

CITY COUNCIL – 14 JUNE 2010

REPORT OF THE DEPUTY LEADER/PORTFOLIO HOLDER FOR RESOURCES, ECONOMIC DEVELOPMENT AND REPUTATION

APPROVAL OF A PETITIONS SCHEME

1 SUMMARY

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 requires all principal local authorities in England to respond to petitions, and to establish a Scheme for handling petitions by 15 June 2010, with e-petition requirements coming into force on 15 December 2010.
- 1.2 This report requests approval of the petitions Scheme at Appendix 1 and consequential changes to the Terms of Reference for the Overview and Scrutiny Committee and Standing Orders detailed in Appendix 2. It also requests that delegated authority be granted to the Director of Legal and Democratic Services to approve both the implementation of the e-petitions element of the Scheme, and minor revisions to the Scheme, such as the names and titles of officers and departments referred to in the Scheme.

2 RECOMMENDATIONS

It is RECOMMENDED that:

- (1) the petitions Scheme at Appendix 1 to this report be approved;
- (2) final approval of the implementation of the e-petitions element of the Scheme, and minor changes to the non-statutory elements of the Scheme, be delegated to the Director of Legal and Democratic Services, following consultation with the Overview and Scrutiny function and Deputy Leader/Portfolio Holder for Resources, Economic Development and Reputation;
- (3) minor revisions to the Scheme be delegated to the Director of Legal and Democratic Services following consultation with the Deputy Leader/Portfolio Holder for Resources, Economic Development and Reputation, it being noted that significant revisions require full Council approval;

- (4) authority be delegated to the Head of Democratic Services to reject petitions considered to be vexatious, abusive, repetitious or otherwise inappropriate;
- (5) a report on the implementation and operation of the Petitions Scheme, including the e-petition facility, be submitted to the first ordinary meeting of the 2011/2012 municipal year;
- (6) amendments to the Council's Standing Orders, and to the terms of reference of the Overview and Scrutiny Committee, arising from the requirements of the Petitions Scheme, as detailed at Appendix 2, be approved.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 The City Council must adopt a Petitions Scheme by 15 June 2010 in order to be compliant with the 2009 legislation.
- 3.2 A range of options were considered when developing the draft Scheme, and the City Council retains the right to amend the Scheme if necessary.

4 BACKGROUND

- 4.1 The Local Democracy, Economic Development and Construction Act 2009 includes a duty on local authorities to respond to petitions. This formalises a commitment in the Empowerment White Paper 'Communities in Control: real people, real power'. The duty is seen as an important step towards redressing the widespread national perception that communities cannot readily influence decisions affecting their areas.
- 4.2 Under the Local Authorities (Petitions) (England) Order 2010, this duty is to come into force on 15 June 2010, with e-petition requirements coming into force on 15 December 2010. Statutory Guidance on the duty to respond to petitions, including a suggested model Scheme, was published on 30 March 2010.
- 4.3 The key elements of the proposed Scheme include:
 - 4.3.1 a petition facility allowing anyone living, working or studying in the local authority area, including under 18s, to sign or organise a petition, and trigger a response;

- 4.3.2 a facility for making electronic petitions, to be provided by the City Council;
- 4.3.3 actions and deadlines for acknowledging and responding to petitions, and a list of the range of responses available. The deadlines in the proposed Scheme reflect as far as possible existing performance targets;
- 4.3.4 an explanation of 3 categories of petitions – ‘petitions requiring debate’, ‘petitions calling an officer to account’ and other, ‘standard’, petitions’. ‘Petitions requiring debate’ must be reported to full Council for debate, and it is proposed that a draft response of the relevant Portfolio Holder(s) will be available on the full Council agenda to inform that debate. ‘Petitions calling an officer to account’ may ask that a named senior Council officer give evidence at a public meeting about something which the officer is responsible for as part of their job. ‘Standard petitions’ is the term used to describe all other valid petitions;
- 4.3.5 the proposed threshold for ‘petitions requiring debate’ is 5,000 signatures. This figure is significantly below the maximum statutory threshold of 5% of the population of the local authority area. The proposed threshold required for ‘petitions calling an officer to account’ is 2,500 signatures, while there is no threshold for ‘standard petitions’;
- 4.3.6 where a petition organiser feels that the petition has not been dealt with properly, he/she has the right to request a review of the steps taken in response to the petition.
- 4.4 The petitions Scheme does not apply to petitions received under other statutory procedures, such as petitions for a mayoral constitution. Petitions in response to statutory consultations, such as on planning or licensing applications, also remain outside the scope of the Scheme.
- 4.5 The proposed Scheme signposts citizens to councillors and to the City Council to check whether action is already being taken on points of concern. Other ways of contacting the City Council are also highlighted.

5 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 5.1 The Statutory Guidance acknowledges that its provisions will impose costs on local authorities, but argues that they could also deliver savings, and pledges that any net additional costs will be centrally funded. It is estimated that a standard off-the-shelf e-petition package would cost £3,000 to £6,000, depending on the size of the local authority, including customisation and branding. The opportunity to procure jointly an e-petition package with other Nottinghamshire Councils is being explored and may reduce the cost involved significantly.
- 5.2 The costs of centrally administering, supporting and developing a dedicated petitions management system, and the cost implications of data protection, freedom of information and related issues, have not been estimated at this time. However, it is unlikely that these will be funded centrally.
- 5.3 The City Council will look in detail at the viability and cost implications of accepting e-petitions produced externally. However, under the Statutory Guidance, local authorities are only required to respond to e-petitions made through their e-petition facility.

6 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

- 6.1 The Council would be in breach of its statutory duty if it failed to introduce a Petitions Scheme in accordance with the provisions and timetable set out in the 2009 Act referred to in this report. The scheme must be approved by a meeting of full Council before it comes into force.
- 6.2 The rules of debate, as set out in the Standing Orders for Council, need amendment, in line with the Scheme's requirements for dealing with 'petitions requiring debate'. Amendments are also required to the terms of reference of the Overview and Scrutiny Committee to reflect its role in reviewing, at petition organisers' request, the steps taken by the City Council in response to a petition, and in considering petitions calling an officer to account. These amendments are highlighted in Appendix 2.

7 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

7.1 None.

8 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

8.1 Local Democracy, Economic Development and Construction Act 2009

8.2 Local Authorities (Petitions) (England) Order 2010 (enacting legislation)

8.3 'Listening to communities: Statutory Guidance on the duty to respond to petitions'

COUNCILLOR GRAHAM CHAPMAN

NOTTINGHAM CITY COUNCIL – PETITIONS SCHEME

INTRODUCTION

1. Nottingham City Council (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.
2. 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. We categorise our petitions as follows – each category is explained in more detail elsewhere in this Scheme:

Category	Brief description	Signatory Threshold
Petition 'requiring debate'	Any petition above a set threshold which will trigger a debate at full Council	5,000
Petition 'calling an officer to account'	Any petition above a set threshold which will summon a senior Council officer to give evidence at a public meeting	2,500
'Standard' Petition	Any other, non-excluded, petition, requesting action or response by the Council	None

3. Written petitions can be sent to:

The Head of Democratic Services
[Full Address]

4. Alternatively, they may be created, signed and submitted online by following this link [link].

WHAT ARE THE GUIDELINES FOR SUBMITTING A PETITION?

5. **All** 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, full address, and signature of any person supporting the petition. Signatories **must** make clear that they live and/or work and/or study in Nottingham.
6. Petitions **must** be accompanied by contact details, including an address, for the petition organiser, who should live, work or study within the City boundary. This is the person we will contact to explain how we will respond to the petition. If the petition does not identify a petition organiser, we will treat the first signatory to the petition as the petition organiser. The contact details of the petition organiser will not be placed on the website.
7. Petitions which are considered to be vexatious, abusive, frivolous, repetitious or otherwise inappropriate will not be accepted. The Head of Democratic Services will contact the petition organiser to explain our decision.
8. 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.
9. 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, the Head of Democratic Services will write to you to explain the reasons.
10. Before submitting a petition, you should first check with your local councillor or with the City Council to see if the City Council is already acting on your concerns, and to check if the City Council is the most appropriate body to receive your petition.

WHAT WILL THE COUNCIL DO WHEN IT RECEIVES MY PETITION?

11. 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.
12. 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 valid signatures to trigger a full Council debate, or if a petition 'calling an officer to account' has enough

valid signatures to require a senior officer to give 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.

13. 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. However, we will **not** publish petitions in cases where this would be inappropriate, for example, if the petition subject matter was considered to be potentially libellous or illegal. 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]

PETITIONS EXCLUDED FROM THE SCHEME

14. 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, the Petitions Scheme does **not** apply. Further information on the procedures applicable, and how you can express your views, is available here [insert links]

HOW WILL THE COUNCIL RESPOND TO PETITIONS?

15. The City Council's response to a petition will depend on the petition's category, what it asks for and how many people have signed it. The Statutory Guidance lists a range of possible responses – not all will be appropriate in all circumstances:
 - 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 Committee¹
 - calling a referendum

¹ 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.

- writing to the petition organiser setting out our views about the request in the petition.
16. 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].
 17. 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.
 18. The Council's Executive takes the issue of communicating with petition organisers and signatories very seriously. All responses to valid petitions will be approved and signed by the appropriate Portfolio Holder(s). Responses to written petitions will be sent to petition organisers, and written individual responses to signatories will be at the Portfolio Holder(s)' discretion. The Executive will monitor the progress of petitions at its monthly Executive Board meetings, and the Overview and Scrutiny Committee will also receive quarterly monitoring reports.

'PETITIONS REQUIRING DEBATE' AT FULL COUNCIL

19. If a petition contains more than **5,000 valid signatures** it will be debated at a meeting of the full Council, unless it is a petition 'calling an officer to account', asking for a senior Council officer to give evidence at a public meeting.
20. 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 next available meeting.
21. 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**, or at the discretion of the Lord Mayor. The relevant Portfolio Holder(s) will present a provisional written response to the petition to full Council, to inform the discussion and to help full Council agree a response. In reaching its conclusions, full Council 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, with a report back to full Council.
22. Where the issue is one on which the Council's Executive is required to make the final decision, full 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.
23. There will be a period of six months following the initial full Council debate when further debate on the same issue will not be triggered by further, repetitious petitions.

'PETITIONS CALLING AN OFFICER TO ACCOUNT'

24. 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 councillors to enable them to make a particular decision.
25. If your petition contains at least **2,500 valid signatures**, the relevant senior officer will be required to give evidence at a public meeting of the Council's Overview and Scrutiny Committee, or relevant Select Committee. A list of the senior Council officers that can be called to give evidence can be found here [**Chief Executive, Corporate Directors**].
26. You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another Council 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 Executive councillor to attend the meeting. Petition organisers will be given **five minutes** to present the petition to the meeting. The relevant senior Council officer will present a provisional written response to the petition to the Overview and Scrutiny Committee, to inform the discussion and to help the Committee agree a response. Questions from petitioners may be submitted to Committee Section up to 5 clear days before the meeting. Questions will be asked by councillors at the hearing, but the Chair may invite comments and questions from petitioners at his/her discretion.

‘STANDARD PETITIONS’

27. We will refer to petitions other than those ‘requiring debate’ or ‘calling an officer to account’, as ‘standard petitions’. These petitions have no minimum threshold, and will be dealt with proportionately. This means that we will normally direct petitions on local issues to an Area Committee, and Portfolio Holder or Executive matters to the Executive and/or relevant Department. At all times, we will process the petition in order to get a full response from the appropriate source. It is also possible for a councillor to present a standard petition to full Council [link to procedure], but it will not be debated there. Information on ‘standard petitions’ will be included in regular monitoring reports to the Executive and to Overview and Scrutiny Committee.

E-PETITIONS

28. The Council welcomes e-petitions which are created and submitted through our website [link]. E-petitions **must** follow the same guidelines as paper petitions. The petition organiser **must** provide us with their name, postal address and email address, and **must** live, work or study within the City. 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.
29. When you create an e-petition, it may take 10 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.
30. 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.
31. When an e-petition has closed for signature, it will automatically be submitted to the Head of Democratic Services. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like your e-petition to be presented without debate by a councillor to a meeting of the Council, please contact the Head of Democratic Services within 10 working days of receipt of the acknowledgement.
32. 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?

33. You can see all the e-petitions currently available for signature here [insert link].
34. 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?

35. If a petition organiser is not satisfied with the way we have dealt with a petition, he or she has the right to request that the Council's Overview and Scrutiny Committee, or appropriate sub-group, 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, or appropriate sub-group, 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 a later meeting. We will contact you to tell you when it will take place.
36. 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 (or to some partners); and
 - arranging for the matter to be considered at a meeting of full Council.
37. Once the issue has been considered, the petition organiser will be informed of the results within 10 working days. The results of the review will also be published on our website.

IS THERE ANYTHING ELSE I CAN DO TO HAVE MY SAY?

38. As a Council, we try to identify and solve problems at an early stage. We are committed to receiving feedback as this helps us to develop and review services. We recognise that petitions are just one way in which people can let us know about their concerns. There are a number of other ways in which you can have your say, including

- Contacting your local councillor [\[link\]](#);
- Making a complaint through the City Council's complaints procedures [\[link\]](#);
- Attending one of the city Council's Area Committees to raise an issue of local concern.

ADDITIONAL TERMS OF REFERENCE TO TAKE INTO ACCOUNT THE PROVISIONS OF THE PETITION SCHEME

(NOTE: Proposed amendments shown *in italics*.)

OVERVIEW AND SCRUTINY COMMITTEE (14)

- (a) Oversees and manages the Council's overview and scrutiny function, setting terms of reference and membership for its committees and task and finish panels;
- (b) Oversees and manages the Council's overview and scrutiny programme to an annual plan;
- (c) Specific responsibility for the overview and scrutiny of major corporate strategies, policies and documents and for areas of service provision or matters or wider local concern not provided for elsewhere and to make reports and recommendations to the Executive, the Authority or the responsible body on the work undertaken;
- (d) Responsibility for scrutinising all performance and resources issues, including the outcomes of corporate inspections, and for referring identified concerns to select committees for consideration;
- (e) Responsibility for scrutinising performance against all Local Area Agreement targets, and for referring identified concerns to select committees for consideration;
- (f) Establishes task and finish panels to undertake reviews, setting terms of reference, membership and timescales as necessary;

- (g) Ensures that all responsibilities placed upon overview and scrutiny bodies are carried out, including holding the Executive to account, undertaking a policy development and review role and scrutinising and making recommendations on matters which are the responsibility of the Council and on concerns or areas of interest in the wider City;
- (h) Manages the call-in process in accordance with the Overview and Scrutiny Rules in Appendix 6(i) of the Core Constitution and may, for this purpose, appoint a sub-committee with delegated powers;
- (i) *Manages the process for consideration of petitions 'calling an officer to account', under the City Council's Petition Scheme;*
- (j) *Manages the review, at a petition organiser's request, of the steps taken by the City Council in response to a petition, under the City Council's Petition Scheme and may, for this purpose, appoint a sub-committee with delegated powers.*

* All scrutiny bodies have authority under the Overview and Scrutiny Procedure Rules to invite people other than Council members and officers to attend meetings on a regular or occasional basis to give evidence, answer questions, discuss issues of local concern and/or act in an advisory role.

PROPOSED REVISIONS TO STANDING ORDERS
RELATING TO COUNCIL – STANDING ORDER 3
(CONSTITUTION, APPENDIX 6(E))

(NOTE: Proposed amendments shown *in italics.*)

Consideration of Petitions and Questions by Members of the Public

That 30 minutes be allocated at the commencement of any meeting of the Council, save for the Annual Meeting and any Extraordinary Meeting, *to allow for the consideration of Questions submitted by members of the public and 'Standard' Petitions as follows:-*

(a) Public Questions

The putting of questions by those appearing on the City Council's electoral roll or from people under 18 who have a residential address within the City Council area. Any such questions must be in writing and addressed to any Portfolio Holder, Committee Chair or Board Chair from whom a response is requested and giving at least 5 working days prior notice of the question to be put. The Lord Mayor shall have discretion over the questions which may be asked at a Council meeting under this procedure. A list of all questions (other than supplementary questions) will be made available, prior to the relevant meeting, to each political group.

(b) Petitions

(i) Standard

The receipt of 'standard' petitions from Members. Any petition may be accompanied by a statement of no more than two minutes in length to be read by a Member on behalf of the organiser of the petition;

(ii) Under the Petitions Scheme

Petitions under this category shall comply with the Council's Petition Scheme and shall be submitted to the Head of Democratic Services at least 12 working days prior to the date of the Council meeting. In the event of more than one petition being received, the Lord Mayor, having regard to the business to be transacted at a Council meeting, shall have discretion to determine at which meeting a petition shall be considered.

Where valid, the petition organiser shall be allocated 5 minutes to present the petition. The petition may be debated for not more than 15 minutes, or at the discretion of the Chair. The relevant Portfolio Holder(s) will present a provisional written response to the petition to inform discussion and to help full Council agree a response.