

CABINET

7 SEPTEMBER 2011

REPORT OF THE CUSTOMER AND CENTRAL SERVICES PORTFOLIO HOLDER

A.1 PETITIONING SCHEME

(Report prepared by Diana Hayter)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present Cabinet with the revised draft Petitioning Scheme for approval.

EXECUTIVE SUMMARY

The Local Democracy, Economic Development and Construction Act (2009 Act) introduced a requirement for councils to respond to petitions and tell local people what action is to be taken to address their concerns.

The draft scheme attached to this report as Appendix A has been developed based on good practice and includes:-

- Guidelines for submitting a petition
- What the Council will do on receipt of a petition
- How the Council will respond to petitions
- Overview and Scrutiny Committee debates
- Officer evidence
- E-Petitioning
- Appeals

It is proposed that the responsibility for dealing with petitions and updating Members as appropriate is delegated to the appropriate Head of Department and the responsibility for determining if a petition is vexatious is delegated to the Chief Executive in consultation with the Leader of the Council.

If Members are minded to approve the proposed Petitions Scheme it will be necessary to amend the Constitution. Suggested wording is set out in Appendix B.

RECOMMENDATION(S)

(a) That Cabinet approves the Petitioning Scheme as attached at Appendix A.

(b) That the Council be recommended to amend the Constitution as set out in Appendix B.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Petitioning Scheme will provide a means for the Council to be better connected to the various communities of Tendring, to give real opportunities for people to link into the work of the Council and influence our services and decisions and to improve the reputation of the Council.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The introduction of the Petitioning Scheme does not in itself have any financial implications, however, there may be financial and resource implications in responding to the requests in any petitions received.

Risk

The introduction of the Petitioning Scheme will reduce the risk of the Council being perceived as not listening to or acting on the concerns of our communities.

LEGAL

The Council has a statutory duty to introduce a petitioning scheme as set out in the Local Democracy, Economic Development and Construction Act.2009.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

Crime and Disorder

Residents of Tendring will be able to raise issues about crime and disorder in their communities through petitioning

Equality and Diversity

An Equality Impact Assessment has been carried out and there is no evidence of, or potential for, discrimination or adverse differential impacts relating to any of the equality groups.

Consultation / Public Engagement

Petitions are the most popular and recognised form of civic involvement.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Government published the Local Democracy, Economic Development and Construction Bill on 5 December 2008. This wide-ranging legislation gives communities and local people new rights to have a say in their local services, strengthen local democracy, reform local and regional governance arrangements and implement measures to drive economic regeneration.

The Council has not previously had a fully documented and approved scheme for the handling of petitions although the Constitution currently states that petitions containing 50 or more signatures should be considered by Cabinet or the relevant Overview and Scrutiny Committee. A draft Petitioning Scheme was provisionally approved by Cabinet in June 2010 for a period of six months.

If Members are minded to approve the revised Petitions Scheme it will be necessary to amend the Constitution. Suggested wording is set out in Appendix B.

DRAFT PETITION SCHEME

Petitions are a valuable opportunity for local authorities to demonstrate strong leadership on issues of concern to local communities.

Signing a petition is one way for residents to express their concerns and priorities to their local authority. The 2007/08 National Citizenship Survey showed that petitions are the most popular and recognised form of civic involvement (60% of respondents who engaged in civic participation had signed a petition).

The Petitioning Scheme has been developed based on the good practice model scheme but simplified and adapted to reflect the needs of Tendring and the revoking of the statutory guidance by the Coalition Government in September 2010. The scheme covers the following areas

- Guidelines for submitting a petition
- What the Council will do on receipt of a petition
- How the Council will respond to petitions
- Committee debates
- Officer evidence
- E-Petitioning
- Appeals

It is proposed that the responsibility for dealing with petitions and updating Members as appropriate is delegated to the appropriate Head of Department. Petitions that are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. It is proposed that the responsibility for determining if a petition is vexatious is delegated to the Chief Executive in consultation with the Leader of the Council.

Once approved the revised Petitions Scheme will be published on the Council's Website in line with the requirements of the 2009 Act.

BACKGROUND PAPERS FOR THE DECISION

N/A

APPENDICES

- a) Draft Petitioning Scheme
- b) Proposed amendment to the Constitution.

Tendring
District Council



PETITIONING SCHEME

RESPONDING TO OUR COMMUNITIES



Overview of Arrangements

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or personally delivered to the Council will receive an acknowledgement of receipt from the Council within 10 working days.

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.

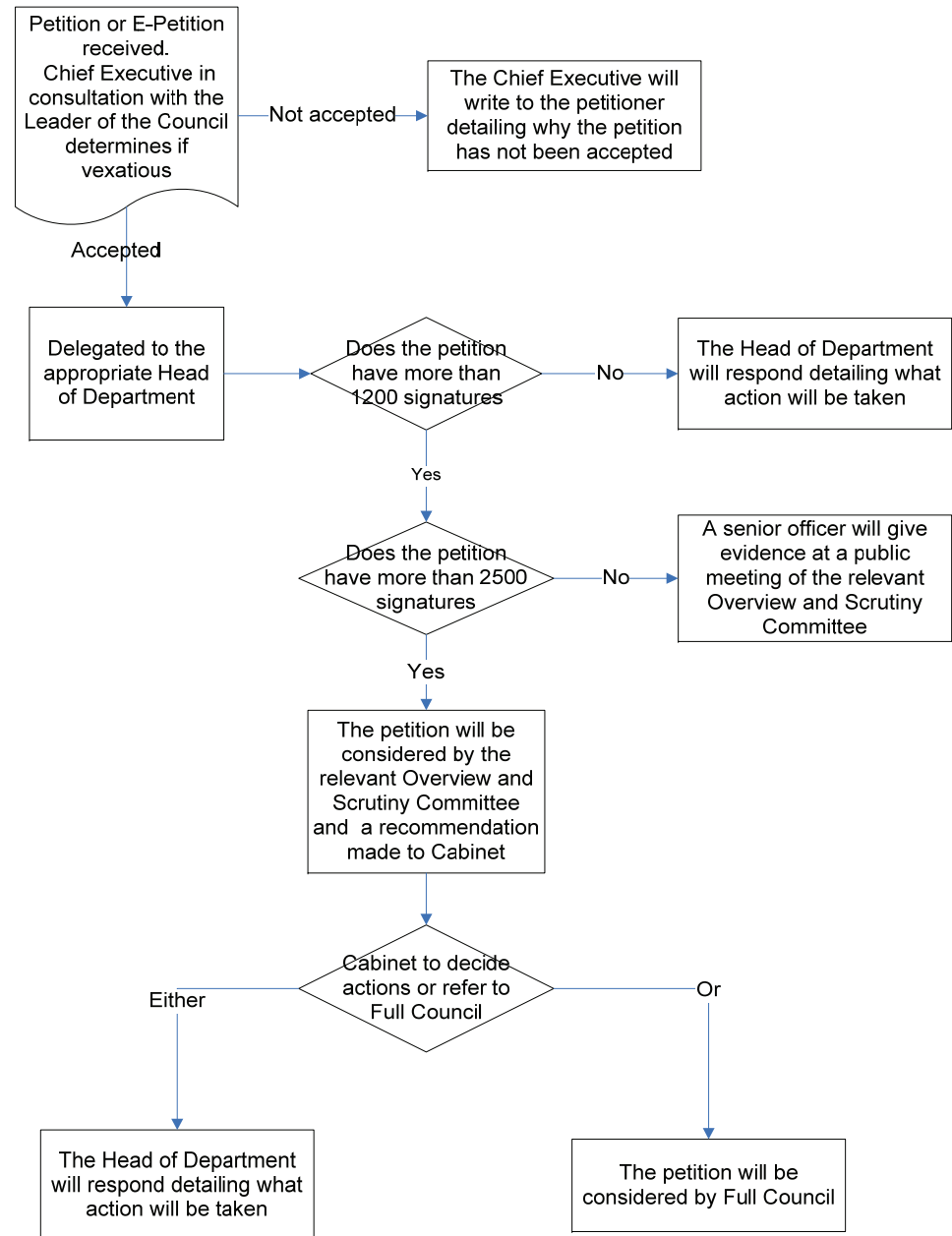
Petitions can be sent to:

Chief Executive
Tendring District Council
Town Hall
Station Road
Clacton on Sea
CO15 1SE

Or be created, signed and submitted online by following this link www.tendringdc.gov.uk

If you would like to personally deliver your petition to a Committee, or would like your Councillor or someone else to present it on your behalf, please contact Ian Ford 01255 686584 at least 10 working days before the meeting and he will talk you through the process.

If your petition has received 2,500 signatures or more it will be scheduled for a Committee debate 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 Committee.



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.
- 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.

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 time-scale which will apply.

If a petition does not follow the requirements 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?

Once the petition has been accepted we will notify the petition organiser by letter letting them know what we plan to do with the petition and when they can expect to hear from us again. Details will also be published on our website.

If we can do what your petition asks for, the letter may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Committee debate, or a senior officer giving evidence, then the letter 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.

Where 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, the provisions of this scheme will not be followed as other procedures apply. Further information on all these procedures and how you can express your views is available here

[Planning](#)
[Licensing](#)
[Council Tax](#)
[Non domestic rates](#)

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 writing. The Chief Executive in consultation with the Leader of the Council will determine if a petition is vexatious.

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).

How will the Council respond to petitions?

Our response to a valid petition will depend on what a petition asks for and how many people have signed it, and may include one or more of the following:

- taking the action requested in the petition
- 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 one of the Council's overview and scrutiny committees*
- calling a referendum
- writing to the petition organiser setting out our views

** Overview and Scrutiny Committees are committees of Councillors who are responsible for scrutinising the work of the Council. Tendring District Council has three Overview and Scrutiny Committees which have 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.

If your petition is about something over which the Council has no direct control (for example the local hospital or railway) we will consider making representations on behalf of the community to the relevant body. The Council works with a 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 to you. You can find more information on the services for which the Council is responsible [here](#).

If your petition is about something for which a different council has responsibility 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.

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 1,200 signatures, the relevant senior officer will give evidence at a public meeting of one of the Council's Overview and Scrutiny Committees.

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 Ian Ford on 01255 686584 up to five working days before the meeting.

Committee debates

If a petition contains more than 2,500 signatures it will be debated by the appropriate Overview and Scrutiny Committee .

The Council will try to consider the petition at the next appropriate Overview and Scrutiny Committee meeting, where this is not possible it will be discussed 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 Committee will then recommend a response to Cabinet. Cabinet will debate the petition and either decide on whether any action should be taken or refer the petition to Full Council for debate.

You will be notified of the outcome of Cabinet's decision and either advised of the date of the Full Council meeting or the actions that we are proposing to undertake.

E-Petitioning

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 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 the Chief Executive. In the same way as a paper petition and you will receive an acknowledgement letter. If you would like to personally deliver your e-petition to a meeting of the Council, please contact Ian Ford 01255 686584 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 the Council's website.

How do I sign an E-Petition

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

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 five working days. The results of the review will also be published on our website.

Petitioning Scheme – Proposed amendments to the Constitution.

Clause / Section	Text to be deleted	Text to be inserted
Council Procedure Rules Section 35	Any Petition that is submitted to the Chief Executive, that relates to the exercise or non-exercise of duties or powers of the Council, and is signed by at least fifty residents of the District that are not Members, shall be referred to the next meeting of the Cabinet or of the Committee responsible for the administration of the powers in connection with the subject matter of the petition. The Chief Executive shall report the receipt of any such petition to the next meeting of the Council where there shall be no debate or comment thereon.	Petitions to the Council will be dealt with in accordance with the Council's Petitioning Scheme. The responsibility for dealing with petitions and updating Members as appropriate will be delegated to the appropriate Head of Department.