

Council – 13th September 2010

Petitions scheme

Service Area: Legal and Constitutional Services

Wards: All

1. Summary of report

The Local Democracy, Economic Development and Construction Act, 2009, requires every local authority, from 15th June 2010 to have adopted a “petition scheme” which sets out how it will handle petitions and by 15th December 2010 every local authority must have an on-line petition facility under which anyone may set up a petition and other petitioners may sign up to the petition online. The Council already has a petitions protocol which is part of the Constitution, however, this proposed new scheme will take into account the new provisions set out in the Local Democracy, Economic Development and Construction Act, 2009.

2. Recommendations

- 2.1 That the petition scheme as set out in the Appendix to this report be approved.
- 2.2 That the petition scheme be incorporated into the Council’s Constitution and that consequential amendments be made accordingly.

3. Background information

- 3.1 Attached as an **Appendix** to this report is a petition scheme which has been drafted taking the statutory guidance into account. The Department for Communities and Local Government has issued statutory guidance on petition schemes which suggested that authorities should set the number of signatures required for each category of petition at levels which encourage rather than discourage petitions. The authority needs to decide the number of signatures required for petitions. It is suggested in the attached scheme that a minimum threshold for ordinary petitions be set at 10 names, but that 1,500 signatures be required for a petition for debate at Council and 500 signatures for a petition to hold an officer to account. These figures can be revised at any time if they are found to either act as a deterrent to petitions or to encourage frivolous or vexatious petitions.
- 3.2 The attached scheme allows for a maximum of 15 minutes to be allowed for discussion of petitions referred to Council with 5 minutes being allowed for presentation by the petition organiser. Whilst the 2009 Act does not provide for a time limit the authority does need to ensure that it can continue to discharge its ordinary business effectively. The time limit, however, can be extended by the chair of the meeting where appropriate.

- 3.3 The Council has already procured an on-line petition facility which is a module which can be attached to the current Committee Management Information System (CMIS) which will be upgraded at the same time.

4. Resource considerations

- 4.1 **Financial:** A grant of £9,000 was secured from Regional Action West Midlands in March 2010 to purchase an upgrade to CMIS including an e-petitions module. There will be an additional cost of £6,000 for ICT to migrate the upgraded system to the existing server.
- 4.2 **Legal:** These changes are required to comply with the Local Democracy, Economic Development and Construction Act, 2009.
- 4.3 **Staffing:** It is difficult to quantify the staffing implications which will be dependent on the number of e-petitions received.

5. Citizen impact

The new rules on petitions are intended to increase public access to the decision making processes of the authority and therefore contribute towards more open and inclusive governance.

6. Community safety

None directly associated with this proposal.

7. Environmental impact

None directly associated with this proposal.

8. Performance and risk management issues

None directly associated with this proposal.

9. Equality implications

None directly associated with this proposal.

Background papers

1. Sections 10 to 22 Local Democracy, Economic Development and Construction Act 2009.

2. Department of Communities and Local Government statutory guidance on handling petitions

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Signed:

Executive Director:

Date: 3rd September 2010

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 Constitutional Services Manager on 01922 653500 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. The contact details of the petition organiser will not be placed on the website.

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. It will also be published on our website.

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 and this will be published on our website.

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 scrutiny and performance panels. 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 ([link to be inserted]). E-petitions must follow the same guidelines as paper petitions.

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 scrutiny and performance panel 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. The results of the review will also be published on our website.

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 Scrutiny and Performance Panel 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 | | | | | | |