

Key Decision Required:	NO	In the Forward Plan:	NO
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CABINET

24 JANUARY 2014

**REFERENCE FROM COMMUNITY LEADERSHIP AND PARTNERSHIPS SCRUTINY
COMMITTEE OF 9 DECEMBER 2013**

A.1 PROPOSED SCHEME FOR DEALING WITH PETITIONS

BACKGROUND

With reference to Minute No.68 of the meeting held on 15 April 2013 (and Minute No.7 (A.1 – Petitions) of the meeting of Cabinet held on 17 May 2013), the Committee received a report which recommended to Cabinet, a proposed scheme for dealing with petitions received by the Council and that the Committee’s comments, together with those of the Cabinet, be incorporated and recommended to full Council for adoption and that the necessary amendments be made to the Council’s Constitution.

The Committee was reminded that the Localism Act 2011 revoked the provisions previously laid down by the Local Democracy, Economic Development and Construction Act 2009, which required Councils to have in place means by which petitions could be submitted and managed electronically (e-petitions), and a scheme for dealing with petitions received. Nevertheless, the Committee felt it was worthwhile to have in place a scheme for dealing with any petitions received, in a consistent and transparent way and, in doing so, show a clear audit of how the petition was received, acknowledged, dealt with and resolved.

The Committee also recognised that the way in which petitions were currently dealt with, was ineffective and sent out the wrong message to petitioners and residents overall.

The proposed scheme, attached as Appendix A to this report, contains the comments and amendments made by the Committee.

COMMITTEE RECOMMENDATIONS / COMMENTS TO CABINET

Cabinet is now asked to consider the recommendations of the Community Leadership and Partnerships Scrutiny Committee and determine its response if any:

The Committee **RECOMMENDS** to **CABINET** that the proposed scheme for dealing with petitions received by the Council be agreed (subject to any comments by Cabinet) and **RECOMMENDED** to full Council for adoption as soon as possible.

PORTFOLIO HOLDER’S COMMENTS / RECOMMENDATIONS TO CABINET

Comments will be provided directly at the meeting.

Appendix A to
Agenda Item No. A1

Tendring
District Council



DRAFT PROPOSED SCHEME FOR DEALING WITH PETITIONS

Tendring District Council recognises the importance of petitions as a means of engaging with local communities, enabling the public to air concerns, and as a mechanism for generating service improvements. These pages set out what a petition is, how the public can submit a petition, how it will be dealt with and what the Council can do to respond to the issues raised.

What constitutes a petition?

Any communication which is signed by, or sent to the Council by **more** than 30 of the people who live, work or study within Tendring shall be treated as a petition provided that such communication has a clear message or instruction upon which it would wish the Council to act.

Any communication which is signed by, or sent to the Council by **less** than 30 of the people who live, work or study within Tendring shall not be treated as a petition but, where it relates to a matter for which the Council has responsibility for, it shall be forwarded to the appropriate officer of the Council to acknowledge and advise what action, if any, will be taken.

Signatory Eligibility

The Council is keen to receive feedback from all residents, visitors and from people working or studying in the Tendring area, through various communication channels. However, only those people who are either (a) permanent residents of Tendring or (b) non-residents who can be clearly identified as either working or studying in Tendring can trigger a formal petition response.

There is no legislation supporting the minimum age required for a person to initiate or support a petition. Accordingly, children and young people have the ability to submit a petition as it is deemed they have the same rights and opportunity for their voices to be heard as well as adults. However, it is recognised that in practice, a teacher or parent would oversee the submission of a petition from school children where such children are under 16 years of age.

Whilst the Council welcomes petitions as a means of highlighting concerns within a local area, the lead petitioner has a responsibility to ensure that any petition submitted is done so under the principle of good faith and be decent, honest and respectful.

Information to be included

The Council requests that any petition contains the following:

- A clear and concise statement covering the subject of the petition, the area to which the petition relates and what action the petitioners want the Council to take;
- The contact details for the petition organiser (lead petitioner) so the Council knows who to contact (where a lead petitioner is not identified, the Council shall correspond with the person named first on the petition);
- The name, address, postcode and signature of any person supporting a paper petition (address details will be checked);
- The name, postcode and email address for those persons who sign up to an electronic petition or an e-petition; and
- Date the petition was submitted

How to Submit a Petition to the Council

Petitions can be submitted to the Council in the following ways:

- E-petition – where no end date to an e-petition is specified, the Council shall set this at three months from the date of receipt of the e-petition.
- A traditional paper petition accompanied by a dated covering letter that identifies the key information outlined in this procedure about the purpose of the petition, what action is called for and contact details for the lead petitioner.
- Paper petitions should be sent to **The Democratic Services Manager, Tendring District Council, Room 67, Town Hall, Station Road, Clacton-on-Sea, Essex CO15 1SE.**
- By emailing the relevant documentation to democraticservices@tendringdc.gov.uk

What happens when a Petition is submitted?

- Each petition will be formally acknowledged to the lead petitioner, in writing, within five working days of its receipt
- The Council will accept any petition on face value but reserves the right to verify the signatures or investigate further, if deemed necessary. The petition must not be vexatious or frivolous.
- If the issue contained within the petition is not something which the Council would ordinarily consider in public (e.g. a matter relating to the personal or financial affairs of an individual), the lead petitioner will be informed accordingly, explaining the reasons why the petition cannot be accepted under this scheme and where

appropriate, referring the petitioner to the relevant department and advising them as to how their views can be expressed via alternative means

- If the issue contained within the petition does not relate to any functions or responsibilities of the District Council, but does relate to a matter for which Essex County Council or other body or partner is responsible, the petition will be forwarded to that organisation and the lead petitioner advised accordingly
- Each petition received shall be based on a tiered system whereby:
 - (a) A valid petition containing 30 to 249 signatures from Tendring residents or non-residents who can be clearly identified as either working or studying in Tendring, will be reported to Council for information. It will then be presented at the next meeting of the Cabinet and then, if requested, a report will be brought back to Cabinet for consideration;
 - (b) A valid petition containing 250, or more, signatures from Tendring residents or non-residents who can be clearly identified as either working or studying in Tendring, will be reported to Council to advise that the petition has been received. Once it has been investigated, a report will be prepared and presented with the petition at the next meeting of the Council for consideration.
 - (c) The appropriate Ward Member(s) be informed of receipt of a petition and any action to be taken.

Note: Where the subject of a petition requires urgent action (i.e. it cannot wait until the following meeting of the Council) it is proposed that the petition be investigated and a report be presented to the next meeting of the Council.

In the period immediately before an election or referendum the Council may need to deal with petitions differently. If this is the case, the Council will explain the reasons and discuss the revised timescale that will apply

- When a petition is being considered by Cabinet or Council, following investigation and a report being brought back, the lead petitioner will be invited to address the Cabinet or Council, outlining the reasons for the submission of the petition and what action they would like the Council to take. The lead petitioner (or his or her representative) will be given the opportunity to present this information and the petition will then be discussed by Councillors. A Ward Councillor can, at the request of the lead signatory, present the petition to Cabinet or Council on behalf of the relevant petitioners.
- Should two petitions be received on the same issue (one in support and one opposing a course of action) then both lead petitioners will be invited to address Cabinet or Council at the same time.
- The relevant Ward Member(s), Cabinet Member(s) and officers will be informed when a valid petition covering their Wards and areas of responsibility is received and when and how the petition will be considered.
- The lead petitioner will be informed, in writing, of the Cabinet or Council's decision and this information will also be published on the Council's website. If a further

meeting is to be held to consider the issues raised in the petition, the lead petitioner will be supplied with the relevant details and be given the opportunity to attend and address the meeting and if appropriate, answer any questions posed at the meeting.

- Relevant officers will be required to attend any meeting to assist in the scrutiny and investigation of issues raised in the petition. As a general principle, the relevant officers should be at a Service Manager level or above.
- Where possible, the consideration of a petition will be held in public but, in exceptional circumstances, it may be necessary for an issue to be considered as an 'exempt' item under the Local Government Act 1972, the Access to Information Act 1985 and other relevant legislation. In such circumstances, the lead petitioner, public and press will be excluded from the meeting (or part of it) but the reasons for their exclusion will be clearly communicated.
- A schedule will be compiled and maintained for all petitions received and will be available for public inspection on request and the name (but not contact details) of the lead signatory will be listed on the schedule.

Petitions Received in Respect of Planning and other Regulatory Matters

Petitions received in respect of planning or licensing applications shall not be treated as petitions for the purposes of this scheme but will be sent to the Council's Planning or Public Experience Department and considered as representations received in relation to that particular application or planning matter.

What happens after a Petition has been considered?

There are several courses of action available to the Cabinet or the Council (as appropriate) once a petition has been considered, including:

- No action (with reasons as to why no action is proposed)
- Taking the action requested in the petition
- Undertaking research into the matters raised (this could include referring the matter to the relevant Portfolio Holder, or officer of the Council) and holding a meeting with the petitioners
- Referring the petition to the appropriate Overview and Scrutiny Committee
- Holding a public meeting
- Holding an inquiry
- Providing a written response to the lead petitioner setting out the Council's views on the request in the petition
- Considering the petition at a future Cabinet or Council meeting
- Calling for a referendum (subject to costs)