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**REVIEW OF COUNCIL PETITIONS SCHEME**

Committee: Personnel and Corporate Services Committee

Date: 22 November 2012

Author: Head of Legal and Democratic Services

[M163]

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1.0 **ISSUE**

1.1 To review the Council's Petitions Scheme.

2.0 **RECOMMENDATION(S)**

2.1 That the Committee review and approve any amendments to the Petitions Scheme and consider whether to revert to the pre-May 2010 procedure (Appendix B), or an amended Scheme (Appendix A) or retain the current Scheme.

3.0 **BACKGROUND/OPTIONS**

3.1 The Scheme was originally approved by Full Council (in accordance with the Local Democracy, Economic Development and Construction Act 2009) on 25 May 2010.

3.2 The Scheme was reviewed in December 2011 by Scrutiny Committee and the following recommendations were made to Strategic Policy and Resources Committee:

- (i) *That for petitions to be debated at a meeting of full Council the number of signatures required be decreased to 1000 signatures;*
- (ii) *That, if and when the provisions in the Localism Act are enacted, revoking the requirement to have an E-Petition scheme, that at that stage, the scheme be discontinued.*

3.3 The Strategic Policy and Resources Committee considered these recommendations on 26 January 2012. Recommendation (i) above was not moved. Recommendation (ii) was approved.

3.4 On 1 April 2012 the duty to have an e-petition was repealed under the Localism Act 2011.<sup>1</sup> Notice has therefore been given to the organisation with the software rights over the e-petition facility (MySociety), in line with the Strategic Policy and Resources Committee approval, to terminate the contract

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<sup>1</sup> Part 1, Chpt 10, 46 by SI 2012/628 with effect from 1 April 2012.

on 30 November 2012. The facility will be removed from the Council's website on (or as soon as practicable) after that date. The Petitions Scheme document has therefore been redrafted (see appendix A) and the references to E-petitions removed. Only paper petitions will be accepted, subject to meeting the relevant criteria, after that date.

3.5 The amendments to the legislation, however, also removed the requirement to have a model Petitions Scheme (ie the need for the Scheme to contain certain requirements and limits eg: to acknowledge/ take steps/ requirement to debate certain petitions at full Council/ call officers to account/ provide a review facility by Scrutiny Committee if someone is unhappy with the decision on how to deal with the petition). Members may therefore wish to consider whether the Council should revert to the previous scheme (see Appendix B leaflet) by effectively removing all the area tracked for removal in Appendix A – with a change of the figure to 50/ or 100 qualifying signatories for all petitions.

3.6 Since the last review the Council has received the following petitions:

- 'Say No to Parking Charges' that was presented to Council on 23 February 2012, with validated local person signatures of 8054 out of 12,010 signatories. This was subsequently referred to Development and Transport Committee and considered.
- Two petitions relating to Mepal Outdoor Centre. One of these Petitions was rejected as the E-Petitions software on the Council's website was not used and therefore the Petition could not be verified (namely there was insufficient information on the documentation submitted to verify whether the signatories qualified as local persons). The other Petition was submitted via the Council's E-Petitions software, however, it did not meet the requirements of the Council's Petitions Scheme criteria as it only had 5 signatures and was therefore also rejected.
- "Residents of Baker Drive oppose proposed plan of sports field and car park behind properties and any housing development" in relation to the Burwell Masterplan. This is an ongoing matter and will be treated as a consultation response rather than a petition. Note that one of the reasons that the petition would have failed to meet the criteria, is that only 92 of the signatures could be validated under the Council's Petition Scheme (meaning that it would have failed to qualify as an ordinary petition and therefore not normally considered by the Council or its Committees).

#### 4.0 ARGUMENTS/ CONCLUSIONS

4.1 Whilst the e-petitions facility appeared to be an aspirational facility, the reality was that this has only been used once during the two year period. This means that it would have been a costly option – if the Council had not received additional new burdens allowance to cover the costs. When used,

the e-petitions facility was also quite cumbersome and therefore the decision to remove the facility can be justified on efficiency and costs grounds.

- 4.2 The current Petition Scheme is workable, if a little more bureaucratic when compared with the pre-May 2010 scheme and Members may wish to consider reverting to a simpler procedure as described in 3.5 above.
- 4.3 If Members wish to retain the current Petition Scheme, then the only other comment to make relates to the qualifying number of signatories for ordinary petitions. This is currently set at 100 local persons – which for some local issues would be a high bar (the Burwell petition being an example – *however note that* this would have been rejected on other grounds). It nevertheless demonstrates that Members may wish to consider lowering qualifying signatories to 50 local residents.
- 4.4 The minor amendment to the wording on page 2 relates to the need for the Council to be able to verify whether the petitions organiser is a local person – as a pure e-mail address would be insufficient for this purpose.

#### 5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

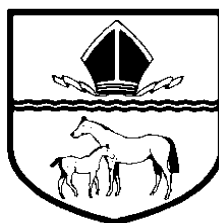
- 5.1 Purchase of E-Petitions facility software package from MySociety - was £1,999 per annum for the first two years (ie up to 30 November 2012). Central Government provided a new burdens grant of £5,035 in instalments to cover this. This was part of the area based grant – therefore would have been centrally coded. There should, however, be a net gain as a result of terminating, of £1037.
- 5.2 Equality Impact Assessment (INRA) is not required, as the proposed changes would not have any adverse impact on any particular group.

#### 6.0 APPENDICES

- 6.1 Appendix A – Council Petitions Scheme (with proposed changes to take effect from 1 December 2012).
- 6.2 Appendix B – pre-May 2010 scheme leaflet.

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Localism Act 2011 SI 2012/628	Room 113 The Grange Ely	Jeanette Thompson Head of Legal and Democratic Service 01353 665555 <a href="mailto:Jeanette.Thompson@eastcambs.gov.uk">Jeanette.Thompson@eastcambs.gov.uk</a>



## EAST CAMBRIDGESHIRE DISTRICT COUNCIL PETITIONS SCHEME

### Introduction

~~This Petitions Scheme was approved at the Council meeting on 25<sup>th</sup> May 2010 in accordance with Section 11(1) of the Local Democracy, Economic Development and Construction Act 2009. The Scheme is available on the Council's website and explanatory leaflets produced and made widely available in community facilities throughout the District. The purpose of the Scheme is to explain how petitions submitted to the Council will be handled, in accordance with the legislation.~~

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 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 and it meets the criteria set out in this Scheme.

**Paper petitions** can be sent to:

The Petitions Officer  
Head of Legal and Democratic Services  
East Cambridgeshire District Council  
The Grange  
Nutholt Lane  
Ely  
Cambs CB7 4EE

### Petition Guidelines

Petitions submitted to the Council must include:

- A clear and concise statement of the subject of the petition and what action you want the Council to take

- The name and contact details of the Petition Organiser who should be a local person\*. This ~~must~~ ~~may~~ be either a full postal address ~~or e-mail~~. This is the person we will contact to explain how we will respond to the petition and to discuss matters of process.
- The name (preferably in block capitals) and full address of each local person\* who signs it. Where the petition is in paper form, this should include an actual signature.

\* *A 'local person' is anyone who lives, owns a business, or works in the area (business address to be recorded where appropriate), or who attends a school or college in the area at the time the petition is submitted.*

## **Exclusions**

Certain petitions are not covered by this Scheme and are dealt with under separate processes. These are:

- any matter relating to a Planning decision, including issues about a Development Plan document or the Community Infrastructure Levy.
- any matter relating to an alcohol, gambling, sex establishment, or taxi licensing decision.
- any matter relating to an individual or entity where there is a right of review or appeal under any other enactment (for example, where the petition raises matters of competence or misconduct).
- Statutory petitions (for example requesting a referendum on having an elected mayor).
- Petitions in response to consultation on a specific issue or proposal. These should be sent to the return address detailed in the relevant consultation document.

The Council will not consider:

- Petitions that do not follow the guidelines set out in the Petitions Scheme.
- Petitions disclosing matters that are personal, or confidential.
- Petitions which are in the opinion of the Petitions Officer libellous, offensive, vexatious, abusive or otherwise inappropriate, or which are in breach of the Council's Statutory duties in respect of equality, diversity and inclusion.
- Petitions which are a duplicate of, or very similar to, a petition submitted in the past 12 months.

Where any of the above applies, the Council will contact the Petition Organiser to explain the reasons behind its decision.

## Responding to Petitions

When a petition is received the Council will consider undertaking one, or more of the following actions:

- Taking action requested in the petition;
- Considering the petition at a Council or Committee meeting;
- Holding an inquiry into the matter;
- Undertaking research into the matter;
- Holding a public meeting or consultation exercise;
- Meeting with petitioners;
- Referring the petition to the Council's Scrutiny Committee;
- Calling a referendum;
- Consulting local Partners/Stakeholders, e.g. local service providers/statutory partners; voluntary/community sector; commercial or other interests;
- Sending a written response to the Petitions Organiser setting out the Council's views about the request.

Once a petition has been received, the Petition Officer, in consultation with other relevant Officers, will determine the most appropriate manner of dealing with the petition in accordance with the Petitions Scheme, and notify the Petitions Organiser, normally within 10 working days of receipt of a Petition. Where a petition relates to specific Electoral Ward(s), the relevant Ward Councillor(s) will be notified of receipt of the petition.

## Types of Petition

### *Ordinary Petitions*

~~These are petitions not covered by the following specific definitions. In some cases it may be possible to resolve the petitioners' request directly, by proposing one or more of the actions listed above.~~

~~Where the Petitions Organiser asks to present their petition in person to the Council or a relevant Committee of the Council, the Petitions Officer will discuss options and detailed arrangements with the Petition Organiser.~~

~~If there is an item on the agenda for a meeting, which relates to the subject of the petition, the meeting will take into account the views expressed in the petition when reaching a decision on the issue.~~

If the criteria is met and there are no relevant exclusions that apply, then the Petition Organiser, or their nominee, will be able to speak at the meeting for up to 3 minutes for Committees/ Sub-Committees or Working Parties meetings and 5 minutes to present the petition for Full Council, providing the following conditions are met:

- The petition must relate to the powers and duties of that body.
- It must be signed by at least 10050 'local people' \*\* who have an interest in the subject of the petition - the addresses of the signatories must be included for this purpose.

\*\* A 'local person' is anyone who lives, owns a business, or works in the area (business address to be recorded where appropriate), or who attends a school or college in the area at the time the petition is submitted.

If there is an item / report on the agenda which relates to the petition, you will usually be asked to make your presentation at the beginning of that item. If there is no item / report on the agenda, representations on petitions will usually be heard at the start of the meeting. ~~Time for presenting a petition will be limited to 3 minutes.~~ The Chairman of the meeting may extend the time allowed, but only in exceptional circumstances. The person presenting the petition will not be allowed to take part in the debate on the petition. Once they have spoken to the meeting, Councillors may wish to ask them questions about the petition. Where the petition organiser does not attend the meeting, they will receive written confirmation of this decision within ten working days of the meeting.

#### *~~Petitions for Debate at Council~~*

~~If a petition contains more than 2,000 signatures, you can ask for it to be debated at a meeting of full Council. This means that the issue raised in the petition will be discussed at a public 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.~~

~~You may speak to a petition presented at the Council meeting provided that the above conditions are met and there is a relevant item on the Council agenda, or the Chairman of the Council decides that it is sufficiently urgent to allow representations to be made at the meeting.~~

~~The Petition Organiser, or nominee, [see above] 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. It 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, for example by a relevant committee. Where the petition organiser does not attend the meeting, they will receive written confirmation of this decision within ten working days of the meeting.~~

#### *~~Petitions Calling Officers to Account~~*

~~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 1,000 signatures and meets the criteria outlined in this Scheme, the relevant senior officer will give evidence at a public meeting of the Council's Scrutiny Committee. The following senior Council officers can be called to give evidence:~~

<del>Chief Executive</del>	<del>Head of HR and Facilities Management</del>
<del>Deputy Chief Executive</del>	<del>Head of Environmental Services</del>
<del>Head of Legal and Democratic Services and Monitoring Officer</del>	<del>Head of Community Services</del>
<del>Head of Finance and Section 151 Officer</del>	<del>Head of Housing</del>
<del>Head of Planning and Sustainable Development</del>	<del>Press and PR Officer</del>
<del>Head of ICT and Customer Services</del>	

~~You should be aware that the Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of the officer named in the petition – for example if the named officer has changed jobs. The Committee may also decide to call the relevant Councillor to attend the meeting.~~

~~Committee members will ask the questions at this meeting but the Petition Organiser will be able to suggest questions to the Chairman of the Committee provided they are received up to three working days before the meeting. The Committee will decide how to respond to the petition at this meeting. Where the Petition Organiser does not attend the meeting, they will receive written confirmation of this decision within 10 working days of the meeting.~~

### *Other Petitions*

If your petition is about something over which the Council has no direct control 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. 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 in the Council's response to you.

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 be 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.



## Petition Reviews

If you feel that we have not dealt with your petition properly, the Petition Organiser has the right to request that the Scrutiny Committee review the steps that the Council has taken in response to your petition. This should be sent to the Petitions Officer within 20 working days of being notified of the authority's decision on the petition. The request for a review should include a short explanation of the reasons why the Council's response is not considered adequate.

Within 10 working days of receipt of a request for a review, the Petitions Officer will notify the Petition Organiser of the time, date and place of the meeting at which the review will be discussed. The Scrutiny Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible. The Petition Organiser will be invited to attend the meeting and to address the Committee for up to 3 minutes on why he considers that the authority's decision on the petition is inadequate.

Should the Committee determine 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 a Committee of the Council.
- Arranging for the matter to be considered at a meeting of full Council.

Where the Petition Organiser does not attend the meeting at which the appeal is considered, they will receive written confirmation of this decision within 10 working days of the meeting.

## Reporting/Review of Scheme

The Council will prepare an annual summary detailing all petitions received and the Council's response, to be published on the Council's website.

This Petitions Scheme will be reviewed once it has been operating for 12 months.