

NORTH LINCOLNSHIRE COUNCIL

COUNCIL

THE DUTY TO RESPOND TO PETITIONS

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To set out the requirements of the Local Democracy, Economic Development and Construction Act 2009 ('the Act') as regards petitions together with a proposed Petition Scheme for adoption by the council.

2. BACKGROUND INFORMATION

- 2.1 Government consultation on draft statutory guidance on the duty to respond to petitions resulted in 123 responses including those of this council.
- 2.2 The Government has now considered those responses, made some changes to the original proposals and passed Regulations through Parliament thereby bringing the duty into force on 15 June 2010. Accordingly a petition scheme has to be in place by that date although the e petition requirement has been delayed until 15 December 2010.
- 2.3 The Act requires the council to establish a petition scheme which has to be approved by a meeting of full council before it comes into force, must be published on the council's website and by any other method appropriate for bringing it to the attention of those who live, work or study in its area, can be revised by following the same procedure as for its adoption and must be complied with by the council.
- 2.4 The Act also requires the petition scheme to meet some minimum standards as follows:-
- anyone who lives, works or studies in the area of the council including under 18's, can sign or organise a petition and trigger a response
 - a facility for making electronic petitions is provided by the council
 - petitions must be acknowledged within a time period specified by the council

- among the many possible steps that the council may choose to take in response to a petition, the following steps must be included amongst the options listed in the scheme:
 - taking the action requested in the petition
 - considering the petition at a meeting of the council
 - holding an inquiry
 - holding a public meeting
 - commissioning research
 - a written response to the petition organiser setting out the council's views on the request in the petition
 - referring the petition to an overview and scrutiny panel
 - petitions with a significant level of support trigger a debate of the full council. Councils will determine this threshold locally but it must be no higher than 5 per cent of the local population
 - petitions with a requisite level of support, set by the council, trigger a senior local government officer to give evidence at a meeting of an overview and scrutiny panel
 - petition organisers can prompt a review of the council's response if the response is felt to be inadequate. This would be by way of appeal to a relevant scrutiny panel
- 2.5 A petition has to relate to a 'relevant matter'. However this is widely defined in the Act as a matter relating to the council's functions or the improvement of the economic, social or environmental well being of the council's area to which any of the council's partner authorities could contribute. Partner authorities are the bodies which may participate in the Local Area Agreement with the council. Accordingly petitions may relate to issues such as alcohol related crime and disorder, anti social behaviour, under performing health services etc.
- 2.6 Certain matters are excluded from being dealt with through the petition scheme e.g. those relating to planning and licensing applications, statutory petitions e.g. for an elected mayor or on a matter where there is already an existing right of appeal or review. In addition petitions considered to be vexatious, abusive or otherwise inappropriate are excluded.
- 2.7 The council can set thresholds as regards the number of signatories to a petition which would trigger the scheme as well as the requirement

for the petition to be debated at full council or holding an officer to account. As regards the officers who can be called to account these are the council's head of paid service and statutory and non statutory chief officers. These are in essence the officers who comprise the Council Management Team.

- 2.8 The statutory guidance which has been issued by the Government includes a model petition scheme. This has been reworked in certain areas and is appended to this report. It is also in the form in which it is proposed to appear on the council's web site in compliance with the Act.
- 2.9 The model scheme sets no threshold for triggering a response to a petition. The scheme put forward and appended to this report retains a minimum number of 10 signatures which has formed part of the council's existing petition arrangements for many years and has not been seen to be an impediment. The scheme also incorporates the current petition panel arrangements. As regards petitions requiring debate at full council 1500 signatories are specified and for holding an officer to account 750 signatories. These reflect the figures used in the model scheme which is based on an authority with a population of 150,000 and so has a direct affinity to this council.
- 2.10 Although the e petition requirements do not come into force until 15 December 2010 provisions relating to e petitions have been included in the scheme as the council already has a facility to receive such petitions.

3. OPTIONS FOR CONSIDERATION

- 3.1 Having a petition scheme which accords with the Act and Regulations is a statutory requirement. There is some discretion (within limits) as regards thresholds.

4. ANALYSIS OF OPTIONS

- 4.1 The scheme put forward would comply with statutory requirements and the thresholds used could be justified if that was necessary. (see paragraph 2.9). Other thresholds could be substituted provided reasons were advanced.

5. RESOURCES IMPLICATIONS (FINANCE, STAFFING, PROPERTY, IT)

- 5.1 The government has indicated that each council will receive a grant for 2010/11 to meet the new requirements and that it is expected that funding for future years will be incorporated into the revenue support grant.
- 5.2 Existing staff and IT resources which are used to run the current petition arrangements will be directed to the new proposals.

6. OTHER IMPLICATIONS STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

- 6.1 The council is under a statutory duty to comply with the provisions.
- 6.2 There may be some environmental benefits as an e petition alternative will be available.
- 6.3 The statutory proposals have been subjected to a national diversity assessment.

7. OUTCOMES OF CONSULTATION

- 7.1 The Regulations and statutory guidance reflect the outcome of the national consultation exercise which has been undertaken.

8. RECOMMENDATION

- 8.1 Council adopt the petition scheme attached to the report and publicise it appropriately.
- 8.2 Any necessary changes are made to the council's Constitution and Procedure Rules to reflect the adoption of the Scheme.
- 8.3 Any necessary powers are delegated to the Service Director Legal and Democratic Services to ensure the smooth working of the scheme eg power to reject petitions considered to be vexatious, abusive, or otherwise inappropriate.

SERVICE DIRECTOR LEGAL AND DEMOCRATIC

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Background Papers used in the preparation of this report - Nil

NORTH LINCOLNSHIRE COUNCIL

MODEL SCHEME FOR PETITIONS

Petitions

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

Or be created, signed and submitted online by following this link.

What are the guidelines for submitting a petition?

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- the name and address and signature of 10 or more persons supporting the petition who live, work or study in the area of the council.

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. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

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 the revised timescale which will apply. 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.

What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let him/her know what we plan to do with the petition and when he/she can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. 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 when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here on the council's website.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed.

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, 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 petitioners
- referring the petition for consideration by an overview and scrutiny panel*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*Overview and scrutiny panels are committees of councillors who are responsible for scrutinising the work of the council - in other words, an overview and scrutiny panel has the power to hold the council's decision makers to account.

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

Where the petition does not trigger a council debate or officer evidence (see later) and relates to a matter within the brief of a cabinet member it will be referred to that member. If the petition organiser so requests a deputation comprising not more than 3 signatories to the petition may present it to a panel comprising the appropriate cabinet member, lead member, a member of the opposition group, ward members where

appropriate and relevant service director. The panel will have a report from an appropriate officer on the issues raised by the petition. One member of the deputation shall be permitted to address the panel for not more than 5 minutes.

The cabinet member shall be responsible for responding to the issues raised by the petition. If the cabinet member so wishes he/she may refer the petition to the full cabinet.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition e.g. if the petition relates to under performing health services we will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LINK) might have in reviewing and feeding back on the issue (the LINK is run by local individuals and community groups and independently supported - their role is to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account). An appropriate scrutiny panel will also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue will be referred to them to consider for review. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible from the council's website.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full council debates

If a petition contains more than 1,500 signatures it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. 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. Dates and times of council meetings can be found here. The petition organiser will be given five 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 the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also 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 the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the scrutiny co-ordinating panel. A list of the senior staff that can be called to give evidence can be found here. You should be aware that the panel may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition - for instance if the named officer has changed jobs. The panel may also decide to call the relevant cabinet member or other councillor to attend the meeting. Panel members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the panel by providing details up to three working days before 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. 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. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

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 resubmit 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 the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to Democratic Services to be dealt with. In the same way as a paper petition, you will receive an acknowledgement within 10 working days.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement and response will also be published on this website.

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature [here](#).

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your 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 that the scrutiny co-ordinating panel review the steps that the council has taken in response to your petition. It is helpful to everyone, 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 panel will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the panel determine we have not dealt with your 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 Executive and arranging for the matter to be considered at a meeting of the full council. Once the appeal has been considered the petition organiser will be informed of the results within seven days. The results of the review will also be published on our website.