



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 1 **E+W**

DEMOCRACY AND INVOLVEMENT

CHAPTER 2 **E+W**

PETITIONS TO LOCAL AUTHORITIES

Electronic petitions

10 **Electronic petitions** **E+W**

- (1) A principal local authority must provide a facility for making petitions in electronic form to the authority.
- (2) A principal local authority must give reasons for not granting a request to use the facility provided by it under this section for the making of a petition.
- (3) In this Chapter, “principal local authority” means—
 - (a) a county council in England;
 - (b) a district council in England;
 - (c) a London borough council;
 - (d) the Common Council of the City of London in its capacity as a local authority;
 - (e) the Council of the Isles of Scilly;
 - (f) a county or county borough council in Wales.
- (4) In this Chapter, “e-petition facility” means a facility provided under this section.

Status: Point in time view as at 15/06/2010.

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Chapter 2. (See end of Document for details)

Commencement Information

II S. 10(3)(4) in force at 15.6.2010 for E. by S.I. 2010/881, art. 3(a)

Petition schemes

11 **Petition schemes** **E+W**

- (1) A principal local authority must make a scheme for the handling of petitions which are made to the authority and to which section 12 applies.
- (2) In this Chapter “petition scheme” means a scheme under this section.
- (3) A petition scheme must be approved at a meeting of the authority before it comes into force.
- (4) A principal local authority must publish its petition scheme—
 - (a) on its website, and
 - (b) in such other manner as the authority considers appropriate for bringing the scheme to the attention of persons who live, work or study in its area.
- (5) A principal local authority may at any time revise its petition scheme (and subsections (3) and (4) apply in relation to any scheme which is revised under this subsection).
- (6) A principal local authority must comply with its petition scheme.
- (7) Subject to that, nothing in this Chapter affects the powers or duties of a principal local authority in relation to any petition to it.

Commencement Information

I2 S. 11 in force at 15.6.2010 for E. by S.I. 2010/881, art. 3(b)

12 **Petitions to which a scheme must apply** **E+W**

- (1) This section applies to a petition made to a principal local authority which—
 - (a) requests the authority to take or cease to take action described in the petition,
 - (b) is signed by at least the specified number of persons who live, work or study in the authority's area,
 - (c) is not a petition made under and in accordance with any other enactment, and
 - (d) if the petition is in electronic form, is made using the authority's e-petition facility.
- (2) In subsection (1)(b), “specified number” means the number specified for the purposes of this section in the principal local authority's petition scheme.
- (3) For the purposes of this Chapter—
 - (a) a signature counts if (and only if) the petition gives the signatory's name and address (which may be an address where the signatory lives, works or studies);

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- (b) references to signing or signature, in the case of a petition made using a principal local authority's e-petition facility, are to authentication in such manner as the authority's petition scheme may specify.

Commencement Information

I3 S. 12(1)(a)-(c)(2)(3)(a) in force at 15.6.2010 for E. by [S.I. 2010/881](#), [art. 3\(c\)](#)

13 Requirement to acknowledge E+W

- (1) A principal local authority's petition scheme must secure the following results where a petition to which section 12 applies is made to the authority—
 - (a) the authority must send written acknowledgement of the petition to the petition organiser within the specified period;
 - (b) the acknowledgement must give such information about what the authority has done or proposes to do in response to the petition as the authority considers appropriate.
- (2) In subsection (1)(a), “specified period” means the period specified for the purposes of this section in the scheme.

Commencement Information

I4 S. 13 in force at 15.6.2010 for E. by [S.I. 2010/881](#), [art. 3\(d\)](#)

14 Requirement to take steps E+W

- (1) For the purposes of this Chapter, an “active petition”, in relation to a principal local authority, is a petition to which section 12 applies made to the authority where—
 - (a) the petition relates to a relevant matter, and
 - (b) the petition is not in the opinion of the authority vexatious, abusive or otherwise inappropriate to be dealt with as specified in this section.
- (2) For the purposes of subsection (1)(a) “relevant matter” means—
 - (a) in the case of any principal local authority, a matter which relates to a function of the authority, and
 - (b) in the case of a relevant principal local authority, a matter which—
 - (i) does not relate to a function of the authority, but
 - (ii) relates to an improvement in the economic, social or environmental well-being of the authority's area to which any of its partner authorities could contribute.
- (3) In subsection (2)(b)—
 - (a) “relevant principal local authority” means a principal local authority in England other than a non-unitary district council;
 - (b) “partner authority”, in relation to such an authority, has the same meaning as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007 (c. 28).
- (4) For the purposes of subsection (1)(a)—

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- (a) the appropriate national authority may by order specify matters falling within subsection (2)(a) which are not to be regarded as relating to a function of the authority;
 - (b) the Secretary of State may by order specify matters falling within subsection (2)(b) which are not to be regarded as relevant matters.
- (5) A principal local authority's petition scheme must secure that, where an active petition is made to the authority, the authority must take one or more steps in response to the petition.
- (6) A principal local authority's petition scheme must secure that the steps which may be taken by the authority pursuant to subsection (5) include the following—
- (a) giving effect to the request in the petition;
 - (b) considering the petition at a meeting of the authority;
 - (c) holding an inquiry;
 - (d) holding a public meeting;
 - (e) commissioning research;
 - (f) giving a written response to the petition organiser setting out the authority's views about the request in the petition;
 - (g) in the case of a principal local authority operating executive arrangements, referring the petition to an overview and scrutiny committee of the authority;
 - (h) in the case of a principal local authority not operating executive arrangements, referring the petition to a committee of the authority with power under or by virtue of any enactment to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the authority.
- (7) A principal local authority's petition scheme must secure that where an active petition is made to the authority, the authority must also within the specified period—
- (a) notify the petition organiser in writing of the steps the authority has taken or proposes to take in response to the petition and of the authority's reasons for doing so, and
 - (b) publish that notification on the authority's website unless the authority considers that in all the circumstances it would be inappropriate to do so.
- (8) In subsection (7), “specified period” means the period specified for the purposes of this section in the petition scheme.
- (9) A principal local authority's petition scheme may—
- (a) permit the notification referred to in subsection (7)(a) to be included in an acknowledgment sent pursuant to section 13(1);
 - (b) in a case where the authority takes the step referred to in subsection (6)(f), permit the notification referred to in subsection (7)(a) to be included in the response referred to in subsection (6)(f).

Commencement Information

I5 S. 14(1)-(3)(5)-(9) in force at 15.6.2010 for E. by S.I. 2010/881, art. 3(e)

I6 S. 14(4) in force at 20.3.2010 for specified purposes for E. by S.I. 2010/881, art. 2(a)

I7 S. 14(4) in force at 15.6.2010 for E. in so far as not already in force by S.I. 2010/881, art. 3(e)

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Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Chapter 2. (See end of Document for details)

15 Requirement to debate **E+W**

- (1) For the purposes of this section, a “petition requiring debate”, in relation to a principal local authority, is an active petition made to the authority in relation to which the conditions in subsection (2) are met.
- (2) Those conditions are that—
 - (a) the petition is signed by the specified number of persons who live, work or study in the authority's area, and
 - (b) the petition is not a petition requiring an officer to be called to account by the authority (within the meaning of section 16).
- (3) A principal local authority's petition scheme must secure that, where a petition requiring debate is made to the authority, the steps taken by the authority under section 14(5) include or comprise the step of considering the petition at a meeting of the authority.
- (4) In subsection (2)(a), “specified number” means the number specified for the purposes of this section in the principal local authority's petition scheme.

Commencement Information

I8 S. 15 in force at 15.6.2010 for E. by [S.I. 2010/881](#), [art. 3\(f\)](#)

16 Requirement to call officer to account **E+W**

- (1) For the purposes of this section, a petition “requiring an officer to be called to account” by a principal local authority is an active petition made to the authority in relation to which the conditions in subsection (2) are met.
- (2) Those conditions are that—
 - (a) the petition is signed by the specified number of persons who live, work or study in the authority's area,
 - (b) the petition requests that an officer of the authority (whether identified by name or description) be called to account at a public meeting of the authority,
 - (c) the officer is a relevant officer, and
 - (d) the petition gives grounds for the request which relate to the discharge of functions for which the officer is responsible.
- (3) In subsection (2)(a), “specified number” means the number specified for the purposes of this section in the principal local authority's petition scheme.
- (4) In subsection (2)(c), “relevant officer” means an officer of the principal local authority of a description specified for the purposes of this subsection in the authority's petition scheme.
- (5) The descriptions of officer specified under subsection (4) must include—
 - (a) the statutory chief officers of the authority within the meaning of section 2 of the Local Government and Housing Act 1989 (c. 42),
 - (b) the non-statutory chief officers of the authority within the meaning of that section, and
 - (c) the head of the authority's paid service.

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Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Chapter 2. (See end of Document for details)

- (6) A principal local authority's petition scheme must secure the results in subsection (7) where—
- (a) a petition requiring an officer to be called to account by the authority is made to the authority, and
 - (b) the authority operates executive arrangements.
- (7) The results in this subsection are that the steps taken by the authority under section 14(5) include or comprise the following steps—
- (a) the exercise by an overview and scrutiny committee of the authority of its power under subsection (13)(a) of section 21 of the Local Government Act 2000 (c. 22) to require the relevant person to attend before it to answer questions;
 - (b) after the relevant person has attended before the overview and scrutiny committee, the making by the committee of a report or recommendations to the authority under subsection (2) of that section;
 - (c) the sending by the authority of a copy of that report or those recommendations to the petition organiser.
- (8) A principal local authority's petition scheme must secure the results in subsection (9) where—
- (a) a petition requiring an officer to be called to account by the authority is made to the authority,
 - (b) the authority does not operate executive arrangements, and
 - (c) under or by virtue of any enactment the authority has a committee with power—
 - (i) to require officers of the authority to attend before it to answer questions, and
 - (ii) to make reports or recommendations to the authority.
- (9) Those results are that the steps taken by the authority under section 14(5) include or comprise the following steps—
- (a) the exercise by the committee referred to in subsection (8)(c) of its power to require the relevant person to attend before it to answer questions;
 - (b) after the relevant person has attended before the committee, the exercise by the committee of its power to make a report or recommendations to the authority;
 - (c) the sending by the authority of a copy of that report or those recommendations to the petition organiser.
- (10) In each of subsections (7)(a) and (9)(a), “relevant person” means—
- (a) the officer identified in the petition, or
 - (b) if the committee referred to in that subsection considers that for the purposes of addressing the concerns raised by the petition it would be more appropriate for another officer of the authority to attend before it, that officer.

Commencement Information

19 S. 16 in force at 15.6.2010 for E. by [S.I. 2010/881](#), [art. 3\(g\)](#)

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Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Chapter 2. (See end of Document for details)

17 Review of steps **E+W**

- (1) A principal local authority's petition scheme must secure the results in subsection (2) where—
 - (a) pursuant to an active petition made to the authority, the authority gives notification further to section 14(7)(a), and
 - (b) the authority operates executive arrangements.
- (2) Those results are—
 - (a) if the petition organiser so requests, an overview and scrutiny committee of the authority must under subsection (2)(a) of section 21 of the Local Government Act 2000 (c. 22) review the adequacy of the steps taken or proposed to be taken in response to the petition (or arrange, pursuant to subsection (3)(b) of that section, for the authority to do so);
 - (b) the authority must inform the petition organiser of the results of the review;
 - (c) the authority must publish those results on the authority's website unless the authority considers that in all the circumstances it would be inappropriate to do so.
- (3) A principal local authority's petition scheme must secure the results in subsection (4) where—
 - (a) pursuant to an active petition made to the authority, the authority gives notification further to section 14(7)(a),
 - (b) the authority does not operate executive arrangements, and
 - (c) under or by virtue of any enactment the authority has a committee with power to review or scrutinise decisions made, or other action taken, in connection with the discharge of functions of the authority.
- (4) Those results are—
 - (a) if the petition organiser so requests, the authority's committee referred to in subsection (3)(c) must exercise the power referred to in that subsection to review the adequacy of the authority's steps in response to the petition (or exercise any power of the committee to arrange for the authority to do so);
 - (b) the authority must inform the petition organiser of the results of the review;
 - (c) the authority must publish those results on the authority's website unless the authority considers that in all the circumstances it would be inappropriate to do so.

Commencement Information

I10 S. 17 in force at 15.6.2010 for E. by [S.I. 2010/881](#), [art. 3\(h\)](#)

18 Supplementary scheme provision **E+W**

- (1) A principal local authority's petition scheme may, subject to the requirements of this Chapter, include such provision as the authority making it considers appropriate.
- (2) That provision may in particular include—
 - (a) provision relating to petitions which are not petitions to which section 12 applies;

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- (b) provision for handling a petition made to more than one principal local authority;
- (c) provision for handling a petition made to one principal local authority which relates to functions of another principal local authority.

Commencement Information

I11 S. 18 in force at 15.6.2010 for E. by [S.I. 2010/881, art. 3\(i\)](#)

Supplementary

19 Powers of appropriate national authority **E+W**

- (1) The appropriate national authority may by order make provision as to what a petition scheme must or must not contain.
- (2) The appropriate national authority may give guidance to one or more principal local authorities in relation to the discharge of their functions under this Chapter.
- (3) Provision in an order under subsection (1) or guidance under subsection (2) may relate in particular, in the case of a petition scheme, to—
 - (a) the number to be specified pursuant to section 12(2), 15(4) or 16(3),
 - (b) the period to be specified pursuant to section 13(2) or 14(8), or
 - (c) the officers to be specified pursuant to section 16(4).
- (4) Guidance under subsection (2) may include a model petition scheme.
- (5) A principal local authority may for the purpose of the discharge of its duties under this Chapter, adopt, with or without modification, the provisions of a model petition scheme under subsection (4).
- (6) The appropriate national authority may direct a principal local authority to make such revisions to its petition scheme as may be specified in the direction (and subsection (4) of section 11 applies in relation to any petition scheme revised under this subsection).
- (7) The powers conferred by this section are subject to the requirements of this Chapter.

Commencement Information

I12 S. 19 in force at 20.3.2010 for specified purposes for E. by [S.I. 2010/881, art. 2\(b\)](#)

I13 S. 19 in force at 15.6.2010 for E. in so far as not already in force by [S.I. 2010/881, art. 3\(j\)](#)

20 Handling of petitions by other bodies **E+W**

- (1) The appropriate national authority may by order make provision for the handling of petitions by any body to which this section applies.
- (2) The bodies to which this section applies are—
 - (a) a parish council in England;
 - (b) a community council in Wales;
 - (c) the Greater London Authority;

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- (d) the London Development Agency;
 - (e) Transport for London;
 - (f) an Integrated Transport Authority;
 - (g) an economic prosperity board established under section 88 or a combined authority established under section 103;
 - (h) a National Park authority;
 - (i) any body specified in section 21(1)(f) to (n) of the Local Government and Housing Act 1989 (c. 42).
- (3) An order under this section may be made in relation to—
- (a) one or more specified bodies to which this section applies, or
 - (b) bodies to which this section applies of a particular description.
- (4) The provision which may be made by an order under this section includes provision applying, with or without modification, any provision made under this Chapter in relation to the handling of petitions by principal local authorities.

Commencement Information**I14** S. 20 in force at 20.3.2010 for specified purposes for E. by [S.I. 2010/881](#), [art. 2\(c\)](#)**I15** S. 20 in force at 15.6.2010 for E. in so far as not already in force by [S.I. 2010/881](#), [art. 3\(k\)](#)*General***21 Orders** **E+W**

- (1) Orders under this Chapter are to be made by statutory instrument.
- (2) A statutory instrument containing an order under this Chapter made by the Secretary of State, other than an order referred to in subsection (3), is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The Secretary of State may not make a statutory instrument containing an order under section 20 which relates to the handling of petitions by a parish council in England unless a draft of the instrument containing the order has been laid before, and approved by, a resolution of each House of Parliament.
- (4) A statutory instrument containing an order under this Chapter made by the Welsh Ministers, other than an order referred to in subsection (5), is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (5) The Welsh Ministers may not make a statutory instrument containing an order under section 20 which relates to the handling of petitions by a community council in Wales unless a draft of the instrument containing the order has been laid before, and approved by, a resolution of the National Assembly for Wales.

Commencement Information**I16** S. 21 in force at 20.3.2010 for specified purposes for E. by [S.I. 2010/881](#), [art. 2\(d\)](#)**I17** S. 21 in force at 15.6.2010 for E. in so far as not already in force by [S.I. 2010/881](#), [art. 3\(l\)](#)

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22 Interpretation **E+W**

(1) In this Chapter—

“active petition” has the meaning given by section 14(1);

“appropriate national authority” means—

(a) the Secretary of State, in relation to a principal local authority or other authority in England;

(b) the Welsh Ministers, in relation to a principal local authority or other authority in Wales;

“e-petition facility” has the meaning given by section 10(4);

“executive arrangements” has the same meaning as in Part 2 of the Local Government Act 2000 (c. 22);

“non-unitary district council” means a district council for an area which is part of the area of a county council;

“overview and scrutiny committee”, in relation to a principal local authority operating executive arrangements, means a committee appointed by the authority under section 21 of the Local Government Act 2000;

“petition organiser”, in relation to a petition made to a principal local authority, means—

(a) the person designated in the petition as the person with whom the authority may deal in relation to the petition, or

(b) such other person as agrees with the authority to be the person with whom the authority may deal in relation to the petition;

“petition scheme” has the meaning given by section 11(2);

“principal local authority” has the meaning given by section 10(3).

(2) For the purposes of this Chapter, the date on which a petition using a principal local authority's e-petition facility is made to the authority is such date after the petition is first opened for signature as may be—

(a) determined by the petition organiser, or

(b) in the absence of such determination, specified in the scheme.

Commencement Information

I18 S. 22 in force at 20.3.2010 for specified purposes for E. by [S.I. 2010/881](#), [art. 2\(e\)](#)

I19 S. 22 in force at 15.6.2010 for E. in so far as not already in force by [S.I. 2010/881](#), [art. 3\(m\)](#)

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