Duty to respond to petitions

Overview

The government has produced its statutory guidance on the new duty for councils to respond to petitions. Following the Local Democracy, Economic Development and Construction Act 2009 all principal local authorities in England are required to establish a scheme for handling petitions made to the authority.

A model scheme is set out in the guidance.

The duty comes into force on 15 June 2010, and the e-petitions requirements come into force on 15 December 2010.

Briefing in full

The government believes that petitions are a good way for people to communicate their views. Petitions are the most commonly undertaken civic engagement activity according to a recent Citizenship Survey (2007-2008) with approximately 60% of people claiming to have signed a petition in the previous twelve months.

According to research, the government believes that less than one third of councils automatically respond to petitions at present. The government also found that only one in five councils make details about how to submit a petition publicly available on their web-site.

Many councils receive petitions and deal with them seriously. Following the Governance of Britain Green Paper 2007 and the Local Democracy, Economic Development and Construction Act 2009 the Government has set out to introduce a more formal petitioning system within all local authorities in England.

This statutory guidance follows a 12 week consultation that closed on 24 February 2010.

The statutory guidance sets out the requirements of the petitions duty, namely that all local authorities must establish a scheme for responding to the petitions they receive, and that councils will be required to tell people what action is going to be taken to address their concerns.

The scheme:

- must be approved by full council
- must be published on the website
- must be accessible for all and the process must be easy to understand and use
- must include the following options for further action
  - taking the action requested in the petition
  - considering the petition at a meeting of the authority
  - holding an inquiry
  - holding a public meeting
  - commissioning research
o a written response to the petition organiser setting out the authority’s views on the request in the petition
o referring the petition to an overview and scrutiny committee

- must set a threshold trigger for a petition to be debated in full council (no greater than 5% of the local population)
- must notify the petition organiser of the date of the debate to enable them to attend and may allow for petitioners to address full council
- must allow for a trigger to require a senior officer to attend an overview and scrutiny committee to answer questions from the committee (s16)
- must determine a list of names and job titles of the most senior officers to whom the overview and scrutiny trigger (s16) applies (which as a minimum must include the chief executive) and the list must be held by the authority
- may exclude petitions which are vexatious, abusive or inappropriate
- must not apply to petitions on excluded matters (planning, licensing, individual appeals)

The petition:

- can be signed or organised by anyone who lives, works or studies in the local authority area, including under 18’s
- can be referred to the council’s overview and scrutiny committee if the petitioners feel that the response from the council is not adequate

The authority:

- must make a facility available for electronic petitions
- must allow people to sign e-petitions electronically (it is not enough to publish e-mailed petitions)
- may decide not to publish petitions which do not comply with data protection, libel, or do not comply with equalities and anti-discrimination legislation
- must acknowledge the petition within a time period specified in the scheme
- must notify the petition organiser of the steps it intends to take and publish this notification on the authority’s web-site
- must debate petitions in full council which are supported by 5% of the local population (save on excluded matters, or on issues which are vexatious or which do not comply with data protection, libel or equalities and anti-discrimination legislation)
- must publish the results of any overview and scrutiny petition appeal review on the authority’s web-site

The secretary of state:

- has the power to direct authorities to amend their petition schemes.

Comment

This legislation has been brought about because the government believes that too few local authorities deal with petitions adequately. However, there is little evidence that the public are dissatisfied with the way local authorities deal with petitions.

In some areas, local councils receive many petitions in others there is less local tradition of using petitions. Nevertheless according to research less than one third of councils automatically respond to petitions and only one in five councils make details about how to
submit a petition publicly available on their website.

This statutory guidance will do little to improve the way that petitions are handled by those authorities already well practiced in handling petitions. Others will need to consider how best to implement a new petitions scheme, that not only deals adequately with petitions but also sits alongside a variety of other engagement processes including for example: the authority’s complaints procedures, the local ward councillor’s own practice of being able to refer issues to the authority on behalf of their constituents, the relatively new councillor call for action, and other local consultation and engagement techniques.

It will be important that the scheme sits alongside these other processes so as to avoid the narrow objective of setting up a new compliance structure that meets the government’s agenda, but instead addresses the broader issues of community involvement and engagement with local decisions.

The Scottish Parliament has introduced its own petitions procedures which contrast with the way in which petitions handling has been drawn up for local authorities in England. English local authorities may be interested to study the Scottish system to see how it is used to shape legislation and deal with petitioners concerns.

Notably, the Scottish system does not use the threshold trigger system. The setting of thresholds and triggers is a cumbersome tool when dealing with petitions and seems more trouble than it is worth. Ascertaining the degree to which a petition has received support in numerical terms does not necessarily equate to the degree to which an issue adversely affects the people for whom it is an issue and for those living in rural areas this may be a particular barrier to petitioning.

A deliberate policy of establishing equal access for all individuals in petitioning would generally seem to discourage submitting a threshold number of signatures.

Further, requiring signatures would imply that one of the functions of the authority would be to verify signatures, to make judgements to assess the validity of signatures, or to authenticate e-mail addresses – a practice which could become quite burdensome and costly, and ultimately would be of little purpose, save to restrict equal access to petitioning.

Councillors and local authorities will need to be mindful of consulting the wider population about issues being raised before reaching conclusions and making decisions based on the views of petitioners.

Authorities, and councillors, should be very cautious in assuming that petitions reflect a broad public consensus, or even concern, on the importance of the issues raised through petitions.

According to survey data publicly available from research conducted in Scotland, petitioners are disproportionately male, older, middle-class and better educated than the majority of the population. While petitioners tend to be less attached to established political parties, they are, conversely, more engaged in community affairs than the average person residing in Scotland. Petitions are not therefore a barometer of local public opinion.

Scottish local authorities have no formal system of petitions at present, but the Scottish government is considering proposals for all Scottish authorities to establish petitioning procedures, not least to enable the parliament to refer petitions presented to them which would be better dealt with by individual local authorities.

The duty to respond to petitions applies to both Welsh and English councils, however, it is for Welsh Ministers to implement regulations and to provide statutory guidance for Welsh authorities.
The government has identified that the cost of implementing this duty in England will be approximately £4.7 million per year.

The LGiU believes that despite its shortcomings the use of petitions through councils can be a useful way of highlighting matters of topical and local political interest. Councils may therefore have a broad role, in referring petitions and the issues raised by them to appropriate service providers in the local area, and in developing a stronger role for councillors in following up matters of concern in their local political leadership role.

External links
- Listening to communities: Statutory guidance on the duty to respond to petitions 2010
- Explanatory Memorandum to the Local Authorities (Petitions) (England) Order 2010
- Governance of Britain Green Paper 2007

Downloads
- Assessment of the Scottish Parliament’s Public Petitions System 1999 - 2006

Related briefings
- Local petitions and calls for action - government response
- Local petitions and calls for action: a consultation

Related events