



# Report to Council

25 MAY 2011

**LEADER**

*Councillor Stephen Greenhalgh*

**PETITIONS: ANNUAL REPORT 2010/11**

The annual report to Council on the operation of the Petitions Scheme.

**WARDS**

**All**

**CONTRIBUTORS**

Petitions Officer  
ADLDS

**RECOMMENDATION:**

That the Council's Petitions Scheme be amended as follows:-

- The courses of action available to the Council or the Cabinet in response to a valid petition to explicitly provide that the content of a petition may be taken into account when reaching a decision on the relevant report.
- Where a report to Council concerns an executive function (not being exercised in a manner inconsistent with the Budget & Policy Framework) the matter shall be referred to Cabinet for consideration together with any comments the Council resolves to make.

## **1. Background**

1.1 The Council on 30 June 2010 adopted a Petitions Scheme in accordance with the requirements of the Local Democracy, Economic Development and Construction Act 2009. The Council's Scheme drew upon the model Petitions Scheme published by DCLG. The Scheme included a commitment to submit an annual report to the Council containing the following information:

- the subject matter of all petitions received during the year;
- the number of signatures to each petition;
- a summary of the Council's response to each petition;
- any recommendations for changes to the Scheme in the light of experience with its operation.

1.2 On 24 September 2010 DCLG wrote to all Local Authority Chief Executives to advise that with immediate effect the Government had withdrawn 'Listening to communities: Statutory guidance on the duty to respond to petitions'. Despite repealing the statutory guidance, local authorities are still legally bound to "provide a facility for making petitions in electronic form". The Council introduced an E-petitions facility late in 2010 in compliance with this requirement. Councils are still waiting to know whether the Government will repeal or amend the petitions legislation. The general view is that Councils will have to continue as the legislation is still in place, as the guidance mainly relates to signature thresholds.

## **2. Annual Report 2010/11**

2.1 The information referred to in paragraph 1.1 above is set out in the Appendix to this report.

2.2 The Scheme has worked well over the first year of its introduction; two petitions were made to the Council, five to Cabinet and three to Cabinet Members. The Council also received an invalid petition related to 'Save our Cinema' in King Street. Opportunity has been given to people who live, work or study in the borough to petition the Council and the Cabinet on matters which are of concern to them. The Council's E-petitions facility, which was introduced late in 2010, has not been used; petitioners clearly prefer the traditional route of organising a paper petition. However, all paper petitions received by the Council are posted on the E-petitions website so that members of the public can electronically "sign" them if they so wish.

2.3 The Scheme also allows people living, working or studying in the borough to petition an Overview and Scrutiny Committee. This has not happened during the

period under review. Some petitioners have, however, addressed Scrutiny Committees using the deputation route which provides them with similar speaking rights as for deputations to Cabinet.

- 2.4 The Council's Scheme (and the model Scheme on which it is based) has the drawback of failing to distinguish between an "out of the blue" petition and one which is part of an existing consultation and decision making process. In addition, where the petitioners are present at a meeting there is no point in agreeing to meet them or to write to them with the Council's views afterwards as the Council's views will be evidenced by the decision. It is therefore recommended that a further explicit course of action be added to the list of those available in response to a petition, by which the Council or Cabinet could resolve that they will take the content of the petition into account when reaching a decision on the relevant report. Where a matter relates to an executive function which is not being exercised in a manner inconsistent with the Budget and Policy Framework the Council is unable as a matter of law to exercise that function itself. In such circumstances, the matter should therefore be referred to Cabinet together with any comments which the Council wishes to make on the matter.

The Council or Cabinet would then be able to take one or more of the following courses of action (Section 8 of the Petitions Scheme):

- a) take the action requested in the petition
- b) consider the petition at a Council meeting
- c) hold an inquiry into the matter
- d) undertake research into the matter
- e) hold a public meeting
- f) hold further consultation
- g) hold a meeting with petitioners
- h) refer the petition for consideration by the relevant Select Committee
- i) write to the petition organiser setting out its views about the request in the petition.
- j) resolve that the content of the petition be taken into account when reaching a decision on the relevant report.
- k) in the case of a petition to Council relating to an executive function which is not being exercised in a manner inconsistent with the Budget and Policy Framework, refer the matter to Cabinet for consideration.

### **3. Comments of the Director of Finance and Corporate Services**

- 3.1 There are no financial implications to this report.

**4. Comments of the Assistant Director (Legal and Democratic Services)**

- 4.1 The comments of the Assistant Director are within this report. The recommended changes are in any event an explicit statement of the legal position.

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

<b>No.</b>	<b>Description of Background Papers</b>	<b>Name/Ext of holder of file/copy</b>	<b>Department/ Location</b>
1.	Petitions submitted to the Council 2010/11	Kayode Adewumi ext. 2499	Finance and Corporate Services, Head Governance and Scrutiny
<b>CONTACT OFFICER</b>		<b>NAME:</b> Kayode Adewumi <b>EXT.</b> 2499	

**APPENDIX**

**PETITIONS RECEIVED BY THE COUNCIL IN 2010/11**

No.	PETITION SUBJECT	SUBMITTED TO:	No. OF SIGNATURES	RESPONSE
1a.	Proposed closure of Baron's Court Library	Cabinet 14 October 2010	2,350	Officers to undertake further research into the matter and report back to Cabinet as part of the Library Strategy review later in the year (Report back considered by Cabinet on 10 January 2011).
1b.	Proposed closure of Baron's Court Library	Cabinet 14 October 2010	28	Officers to undertake further research into the matter and report back to Cabinet as part of the Library Strategy review later in the year (Report back considered by Cabinet on 10 January 2011).
2.	Lena Gardens Primary School – request for resurfacing of playground	Cabinet Member for Children's Services	149	Letter from Cabinet Member to petition organiser.
3.	Sale of Sands End Community Centre	Council 27 October 2010	6.900	Officers to undertake research into the matter. (Petition considered by Cabinet as part of the H&F Buildings consultation report on 7 February 2011)
4a.	Objecting to the plans for the regeneration of Shepherds Bush Market and the surrounding areas of Goldhawk Road	Cabinet 11 November 2010	1,536	The relevant departments and Orion Shepherds Bush Ltd. to take the specific concerns of the petitioners into account as the scheme develops.

No.	PETITION SUBJECT	SUBMITTED TO:	No. OF SIGNATURES	RESPONSE
4b.	Shepherds Bush market tenants Association - objecting to the plans for the regeneration of Shepherds Bush Market and the surrounding areas of Goldhawk Road	Cabinet 11 November 2010	130	The relevant departments and Orion Shepherds Bush Ltd. to take the specific concerns of the petitioners into account as the scheme develops.
4c.	Lime Grove, Gaumont Terrace and Gainsborough Courts Residents' Association - objecting to the plans for the regeneration of Shepherds Bush Market and the surrounding areas of Goldhawk Road	Cabinet 11 November 2010	175	The relevant departments and Orion Shepherds Bush Ltd. to take the specific concerns of the petitioners into account as the scheme develops.
5.	Stop the Noise - Petition by residents of Barclay Road and Effie Road for extension of residents only (and residents' visitors) parking hours from 8pm to 12 midnight / 2am on Monday – Saturday inclusive and from 8pm to 12 midnight / 2am on Sundays	Cabinet Member for Environment and Asset Management	123	Letter from Cabinet Member to petition organiser.
6.	The rescinding of the new parking restrictions, extended to 10am, on Goldhawk Road, London W12, and surrounding streets	Cabinet Member for Environment and Asset Management	26	Letter from Cabinet Member to petition organiser.

No.	PETITION SUBJECT	SUBMITTED TO:	No. OF SIGNATURES	RESPONSE
7.	Opposing the disposal of the Irish Cultural Centre and requesting reconsideration of the future of this building and its people.	Council 26 January 2011	5,000+	Officers to undertake research into the matter and refer their findings to Cabinet on 7 February 2011 for consideration (this petition was heard at that Cabinet meeting as part of the H&F Buildings consultation report).
8.	Save the Village Hall, 58 Bulwer Street, W12	Cabinet 7 February 2011	250+	Considered by Cabinet as part of the H&F Buildings consultation report on 7 February 2011.
9.	The parents and carers of children attending Wendell Park Children's Centre opposing the proposed cuts outlined by the Council.	Cabinet 18 April 2011	2,000+	Officers to write to the petition organiser setting out Cabinet's its views about the request in the petition.
10.	Young people attending the Fulham Cross Youth project disagreeing with the decision to move the youth project out of the Fulham Cross centre, Caroline Walk.	Cabinet 18 April 2011	484	Officers to write to the petition organiser setting out Cabinet's views about the request in the petition.
	Save the Cineworld cinema, King Street	Not Applicable	5,833	Invalid petition because it related to a current planning application. To be submitted to a future meeting of Planning Applications Committee as part of the consultation documentation.