

AUDIT AND RISK MANAGEMENT COMMITTEE

24 March 2010

(94) PETITION SCHEME

The Director of Law, HR and Asset Management reported upon the new statutory duty on local authorities under section 14 of the Local Democracy Economic Development and Construction Act 2009 to have a scheme for handling petitions, including e-petitions. He presented a draft scheme, based on a Model Scheme issued by the Department for Communities and Local Government (DCLG), which he proposed to present to the Cabinet for consideration with a view to it being recommended to the Council on 19 April 2010 for immediate implementation.

He outlined the requirements on local authorities of the draft statutory guidance that had been issued for consultation and indicated that beyond the requirement to meet minimum standards, local authorities had discretion about how they approached the duty, leaving scope for local determination.

The Chair referred to an e-mail from a local resident that had been sent to all Members of the Committee in relation to the proposed scheme. The e-mail referred to advice from the Information Commissioners Office (ICO) in relation to the publication of personal information in petitions and how it complied with the requirements of the Data Protection Act. Members expressed the view that the draft scheme should be amended to incorporate the advice from the ICO. Members commented also upon the thresholds in the proposed scheme having been increased to take into account Wirral's population being larger than the 150,000 set out in the DCLG Model Scheme. A Member commented also upon planning and licensing decisions being excluded from the scheme, as well as other matters where there was another appeal, such as Council Tax banding. He expressed the view that although they were excluded from the scheme by the draft statutory instrument, the Council should have a single petitions document with subsets for those areas excluded.

In response, the Director reported that his report was based on the draft statutory guidance. In finalising the petition scheme the Council would be under a statutory duty to have regard to the statutory guidance issued in relation to this duty. As the statutory framework was not yet fully in place, he indicated that any amendments which would impact on the proposals set out in his report would be reported to the full Council in due course.

Resolved –

- (1) That the following amendments to the proposed Petition Scheme be referred to the Cabinet for consideration prior to the referral of the Scheme to the Council for adoption –**

- (a) that the scheme be amended to take into account the advice from the Information Commissioners Office in relation to the publication of personal data.**
 - (b) that the thresholds contained within the proposed scheme be amended to mirror the lower thresholds contained within the DCLG Model Scheme;**
 - (c) that the document be amended to include subsets for those petitions specifically excluded from the scheme by the draft statutory instrument.**
- (2) That, subject to the views set out at (1) above, the proposed adoption of the Petition Scheme and its inclusion within the Council's constitution, with effect from 20 April 2010 be endorsed.**
- (3) That Committee supports the proposed delegation to the Director of Law, HR and Asset Management in consultation with the three Group Leaders the authority to make any minor amendments to the Petition Scheme, reasonably required to comply with the emerging legislative framework.**