORT

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) required local authorities to adopt a “Petition Scheme” in accordance with complex provisions set out in that Act. With effect from 1 April 2012 the Localism Act will repeal those provisions. This report proposes that the Petition Scheme put in place pursuant to the 2009 Act be rescinded.

2 RECOMMENDATION

2.1 That the Committee recommend to Council that:

- (a) The Council’s Petition Scheme set out in the Annexe to the Council’s Procedure Rules be rescinded, and**
- (b) That the scheme for Public Participation at Meetings of the Council be amended to include provisions for petitions as included in the scheme prior to the Local Democracy, Economic Development and Construction Act 2009.**

3 REASONS FOR RECOMMENDATION

- 3.1 To revert to the simpler provision for petitions to the Council which were in place before the implementation of the provisions of the 2009 Act relating to Petition Schemes.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To retain the Petition Scheme put in place to secure compliance with the 2009 Act. However, that scheme is considered to be excessively bureaucratic and does not afford the flexibility which the Scheme of Public Participation previously allowed for.

5 SUPPORTING INFORMATION

- 5.1 Attached as Annexe A to this report is the Scheme for Public Participation which existed prior to the commencement of that part of the 2009 Act which related to “Petition Schemes”. The scheme includes provision for petitions to be presented to the Council. There was no minimum number of signatures required. The scheme operated satisfactorily.
- 5.2 The 2009 Act contained detailed, prescriptive requirements, requiring each Council to have a Petition Scheme. The Council’s current Petition Scheme is set out as Annexe B. It contains provisions (in compliance with the 2009 Act) requiring petitions to be debated at full Council if more than 1,500 signatures are received or, if at least 750 signatures are secured, requiring a senior

officer to give evidence before the Overview and Scrutiny Commission or one of its Panels. Those provisions have never been invoked since the new scheme came into effect.

- 5.3 The Localism Act will repeal the provisions of the 2009 Act with effect from 1 April 2012. From that date the Council will be able to revert to its simpler, more flexible scheme.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Borough Solicitor is the author of this report.

Borough Treasurer

- 6.2 To be provided.

Equalities Impact Assessment

- 6.3 Not relevant.

Strategic Risk Management Issues

- 6.4 Not relevant.

Other Officers

- 6.5 None.

7 CONSULTATION

Principal Groups Consulted

- 7.1 None.

Method of Consultation

- 7.2 None.

Representations Received

None.

Background Papers

None.

Contact for Further Information

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