

Date – 3rd January 2017

Petitions Scheme

Wards: All

Portfolio: All

Executive Summary

The Council adopted a Petitions Scheme on 13th September 2010 in compliance with the requirements under the Local Democracy, Economic Development and Construction Act 2009. The legislation required every local authority to have an on-line petition facility under which any member of the public could set up a petition on-line, and permit members of the public to sign the said petition online. The Petition Scheme has not been reviewed since this date.

Reason for Scrutiny

To inform the committee of the processes in place to deal with petitions to allow for scrutiny of these arrangements.

Recommendations

That consultation be carried out with elected members in respect of the petition scheme, and that following consultation the council considers any proposed amendments to the said scheme.

Resource and legal considerations

The petitions scheme was funded from a grant supplied by Regional Action West Midlands in March 2010, and CMIS was upgraded accordingly. The Petitions Scheme is currently managed by staff in Legal and Democratic Services.

Citizen impact

The petitions scheme is intended to increase public access and raise awareness in respect of the Council's decision-making processes which contributes towards more open and inclusive governance.

Performance and risk management issues

None directly associated with this proposal

Equality implications

None directly arising from this report.

Consultation

The recommendation is for there to be consultation with elected members of all groups.

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Appendix 1 - The Council's current petition scheme

Appendix 2 – Benchmarking exercise

1. Report

- 1.1 The council's current petition scheme is set out at Appendix 1. This is contained at Part 5.15. of the council's constitution. The scheme sets out the various limits governing how petitions are dealt with at 5.15, page 5. For example a petition requires 1,500 signatures before it triggers a debate at full council. The last such petition of this nature was the one in relation to Streetly Cemetery which came before council on the September 2016.
- 1.2 The statutory requirements for councils to have petition schemes were repealed under the Localism Act 2011 with effect from the 1 April 2012. Some councils have removed or amended provisions regarding petitions from their constitutions following the repeal of the statutory requirements, while others have retained the schemes introduced under the 2009 Act.
- 1.3 The council should review its petition scheme to see if it is working effectively. The council should also review the various requirements under the scheme that have been adopted since it was approved by council on the 13 September 2010. The council have already carried out a benchmarking exercise in relation to other council's petition schemes which is attached at Appendix 2.
- 1.4 The primary purpose of introducing petition schemes was to increase public access to and awareness of the decision making process which would contribute to more open and inclusive governance.
- 1.5 The main areas for consideration in relation to amending the scheme are:
 - Requirements as to who can and cannot sign a petition.
 - The numbers required to trigger various actions under the petition scheme.
 - Any other consequential amendment to improve the petition scheme.

Petitions Scheme

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.

Petitions may be presented at any meeting of the Council or its Committees by Councillors or members of the public. Petitions may also be submitted by following this link [link to be inserted]. If you would like to present your petition to the Council, or would like your Councillor to present it on your behalf, please contact the Head of Democratic Services on 01922 654366 at least 10 working days before the meeting and the process will be explained to you.

What is a petition?

The Council considers a petition to be any communication which is signed by and sent to us on behalf of a number of people. For practical purposes we normally set a requirement for at least 10 signatures or petitioners before we treat the communication as a petition.

What should a petition include?

Petitions must include:

- A clear and concise statement covering the subject of a petition. It should state what action the petitioners wish the Council to take.
- The name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum, we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss a revised timescale. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

Procedure on receipt of a petition

Upon receipt of a petition, either presented at Council, Committee or received directly by the Council, an acknowledgement will be sent to the petition organiser within 10 working days. It will let them know what we plan to do with the petition and when they can expect to hear from us again.

If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgement will confirm this and tell you details. If the petition needs more investigation we will explain to you the steps we plan to take.

If the petition applies to a planning or licensing application or on a matter where there is already an existing right of appeal, other procedures apply, we will explain these to you and refer your petition to the appropriate place.

The process for dealing with petitions is attached as an appendix hereto.

Council debate

If a petition contains at least 1,500 signatures it will be debated at a meeting of the Council. This means that the issue raised in the petition will be discussed at a meeting to which all Councillors can attend and speak. The Council will endeavour to consider the petition at its next meeting although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action that the petition requests; not to take the action requested for reasons put forward in the debate, or to ask for further information. Where the issue is one where the Cabinet are required to make the final decision the Council will decide to make recommendations to the Cabinet. The petition organiser will receive written confirmation of this decision.

Officer evidence

Your petition may ask for a senior Council officer to give evidence at a public meeting about something for which that officer is responsible as part of their job.

If your petition contains at least 500 signatories the relevant senior officer will give evidence at a public meeting of one of the Council's Overview and Scrutiny Committees. The authority has determined that the response to such petitions must be given by either the Chief Executive, Executive Directors, Assistant Directors or Heads of Service. The Committee may also decide to call the relevant portfolio holder to attend the meeting.

E-petitions

The Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions.

Amended 3.6.15

The petition organiser will need to provide us with their name, postal address and e-mail address. You will also need to decide how long you would like your petition to be open for signatures. There will be a maximum time allowed of 12 months but you can choose a shorter period of time.

When you create an e-petition, it may take 5 working days before it is published online. This is because we have to check the content is suitable before it is made available for signature. The Monitoring Officer will make this decision.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and re-submit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under “rejected petitions” section of the website.

How do I “sign” an e-petition

You can see all the e-petitions currently available for signature here [link to be inserted].

When you sign an e-petition you will be asked to provide your name, your postcode and a valid e-mail address. When you have submitted this information you will be sent an e-mail to the e-mail address you have provided. This e-mail will include a link which you must click on in order to confirm the e-mail address is valid. Your “signature” will then be added to the petition. People visiting the e-petition site will be able to see your name in the list of those who have signed, but contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request the appropriate Council Overview and Scrutiny Committee to review the steps taken by the Council in response to your petition. In these cases it would be helpful and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council’s response is not considered to be adequate. The Committee will consider your request at its next available scheduled meeting. Should the Committee determine that the petition has not been dealt with adequately it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to Cabinet or arranging for the matter to be considered at a meeting of the Council. Once the appeal has been considered, the petition organisers will be informed of the results within 5 working days.

Amended 3.6.15

Appendix

Process for dealing with petitions



<i>Type of petition</i>	<i>Acknowledge</i>	<i>Refer to appropriate Executive Director and portfolio holder for direct action</i>	<i>Refer to appropriate Executive Director and portfolio holder for information</i>	<i>Refer to Overview and Scrutiny Committee for action</i>	<i>Refer to Council for debate</i>	<i>Refer to appropriate office to form part of statutory process</i>
Less than 10 signatures						
More than 10 signatures but less than 500 signatures						
Between 500 and 1500 signatures						
1500 or more signatures						
Relating to regulatory matter e.g. licensing or planning						
Amended 3.6.15						15.5 5


Amended 3.6.15

Approved by Council 18 June 2014

5.15

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Council Name	No. to trigger full Council Debate	Representing officer to give evidence at Overview Scrutiny Committee	At least 20 people who are residents, study or work in the area	E-petition - how long open for?
Burnley	1500 - 5 minimum to present	750		6 months
Bradford	1500 - 5 minimum total 15 minimum to debate	750		6 months
Walsall	1500 - 5 minimum total 15 minimum to debate	500	No local requirement	12 months
Barnsley	X	X	Local requirement including minors.	X
Northants	2.5% of resident population of Northants. 5 minimum to present. No limit on discussion	2000	Resident population	No requirement

			The name, address and signature of any person supporting the petition. (address can be where signatory works, resides or studies. Council will validate 10% of the signatories)	
Bolton	4000 - 5 minimum to present, no limit on debate	X		12 months
Cornwall	250 to present. 5000 minimum to debate	X		1-6 Months
Solihull	2000 minimum for debate	1000		No requirement
Worcester	1250 minimum for debate.	1250	No local requirement	6 months
Telford & Wrekin	100 +. 5% of the borough population for full debate	X	No local requirement	X
Elmbridge	50+, 3900 for full debate	2600	No local requirement	90 days
South Hams District	5% (4155) of the population for full debate	X	No local requirement	X

Cheltenham	750 for full debate	750	No local requirement	x
Gosport	1500 for full debate	750	No local requirement	12 Months
Kettering	2500	2500	No local requirement	x
Swindon	10 + for consideration. 1500 full debate. 750 2 -3 ward local issue. 350 1 ward local issue	750	No local requirement	No requirement.
Slough	10+ standard petition. 1500 full debate.	750	x	x