

BABERGH DISTRICT COUNCIL

FROM: Director of Corporate Services

REPORT NUMBER: K50

TO: COUNCIL

DATE OF MEETING: 30 June 2010

E-PETITIONS

1. PURPOSE OF REPORT

1.1 To outline the Council's requirements to accept and respond to petitions.

2. RECOMMENDATIONS

2.1 That the proposed scheme for dealing with petitions at Appendix 1 be adopted.

2.2 That the Director of Corporate Services be delegated authority to:

- (a) decide whether petitions are vexatious, abusive or otherwise inappropriate, and whether they relate to Excluded Matters
- (b) make any necessary changes to the Council's Constitution consequent upon the adoption of a petitions scheme
- (c) procure an on-line petition facility.

2.3 That a report be submitted to Overview and Scrutiny (Stewardship) Committee after 12 months of operation to determine how the petition scheme is working.

3. FINANCIAL IMPLICATIONS

3.1 By 15 December 2010 the Council is required to offer e-petitions, through an appropriate software system. The total cost of the system is likely to be in the region of £10,000 over five years. In order to achieve the best value for money a cooperative procurement exercise is being undertaken with other local authorities in the County.

3.2 Investigations are being made to determine whether grants are available from Central Government. If they are not then funding will have to come through savings on other projects.

3.3 There are no other significant resource implications as any extra work is expected to be absorbed within existing staff resources.

4. RISK MANAGEMENT

4.1 This report is most closely linked with the Council's Significant Business Risk No. 4 (Governance). Key risks are set out below:

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
The Council fails to deal with petitions in accordance with an agreed procedure.	Very Low	Marginal	Officers follow recommendations in this report if accepted by Council.

5. **EQUALITY AND DIVERSITY IMPACT**

- 5.1 There are no equality and diversity implications associated with the petitions scheme. Any new system will be available to all customers that wish to access the service.

6. **KEY INFORMATION**

- 6.1 The procedures for dealing with Petitions were considered by the Overview and Scrutiny (Stewardship) Committee and Strategy Committee last year (Paper J74 refers). It was agreed that in view of the impending changes included in the Local Democracy, Economic Development and Construction Bill, no action be taken at that time to amend the Council's procedures for dealing with petitions but that additional information be provided for petitioners in the form of the guidance attached as Appendix 1 to Paper J74.
- 6.2 Provisions in the Local Democracy, Economic Development and Construction Act 2009 (LDEDCA), set minimum standards that citizens are entitled to expect if they submit a petition. There is also statutory guidance on the new duty to respond to petitions, including the requirements for every Council to make arrangements for the receipt of petitions electronically. A description of each category of petition to which the Act applies is contained in Paragraph 1.4 of Appendix 1.
- 6.3 The statutory guidance suggests that authorities should set the number of signatures required for each category of petition at levels which encourage rather than discourage petitions, and should set a lower threshold for petitions on local rather than authority-wide matters.
- 6.4 The Petition Scheme will only apply to petitions which relate to matters for which the authority has responsibility or which it is able to influence.
- 6.5 A Petition Scheme, which has been drafted taking the guidance into account is attached as Appendix 1. The key features of this Scheme are as follows –
- (i) Petitions should be sent to Committee Services who will manage the consideration processes, acknowledge receipt and provide updates on progress. They will also be the principal source of advice.
 - (ii) The Department of Communities and Local Government draft model petition scheme is based on a local authority with a population of 150,000 operating executive arrangements and, within it, thresholds are proposed for the number of signatures required for petitions for debate (1,500) and for holding an officer to account (750). In this report a minimum threshold for ordinary petitions is suggested and that 500 signatories be required for a petition to hold an officer to account (reduced to 100 where it is a local matter which affects no more than 2 wards) and 1,000 signatories for a Petition for Debate (reduced to 200 where it relates to a local matter affecting no more than 2 wards). The Local

Authorities (Petitions) (England) Order 2010 stipulates that the maximum threshold which can be set is 5 per cent of the local population – which would be approximately 4350 in respect of Babergh. The proposed thresholds can be revised at any time if they are found to act as a deterrent to petitions, or to encourage frivolous or vexatious petitions.

- (iii) The Council must also decide to which officers a petition to hold an officer to account may apply. The provision in the attached scheme is that such petitions should apply to the Chief Executive, Deputy Chief Executive, Directors and Heads of Service only.
- (iv) The Council needs to decide who will be provided with copies of petitions. It is suggested that Ward Councillors be provided with a copy of each petition affecting their particular area within 10 working days of receipt, at the same time as it is put on the Petitions Site on the Council's website.
- (v) The Council will in practice need to set a maximum time to be allowed for discussion of petitions at any one meeting of Council or relevant Committee. Whilst the 2009 Act does not provide for such a limit, the Council needs to ensure that it can continue to discharge its ordinary business effectively. Accordingly, it is suggested that a maximum of 30 minutes be allowed at any meeting, but that this can be extended by the Chairman when appropriate.
- (vi) The statutory provisions require the Council to invest in software that will enable anyone who lives, works or studies in the District to set up a petition and allow anyone to "sign" it on-line. The cost to the Council is likely to be around £10,000 over 5 years.

6. **APPENDICES**

- 1 Petition Scheme

7. **BACKGROUND PAPERS REFERRED TO**

None.

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BABERGH DISTRICT COUNCIL

Petition Scheme

This policy sets out how Babergh District Council deals with and responds to petitions.

1.1 What is a petition?

There are different types of petition (see 1.4 below) and different requirements for each type. In general terms, we treat as a petition any communication signed by or sent to us on behalf of a number of people. For practical purposes, we set a requirement for at least 20 signatories or petitioners before we treat it as a petition. The petitioners should live, work or study in the Council's area.

1.2 What should a petition contain?

A petition should include:-

- 1.2.1 A clear and concise statement of the petitioners' concerns and what it is they want the Council to do. This must relate to something over which the Council has responsibility or some influence.
- 1.2.2 The name and contact details, including an address, of the "petition – organiser". This is the person whom we will contact to explain how we will respond to the petition. If the petition does not identify a petition – organiser, we will contact the first person named as a signatory to act as petition organiser. Their contact details will not be placed on the Council's website.
- 1.2.3 The names of at least 20 petitioners (which can include the petition organiser) supporting the petition. Where the petition is in paper form, it should include an actual signature from each petitioner but, where the petition is in electronic form, a list of the names and addresses of the petitioners will be sufficient. The addresses of petitioners is important in enabling the Council to assess the degree of local support or opposition. If you want your petition to be debated at a meeting of the Council ("A Petition for Debate"), or to trigger a public meeting of an Overview and Scrutiny Committee at which a specific officer will be required to report ("A Petition to hold an Officer to Account"), your petition will need to contain a higher number of signatories or petitioners (see paragraphs 1.4.4 and 1.4.5 below).
- 1.2.4 If you are submitting the petition in response to consultation by the Council on a specific matter, please identify the matter which it relates to, so that we can ensure that your petition is considered along with the original matter.

1.3 How do I submit my petition?

Where you submit a petition in response to consultation by the Council, please address it to the return address set out in the consultation invitation. This will ensure that it is reported at the same time as the matter to which it relates is considered.

Other petitions should be sent in writing to:-

Committee Services
Babergh District Council
Corks Lane
Hadleigh
IPSWICH IP7 6SJ

Or, by email to:- committee.services@babergh.gov.uk

Committee Services can also provide you with advice about how to petition the Council or the progress of your petition. You can contact them at either of the above addresses or by telephone on 01473 825876.

1.4 Types of Petition

There are five different types of petition, as set out below. How we deal with a petition will depend on the type of petition you submit –

1.4.1 Ordinary Petitions

These are petitions which do not come within any of the following specific types. (Please note that petitions which raise issues of possible Councillor misconduct will be taken as complaints arising under the Local Government Act 2000 and will be reported to the Standards (Assessment) Sub-Committee, rather than considered under this Petitions Procedure).

1.4.2 Consultation Petitions

These are petitions in response to an invitation from the Council for representations on a particular proposal or application, for example on planning or licensing applications. Consultation petitions which are received by the response date in the consultation invitation will be reported to the meeting which will be taking the decision on the application or proposal.

1.4.3 Statutory Petitions

Particular Acts of Parliament require the Council to consider certain petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

1.4.4 Petitions for Debate

If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 1,000 signatories or petitioners (this is reduced to 200 signatories or petitioners where the petition relates to a more localised issue that affects no more than 2 electoral wards within the Council's area).

1.4.5 Petitions to Hold an Officer to Account

If you want your petition to be considered at a meeting of an Overview and Scrutiny Committee, where an officer, identified either by name or by post title, will be required to answer questions on the conduct of a particular matter for which they are responsible as part of their duties, your petition has to contain at least 500 signatories or petitioners (reduced to 100 signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the Council's area). The Council has determined that such petitions must relate to the Chief Executive, the Deputy Chief Executive, a Director or a Head of Service of the Council. Such a petition may, for example, ask a senior officer to explain the progress on an issue or to explain advice that they have given.

1.5 The Petitions Website

The Council maintains a petitions section on its website at www.babergh.gov.uk. When a petition is received, within 10 working days details of the petition will be placed on the appropriate section of the Council's website. These details will include the subject matter of the petition, its date of receipt and the number of signatories or petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.

As soon as it is decided who the petition will be considered by within the Council, and when, this information will be entered on the website and, at the same time, sent to the petition organiser. Once the petition has been considered, the Council's decision will be notified to the petition organiser and put on the website within 10 working days.

Petitions are presented on the petitions area of the website in the order in which they are received and will be kept there for 2 years from the date of receipt.

1.6 The role of Ward Councillors

1.6.1 When a petition is received relating to a local matter that particularly affects specific electoral wards, a copy of the petition will be sent to each relevant Ward Councillor at the same time as receipt of the petition is acknowledged to the petition organiser.

1.6.2 When the petition is reported to the person or body within the Council who can take a decision on the matter to which it relates, the relevant Ward Councillor will be invited to attend and to address the relevant Committee for no more than 3 minutes (or 3 minutes each), immediately after the petition organiser.

1.7 What happens when a petition is received?

Whenever a petition is received –

- 1.7.1 Within 10 working days of its receipt, an acknowledgement will be sent to the petition organiser setting out what is to happen to it and explaining the procedures that will apply.
- 1.7.2 In some cases, it may be possible to resolve the petitioners' request directly, by getting the relevant officer to take appropriate action. For example where the petition relates to fly-tipping and the Council can arrange for it to be cleared up directly. Where this is done, we will ask the petition organiser whether s/he considers that the matter is resolved.
- 1.7.3 Unless the matter has been resolved to the satisfaction of the petition organiser, we will, within 10 working days of receipt of the petition, provide a substantive response to the petition organiser setting out who the petition will be reported to for consideration, when and where that will take place and inviting the petition organiser to attend and address the meeting for up to 3 minutes on the issue covered by the petition. The invitation to the petition organiser to address the meeting is in addition to any other public speaking rights at that meeting.
- 1.7.4 A petition must normally be received at least 10 working days before a relevant meeting if it is to be reported to that meeting. Where it is necessary to undertake a significant amount of work to collect information and advice to enable the matter to be properly considered, it may be necessary to hold over consideration of the petition until the following meeting.
- 1.7.5 At the same time as responding to the petition organiser, relevant Ward Councillors will be notified of the petition's receipt.
- 1.7.6 Within 10 working days of receipt of a petition, the petition details will be placed on the appropriate section of the website (see 1.5 above).
- 1.7.7 At each stage of the consideration of the petition, within 10 working days of any decision, we will update the petitions section of website so that petitioners can track the progress of their petition.
- 1.7.8 The process after this stage differs for the various types of petitions – see below.

1.8 How will the Council respond to petitions?

- 1.8.1 Our response to a petition will depend on what the petition asks for and what type of petition it is but may include one or more of the following:-
 - Taking the action requested in the petition
 - Considering the petition at a council meeting
 - Holding an inquiry into the matter
 - Undertaking research into the matter
 - Holding a public meeting

- Holding a consultation
- Holding a meeting with the petitioners
- Referring the petition for consideration by the Council or the appropriate Committee
- Calling a local referendum
- Writing to the petition organiser setting out the Council's views on the matter.

1.9 What happens to a Consultation Petition?

- 1.9.1 Consultation Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal or application, such as a planning or licensing application.
- 1.9.2 The petition will be reported to the person or body who will take the decision on the proposal or application at the meeting when they are to take the decision. The Council's Constitution defines who will take different types of decision, as set out in the Scheme of Delegation and the Terms of Reference of Committees and Sub-Committees. Please note that the Chief Planning Control Officer has delegated authority to determine planning applications subject to certain provisions and the request contained in the petition does not raise material planning considerations or is not significantly at variance with the Chief Planning Control Officer's recommendation.

1.10 What happens to a Statutory Petition?

- 1.10.1 Particular Acts of Parliament require the Council to consider petitions, for example a petition to create a new Parish Council, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

1.11 What happens to Petitions for Debate?

- 1.11.1 Petitions for Debate will be reported to the next convenient meeting of the Council.
- 1.11.2 As set out below, the petition organiser will be invited to address the meeting for up to 3 minutes on the subject matter of the petition.

1.12 What happens to a Petition to Hold an Officer to Account?

- 1.12.1 Petitions to hold an officer to account will be reported to the next convenient meeting of the relevant Overview and Scrutiny Committee.

- 1.12.2 At least 2 clear working days before the meeting, the petition organiser should submit a list of any questions which s/he would like put to the officer at the meeting. These questions will be provided to the Chairman of the Committee, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.
- 1.12.3 The Chairman of the Committee will read out such of those questions to the officer at the meeting as s/he deems appropriate. The relevant officer will then be required to report to the Committee in relation to the conduct of the subject matter of the petition. Members of the Committee may question the officer, and the Chairman may invite the petition organiser to suggest supplementary questions for him/her to put to the officer.

1.13 What happens to an Ordinary Petition?

- 1.13.1 Each Ordinary petition will be reported to the next convenient meeting of the Council or of the Committee or Sub-Committee of the Council which has the power to take a decision on the matter.

1.14 At the meeting, when the matter to which the petition relates is considered –

- 1.14.1 Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting, and will be considered in the order in which they were received, unless the Chairman presiding at the meeting determines otherwise. A maximum of 30 minutes will be allowed at each meeting for considering such petitions and any petitions not reached in the time allowed will stand deferred until the next meeting.
- 1.14.2 Any petitions relevant to particular items of business, such as petitions relating to planning applications will be taken together with that item of business, in the normal order of business.
- 1.14.3 The Chairman of the meeting may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address him/her for up to 3 minutes. The Chairman may then ask questions of the petition organiser, and will then invite any relevant Ward Councillors present to address him/her on the matter for up to 3 minutes (each). The Chairman will then invite a relevant officer(s) to advise him/her/the meeting, after which the matter will be open for debate among members of the decision-making body.

1.15 Appeal to an Overview and Scrutiny Committee

- 1.15.1 If the petition organiser is not satisfied with the outcome of the Council's consideration of his/her petition, he/she may appeal to an Overview and Scrutiny Committee by notifying the Director of Corporate Services at the Council's offices of his/her intention to appeal within 10 working days of being notified of the authority's decision.
- 1.15.2 Within 10 working days of receipt of intention to appeal, the Director of Corporate Services will determine which is the relevant Overview and Scrutiny Committee and will notify the petition organiser of the time, date and place of the next convenient meeting who may address the Committee for up to 3 minutes on why s/he considers that the authority's decision on the petition is inadequate.
- 1.15.3 The Committee will consider the appeal at the next available meeting after its receipt. Should the Committee determine that the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council and arranging for the matter to be considered at a meeting of full Council.

1.16 The role of the Petition Organiser

- 1.16.1 The petition organiser will receive acknowledgement of receipt of the petition within 10 working days of its receipt by the Council.
- 1.16.2 Where the petition is not accepted for consideration (see Paragraph 1.17 below for grounds for rejection of petitions), the petition organiser will be advised of the rejection and the grounds for such rejection.
- 1.16.3 Where the petition is accepted for consideration, the petition organiser will be advised within 10 working days of receipt by the Council as to who the petition will be considered by, and the date, time and place of the meeting at which it will be considered, and will be invited to address the meeting for up to 3 minutes. The meeting may then ask the petition organiser questions on the subject matter of the petition.
- 1.16.4 The petition organiser may nominate another person to address the meeting and to answer any questions on the matter.
- 1.16.5 The petition organiser will be regularly kept informed of any decisions in respect of the petition and will be formally notified of the outcome of the petition's consideration within 10 working days of such decision.
- 1.16.6 The petition organiser may notify the Council of his/her intention to appeal to an Overview and Scrutiny Committee against the decision of the Council relating to the petition within 10 working days of being notified of that decision, and may attend and address the meeting of the Overview and Scrutiny Committee for up to 3 minutes as to why he/she considers that the authority's decision on the petition was inadequate.

1.17 Petitions which will not be reported

1.17.1 Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcomes on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

1.17.2 Repeat Petitions

Petitions will not normally be considered where they are received within 6 months of another petition being considered by the authority on the same matter.

1.17.3 Rejected Petitions

Where a petition relates to a matter which is within the responsibility of another public authority, we will ask the petition organiser whether s/he would like us to redirect the petition to that other authority. Where a petition relates to a matter over which the authority has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision. Petitions will not be reported if in the opinion of the Director of Corporate Services, they are rude, abusive, offensive, defamatory, scurrilous, vexatious, time-wasting, or otherwise inappropriate or if they do not relate to something which is the responsibility of the Council, or over which it has some influence. The following list of examples is not exhaustive but petitions –

- will be considered vexatious if they are likely to cause distress, disruption or irritation without any proper or justified cause.
- will be considered abusive if they may cause the Council to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006) or if they are insulting, cruel, unjust, contemptuous or cause revulsion.
- will be considered otherwise inappropriate where they do not relate to officers' roles in delivering public services but to their personality or private lives; where they amount to harassment or bullying; where they are connected to or otherwise associated with legal proceedings and where they target individual members of the community.

1.17.4 Misconduct

Where a petition raises issues of competence or misconduct, it will be considered under the authority's Disciplinary Procedures, and not under this Petitions Procedure.