

AGENDA



For a meeting of the
CONSTITUTION COMMITTEE
to be held on
MONDAY, 11 OCTOBER 2010
at
10.00 AM
in the
WITHAM ROOM, COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM
Beverly Agass, Chief Executive

Committee Members:	Councillor Mrs Joyce Gaffigan, Councillor Peter Martin-Mayhew (Chairman), Councillor Alan Parkin, Councillor Susan Sandall and Councillor Raymond Wootten
Committee Support Officer:	Lucy Bonshor (01476) 40 61 20

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

1. MEMBERSHIP

The Committee to be notified of any substitute members.

2. APOLOGIES

3. DECLARATIONS OF INTEREST

Members are asked to declare an interest in matters for consideration at the meeting.

4. APPOINTMENT OF VICE-CHAIRMAN

A Vice-Chairman for the Committee to be appointed for the remainder of the Committee cycle.

5. MINUTES OF THE MEETING HELD ON 19TH JULY 2010

(Enclosure)

6. AMENDMENTS TO THE CONSTITUTION

- Report LDS006 from the Head of Legal and Democratic Services
- The model petition scheme adopted at Council 22nd April 2010
- The proposed draft petition scheme as recommended to the Portfolio Holder for Access and Engagement by the Engagement PDG at it's meeting on 9th September 2010

(Enclosures)

7. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT



MINUTES

CONSTITUTION COMMITTEE
MONDAY, 19 JULY 2010

COMMITTEE MEMBERS PRESENT

Councillor Mrs Joyce Gaffigan
Councillor Peter Martin-Mayhew (Chairman)
Councillor Susan Sandall
Councillor Raymond Wootten

OFFICERS

Head of Legal and Democratic Services/ Monitoring Officer (Lucy Youles)
Service Manager Community Safety and Licensing (Mark Jones)
Democratic Officer (Lucy Bonshor)

1. DECLARATIONS OF INTEREST

None declared

2. MINUTES OF THE MEETING HELD ON 11TH JANUARY 2010

The minutes of the meeting held on 11th January were agreed as a correct record of the decisions taken.

3. AMENDMENTS TO THE CONSTITUTION

Recommendation

That the Constitution recommends to Council the following amendment to the Scheme of Delegation:

“to delegate the power to instigate prosecution proceedings for offences under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the local byelaws relating to hackney carriages is delegated to the Corporate Head of Healthy Environment, and any officers authorised in writing by the Corporate Head, in consultation with Legal Services”

That reports on the results of any prosecutions carried out under this delegation are reported back to the next scheduled Committee meeting.

Members had before them report ENV482 which asked for the scheme of delegation to be amended to delegate powers to instigate prosecution proceedings for offences under various acts relating to hackney carriages to the Corporate Head of Healthy Environment and any officers authorised in writing by him in consultation with Legal Services. Mr Jones (Service Manager Community Safety and Licensing) confirmed he was reporting in his new role as the person responsible for the provision of the licensing service. Currently there was a time issue between when the Council needed to start prosecutions and when a committee could be called, by giving delegated powers for enforcement to the Corporate Head this would speed up the process.

Members were concerned about the authority the delegation gave to officers. The Monitoring Officer confirmed that any decision made would be made in conjunction with Legal Services and evidence to start any prosecution was required. Members referred to the extraordinary meeting that had been called to consider a current potential prosecution. The Monitoring Officer replied that the delegation would prevent the need for extraordinary meetings to be called and the costs associated with arranging a meeting. Members raised concern about how the Licensing Committee would know about the use of such delegated authority. The Monitoring Officer replied that the recommendation could be amended to include that the results of any prosecutions under this delegation be reported back to the next scheduled Licensing Committee to which Members agreed. Further comments were then made about other authority to prosecute delegated to Officers after which it was proposed, seconded and agreed to amend the scheme of delegation including the reference to prosecutions being reported back to the Licensing Committee made under this delegation.

Update of Next Steps Programme

The Monitoring Officer briefly outlined to Members changes that would be made to the Constitution under the delegated powers given to the Chief Executive following the Next Steps process and the realignment of services. The following table outlined the changes made to the Corporate Head titles and the people in new posts.

OLD TITLE	NEW TITLE	OFFICER
Corporate Head of Finance & Customer Services	Head of Finance	Richard Wyles
Corporate Head of Resources & Organisational Development	Head of Assets	Paul Stokes

	NEW POSTS	
	Head of HR & Customer Services	Jaqui Chapman
Corporate Head of Sustainable Communities	Head of Development & Growth	Mark Willet
Director of Tenancy Services	Head of Housing and Neighbourhoods	Teena Twelves
Corporate Head of Partnerships & Improvements	Head of Legal and Democratic Services (Monitoring Officer)	Lucy Youles
Corporate Head of Healthy Communities	Head of Environmental Services	David Botwright (interim)

Members felt it would be beneficial for the new Heads to be introduced at future meetings of the Constitution Committee particularly those who were new to the authority for Members to learn who they were and what service areas they were responsible for. It would also be helpful if a document showing the new organisational structure and Heads of Section could be circulated to Members.

A further discussion followed on work that would be coming to the Constitution Committee in the future which included the new executive arrangements and the petition scheme and how it fitted into the constitution.

4. CLOSE OF MEETING

The meeting closed at 10.30am.

REPORT TO CONSTITUTION COMMITTEE

REPORT OF: Head of Legal and Democratic Services

REPORT NO: LDS006

DATE: 11th October 2010

TITLE:	PETITION SCHEME	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Not applicable	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter – Portfolio Holder for Corporate Governance and Housing	
CONTACT OFFICER:	Lucy Youles – Head of Legal and Democratic Services Tel: 01476 406105. E-mail: l.youles@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and appended to the report:n/a	Full impact assessment Required:n/a
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council’s website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Petition scheme	

1. RECOMMENDATIONS

It is recommended that the Constitution Committee

- note the proposed amendments to the Petition Scheme adopted by Council at its meeting on the 22nd April 2010 as set out in the draft scheme appended to this report.
- Approve the changes necessary to the Constitution to delegate officer authority to the Monitoring Officer to deal with petitions received under the proposed draft petition scheme.

2. PURPOSE OF THE REPORT

The purpose of this report is to approve changes to the Constitution to allow the Monitoring Officer the delegated authority to deal with all petitions received as outlined in the proposed draft petition scheme.

3. CONTRIBUTE TO PRIORITY THEME

Customer First, Quality Organisation

4. DETAILS OF REPORT (SUMMARY – USE APPENDICES FOR DETAILED INFORMATION)

Sections 10-22 of the Local Democracy, Economic Development and Construction Act required the Council to have in place a petitions scheme by 15th June 2010. At Council on 22nd April the Council approved a draft model scheme and tasked the Engagement PDG with the detailed work of looking at the scheme. The Engagement PDG appointed a Task Group (comprised of Councillors; Cook, Exton, Jock Kerr and Russell) to look at the scheme and make any recommendations to the Portfolio Holder Access and Engagement.

At its meeting on the 9th September 2010 the Engagement PDG recommended to the Portfolio Holder for Access and Engagement that the scheme as amended be approved. Copies of both the model scheme and the proposed petition scheme are appended to this report.

The decision of Council on the 22nd April was for the Constitution Committee to consider consequent amendments to the Constitution for recommendation to Council. As the numbers for petitions for debate and calling an officer to account have been amended by the Engagement PDG's recommendation to the Portfolio Holder for Access and Engagement, the amended petition scheme will have to be put before Council in October for approval as these numbers need to be approved by Council.

5. OTHER OPTIONS CONSIDERED

None, legislation requires a petition scheme to be in place.

6. RESOURCE IMPLICATIONS (INCLUDING FINANCIAL, PEOPLE)

None.

7. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

None.

8. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

None

9. CRIME AND DISORDER IMPLICATIONS

None

10. COMMENTS OF SECTION 151 OFFICER

Any comments from the Section 151 Officer will be given at the meeting.

11. COMMENTS OF MONITORING OFFICER

Comments from the Monitoring Officer will be given at the meeting.

12. APPENDICES:

- The model petition scheme adopted by Council 22nd April 2010
- The proposed draft petition scheme as recommended by the Engagement PDG

Annex A

Model scheme

In order to demonstrate how the framework set out in the 2009 Act can translate in practice we have created a model scheme which local authorities can choose to adopt or adapt. The example below is based on an authority with a population of 150,000 and is the public facing information about their petition scheme published on their website. The model authority has chosen to respond to all the petitions it receives. Petitions which contain 1500 signatures will be debated by the full council and petitions which call for evidence from a senior officer, and have 750 signatures, will trigger that response. The model authority operates executive arrangements and has responsibility for education and housing functions – authorities which do not have responsibility for such functions may wish to modify some of the illustrative examples given. The model authority holds a full council meeting on a 6 weekly basis. [‘link’ indicates where the council’s webpage includes a link to related information]

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:

[insert address]

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

Petitions can also be presented to a meeting of the council. These meetings take place on a 6 weekly basis, dates and times can be found here [link]. If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact [insert name] on [insert phone number] at least 10 working days before the meeting and they will talk you through the process. If your petition has received 1500 signatures or more it will also be scheduled for a council debate [link to section on Full Council Debates] and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council.

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 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. 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 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 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 acknowledgment 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 [insert links]

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, unless you choose to receive other emails from us. [[link to account settings](#)]

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 the council's overview and scrutiny committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee 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. The table below gives some examples.

Petition subject	Appropriate steps
Alcohol related crime and disorder	<p>If your petition is about crime or disorder linked to alcohol consumption, the council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.</p>
Anti-social behaviour (ASB)	<p>As the elected representatives of your local area, as social landlord and licensing authority, the council plays a significant role to play in tackling anti-social behaviour. The council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards here [insert link].</p> <p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and crime and disorder overview and scrutiny committee to the issues highlighted in the petition.</p>

Under-performing schools	We will consider, in consultation with local partners, all the options available to us when working with schools to secure their improvement. For example, on our behalf, the school improvement partner will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing we will consider whether it is appropriate in the circumstances to issue a warning notice outlining expectations and a timeframe for the school to improve its performance standards. Other measures available to us, where schools fail to comply with a warning notice or are in an Ofsted category of notice to improve (requiring significant improvement) or special measures including; appointing additional governors, establishing an interim executive board, removal of the school's delegated budgets, requiring the school to enter into a formal contract or partnership or, only if the school is in special measures, closure.
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 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). The health overview and scrutiny committee 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 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 [link to list of LAA 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 to you. You can find more information on the services for which the council is responsible here [link].

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. 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, for example by a relevant committee. 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 council's overview and scrutiny committee. A list of the senior staff that can be called to give evidence can be found here [insert link]. You should be aware that the overview and scrutiny committee 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 committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting [insert details] up to three working days before the meeting.

E-petitions

The council welcomes e-petitions which are created and submitted through our website [link]. E-petitions must follow the same guidelines as paper petitions [link to guidelines]. The petition organiser will need to provide us with their name, postal address and email 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 [insert details]. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the council, please contact [insert details] within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment 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 [insert link].

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 council's overview and scrutiny committee 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 committee 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 committee 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 5 working days. The results of the review will also be published on our website.

1. Petitions

- 1.1 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.

Paper petitions can be sent to:

The Monitoring Officer
Legal and Democratic Services
South Kesteven District Council
Council Offices
St Peter's Hill
Grantham
Lincs
NG31 6PZ

- 1.2 What is a petition?

We treat as a petition any communication which is signed by or sent to us on behalf of a number of people. For practical purposes we normally set a requirement for at least 20 signatories or petitioners before we treat it as a petition. Signatories of a petition have to live; work or study in the South Kesteven District area (including children and young people).

- 1.3 What should a petition contain?

A petition 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 and must be something that is the responsibility of the authority, or over which the authority has some influence. 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;
- The name, address and contact details of the "petition organiser".

- The name, address, contact details and signature of any person supporting the petition.
- If you are submitting the petition in response to our consultation 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.

2. Types of Petition

2.1 There are five different types of petition, as set out below. How we deal with a petition depends on which type of petition you submit -

2.1.1 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.

2.1.2 Consultation/Representation Petitions

These are petitions in response to an invitation from the authority 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 a public meeting of the person or body which will be taking the decision on the application or proposal.

2.1.3 Statutory Petitions

Particular Acts of Parliament require the Council to consider 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.

2.1.4 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 3,000¹ signatories or petitioners (this is reduced to 51% of the electorate in the affected area if less than 3,000).

2.1.5 Petitions to Hold an Officer to Account

If you want your petition to be considered at a meeting of the 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, your petition should contain at least 1,500 signatories or petitioners (this is reduced to 51% of the electorate in the affected area if less than 1,500). The authority has determined that such petitions must relate to the Chief Executive, a Strategic Director or a Head of Service of the authority. Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to the Chief Executives Performance Panel in respect of the Chief Executive) and will be considered under the authority's Disciplinary Procedures, and not under this Petitions Procedure.²

3. The Role of Ward Councillors

- 3.1 When a petition is received which relates to a local matter (particularly affecting specific electoral wards), the Petition Officer will send a copy of the petition to each relevant Ward Councillor at the same time as acknowledging receipt of the petition to the petition organiser.
- 3.2 When the petition is reported to the person or body within the authority 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 decision-taker for no more than 3 minutes (or 3 minutes each), immediately after the petition organiser.

¹ The number of signatories or petitioners required for Petitions for Debate, and for Petitions to Hold an Officer to Account. The figures set at Council in April 2010 were 5000 for a debate and 2,500 to hold an officer to account. Members felt these figures were too high and that these figures are more realistic. These requirements will be reviewed in 12 months in the light of the number of petitions received, to ensure that the requirements are not excessive.

² Note that the Local Democracy, Economic Development and Construction Act 2009 makes no provision for handling petitions which raise issues of officer or member misconduct or officer competence, but in practice such petitions cannot be handled under the Petitions Procedure and must be handled under the procedures appropriate to such matters.

4. What happens when a petition is received?

- 4.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let the petition organiser 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.
- 4.2 In some cases, the Petitions Officer may be able to resolve the petitioners' request directly, by getting the relevant Cabinet Member or officer to take appropriate action. For example where the petition relates to fly-tipping and the authority can arrange for it to be cleared up directly. Where this is done, the acknowledgement may confirm that we have taken the action as requested and the petition will be closed.
- 4.3 Whilst we are committed to dealing with petitions promptly, if the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then our acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, the Petitions Officer will tell you the steps we plan to take.
- 4.4 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. In such cases the petition organiser will be directed to the appropriate Council department.
- 4.5 At the same time as responding to the petition organiser, the Petitions Officer will notify Ward Councillors of receipt of the petition when it affects their ward.
- 4.6 **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.**
- 4.7 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, unless you choose to receive other emails from us.

4.9 What happens to a Consultation/Representation Petition?

- 4.9.1 Consultation/Representation 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.
- 4.9.2 The petition will be reported to the body who will take the decision on the proposal or application at the meeting when they are to take the decision on that application or proposal. The Council's Constitution defines who will take different types of decision, as set out in the Scheme of Delegations and the terms of Reference of Committees and Sub-Committees.
- 4.9.3 Where the petition relates to a matter which is within the delegated power of an officer, s/he will not exercise those delegate powers but will automatically refer the matter up to the relevant Cabinet Member for decision.
- 4.9.4 Where the petition relates to a matter which is within the delegated powers of an individual Cabinet Member, s/he may decided not to exercise those delegated powers but to refer the matter to Cabinet for decision.

4.10 What happens to a Statutory Petition?

- 4.10.1 Particular Acts of Parliament require the Council to consider 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.

4.11 What happens to Petitions for Debate?

- 4.11.1 Petitions for Debate will be reported to the next convenient meeting of the Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council or during the purdah period of any type of election.

4.11.2 As set out below, the petition organiser will be invited to address the meeting for up to 3 minutes on the subject of the petition.

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

4.12.1 Petitions to hold a senior council officer³ to account will be reported to the next convenient meeting of the Scrutiny Committee⁴

4.12.2 In advance of the Committee meeting (three working days before the meeting is held), the petition organiser will be invited to submit a list of 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.

4.12.3 At the meeting, the Chairman will invite the petition organiser to address the Committee for a maximum of 3 minutes on the issue and 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 questions for him/her to put to the officer.

4.13 What happens to an Ordinary Petition?

4.13.1 The Petitions Officer will arrange for each Ordinary petition to be sent to the Cabinet Member or delegated Officer whichever has the power to take a decision on the matter.

5. Consideration of Petitions at meetings

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Senior Council Officer refers to the Chief Executive, Strategic Directors or Heads of Service only
The Scrutiny committee is a committee of councillors who are responsible for scrutinising the work of the council – in other words, the Scrutiny committee has the power to hold the council's decision makers to account.

- 5.1 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 at the meeting determines otherwise. A maximum of 30 minutes⁵ will be allowed at each meeting for considering such petitions and any petitions not reached in the time allowed will be referred to the relevant Cabinet Member for consideration or deferred until the next meeting.
- 5.2 Any petition 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.
- 5.3 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. Where the matter is to be determined by a Cabinet Member, s/he will take a decision on the matter. That decision may be a determination of the matter, or may be a decision to refer the matter for investigation to a Policy Development Group and report back to the Committee/Council with their findings/recommendations.
- 5.4 Within 5 working days of the consideration of the petition by the relevant Cabinet Member, the Petitions Officer will notify the petition organiser of the Cabinet Member's decision and advise him/her that if s/he is not satisfied with that decision, s/he may require the matter to be reported to the next convenient meeting of the Scrutiny Committee for review.
- 5.5 At each stage, the Petitions Officer will enter the relevant information on the website at the same time as it is sent to the petition organiser.
- 5.6 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 them to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for

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Note that the Local Democracy, Economic Development and Construction Act 2009 does not provide for a limit on the time allowed for debating petitions – this is something that needs to be set to ensure that the authority can continue to discharge its other functions effectively.

conflicts with Council policy), then we will set out the reasons for this to you.

- 5.7 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.

6. Full council debates

- 6.1 If a petition contains more than 5,000 signatures it will be considered 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.
- 6.2 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 recommended maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take or endorse 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 Policy Development Group. Where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The Cabinet may itself propose a response to the full Council when the petition is considered. The petition organiser will receive written confirmation of the outcome of the Council meeting. This confirmation will also be published on our website.

7. Officer evidence

- 7.1 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.

- 7.2 If your petition contains at least 2,500 signatures, the relevant senior officer⁶ will give evidence at a public meeting of the Council's Scrutiny committee. A list of the senior staff that can be called to give evidence can be found at the end of this scheme. You should be aware that the Scrutiny committee 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. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting [Monitoring Officer – Lucy Youles] at least three working days before the meeting.

8. E-petitions

- 8.1 The Council also plans to have in place by 15 December 2010 an e-petitions facility. Details will appear on our website later.

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

- 9.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's Scrutiny committee 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.

- 9.2 The committee will endeavour to consider your request within 30 days of receiving it [at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting] Should the committee 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 Cabinet and arranging for the matter to be considered at a meeting of the full Council.

- 9.3 Once the appeal has been considered the petition organiser will be informed of the results within seven working days. The results of the review will also be published on our website.

⁶ Relevant senior officer refers to any of the following: Chief Executive, the Strategic Directors or Heads of Service

10. Petitions which will not be reported

10.1 Duplicate Petitions

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

10.2 Repeat Petitions

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

10.3 Rejected Petitions

Petitions will not be reported if in the opinion of the Petitions Officer, they are rude, offensive, defamatory, scurrilous or time-wasting.

OFFICERS WHO CAN BE HELD TO ACCOUNT:

Chief Executive, Strategic Directors, Heads of Services (Head of Finance, Head of Legal & Democratic Services, Head of HR & Customer Service, Head of Environmental Services, Head of Assets, Head of Development & Growth, Head of Housing and Neighborhoods)

A review of this document will take place in 12 months time.