

WYRE FOREST DISTRICT COUNCIL

COUNCIL MEETING

19th May 2010

Petitions Scheme

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	
CORPORATE PLAN AIM:	A well run and responsive Council
CABINET MEMBER:	Cabinet Member for Legal and Corporate Services
DIRECTOR:	Caroline Newlands, Director of Legal and Corporate Services
CONTACT OFFICER:	Penny Williams, Democratic Services Manager, Ext 2728 penelope.williams@wyreforestdc.gov.uk
APPENDICES:	Appendix 1 - Petitions Scheme Appendix 2 - Amendment to Council Standing Order Section 7.312 Petitions

1. PURPOSE OF REPORT

- 1.1 To inform Members of the requirement under the Local Democracy, Economic Development and Construction Act 2009 (the Act) to provide a scheme for the handling of petitions, and to seek approval of the Petitions Scheme as attached at Appendix 1 and the amendments to Standing Orders as attached at Appendix 2.

2. RECOMMENDATION

2.1 The Council is asked to DECIDE that:

2.11 The Petitions Scheme, attached at Appendix 1 to this report be adopted and included in the Constitution.

2.12 The amendments to the Petitions Section of the Council's Standing Orders, attached at Appendix 2 to this report be adopted and included in the Constitution.

2.13 Authority be delegated to the Director of Legal and Corporate Services to update annually the population figures as listed in paragraphs 21.5 and 21.61 of the Petitions Scheme.

3. BACKGROUND

- 3.1 The Local Democracy, Economic Development and Construction Act 2009 requires principal local authorities to establish a scheme for the handling of petitions.

The intention behind this requirement is to ensure that any person can find clear guidance on how to submit a petition, and what action they can expect to happen in response.

Principal Authorities are required to implement a Petitions Scheme by the 15th June 2010. A further requirement of the Act for an E-Petitions Scheme is required to be implemented by 15th December 2010.

4. KEY ISSUES

4.1 Required Functions

The Act requires the following of a petitions scheme:

- anyone who lives, works or studies in the local authority area, including under 18's, can sign or organise a petition and trigger a response
- a facility for making electronic petitions is provided by the local authority
- petitions must be acknowledged within a time period specified by the local authority
- among the many possible steps that the principal local authority may choose to take in response to a petition, the following steps must be included amongst the options listed in the scheme:
 - taking the action requested in the petition
 - considering the petition at a meeting of the authority
 - holding an inquiry
 - holding a public meeting
 - commissioning research
 - a written response to the petition organiser setting out the authority's views on the request in the petition
 - referring the petition to an overview and scrutiny committee
- petitions with a significant level of support trigger a debate of the full council. Councils will determine this threshold locally but it must be no higher than 5 per cent of the local population
- petitions with a requisite level of support, set by the local authority, trigger a senior local government officer to give evidence at a meeting of the authority's overview and scrutiny committee
- petition organisers can prompt a review of the local authority's response if the response is felt to be inadequate

[p.8-9, Department for Communities and Local Government, '*Listening to communities: Statutory guidance on the duty to respond to petitions*' (30th March 2010)]

4.2 Required Level of Support

In order to trigger a debate at full Council, the Model Petitions Scheme provided by the Department for Communities and Local Government proposes that a petition should receive a number of signatures equal to 1% of the authority's population.

Using a population estimate provided by the Office for National Statistics this equates to 987 signatures. It is suggested that the number of signatures needed to require a member of the Corporate Management Team to attend a Scrutiny Committee be set at 0.5% of the population, which equates to 493 signatures. (This relates only to petitions: Scrutiny Committees have a general right to summon the Council's Officers to attend a meeting which is not affected by the Scheme.)

4.3 E-Petitions Scheme

A requirement of the Act is to provide an electronic petitions system (E-Petitions).

The Act applies the same requirements to electronic petitions as to paper petitions except the following:

- principal local authorities are only required to respond to e-petitions made through their e-petition facility
- principal local authorities must decide, when a request to host an e-petition is received, whether the petition is appropriate for publishing on their facility
- principal local authorities will decide what equates to a signature on an e-petition
- Principal local authorities are required to provide a facility for people to submit petitions to the authority electronically. In addition to this, local authorities can choose to respond to e-petitions submitted by other means and should indicate in their petition scheme how they will deal with these types of petitions.

[p.15, Department for Communities and Local Government, '*Listening to communities: Statutory guidance on the duty to respond to petitions*' (30th March 2010)]

- 4.4 The Model Petitions Scheme provided by the Department for Communities and Local Government includes a section on E-Petitions. A section relating to E-Petitions has not been included in the Proposed Petitions Scheme at this point, and will be brought before Council later in 2010. A joint countywide E-Petitions System is under development which will form part of the countywide Consultation Portal.

5. **FINANCIAL IMPLICATIONS**

- 5.1 The Council expects to receive a grant from Central Government for the municipal year 2010/2011 in order to cover the cost of the implementation of the scheme. The size of the grant is dependent upon the size of the population. It is expected that after

2010/2011, funding for the scheme will be incorporated into the Revenue Support Grant.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The legislation requires Council to implement a petitions scheme by the 15th June 2010, and an E-petitions scheme by 15th December 2010.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 An Equality Impact Needs Assessment has been undertaken and no significant impacts upon any of the equality strands were identified.

8. RISK MANAGEMENT

- 8.1 None identified.

9. CONCLUSION

- 9.1 Due to the requirement to implement a petitions scheme by the 15th June 2010, it is recommended that Council considers the proposed Petitions Scheme as attached at Appendix 1 to the report, and also the amended Petitions Section to the Council's Standing Orders as attached at Appendix 2 to the report.

10. CONSULTEES

- 10.1 Director of Legal and Corporate Services

11. BACKGROUND PAPERS

- 11.1 Department for Communities and Local Government, '*Listening to communities: Statutory guidance on the duty to respond to petitions*' (30th March 2010)
<http://www.communities.gov.uk/publications/communities/dutyrespondpetitionguidance>
- 11.2 Chapter 2, Local Democracy, Economic Development and Construction Act 2009
http://www.opsi.gov.uk/acts/acts2009/ukpga_20090020_en_2#pt1-ch2

Section 21

Wyre Forest District Council Petition Scheme

21.1 Petitions

- 21.11 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 5 days of receipt. A response will be sent within 14 days of receipt which will set out what we plan to do with the petition.

Paper petitions can be sent to:

Democratic Services
The Civic Centre
New Street
Stourport on Severn
DY13 8UJ

or via email to: committee.section@wyreforestdc.gov.uk

- 21.12 Petitions can also be presented to a meeting of the Council, the dates and times of which can be found here: <http://www.wyreforest.gov.uk/council/meetings/com55.htm>
- 21.13 If you would like to present your petition to the Council, or would like your Councillor to present it on your behalf, please contact Democratic Services on 01562 732763 or via email to committee.section@wyreforestdc.gov.uk at least 5 working days before the meeting and they will talk you through the process.

21.2 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.

- 21.21 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.
- 21.22 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. 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.

21.3 What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 5 days of receiving the petition. Within 14 days of receiving the petition, a response will be sent to the petition organiser which 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.

- 21.31 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 Director 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.
- 21.32 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]
- 21.33 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.
- 21.34 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).

21.4 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 one of the Council's Scrutiny Committees*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

- 21.41 *Scrutiny Committees are committees of Councillors who are responsible for scrutinising the work of the Council and Cabinet – in other words, the Scrutiny Committee has the power to hold the Council's decision makers to account.

- 21.42 In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

21.43 If your petition is about something over which the Council has no direct control (for example the local railway or hospital), we will consider whether to make representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible on the Council website at: <http://www.wyreforestdc.gov.uk>

21.44 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. It 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.

21.5 Full Council Debates

If a petition contains more than 987 signatures (1% of the estimated population of the District), it will be debated by the full Council unless it is a petition asking for a Director 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 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. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our petitions webpage.

21.6 Officer Evidence

Your petition may ask for a Member of the Corporate Management Team to give evidence at a public meeting about something for which their Directorate is responsible. For example, your petition may ask a Director to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

21.61 If your petition contains at least 493 signatures (0.5% of the estimated population of the District), the relevant Director will give evidence at a public meeting of a Scrutiny Committee.

21.62 Details of the Corporate Management Team can be found here:
<http://www.wyreforestdc.gov.uk/cms/non-lqnl-pages/corporate/doc.ashx?docid=a1d119bb-392d-41c2-ad4b-299f34390857&version=-1>

21.63 You should be aware that the Scrutiny Committee may decide that it would be more appropriate for another Director to give evidence instead of the Director named in the petition. In exceptional circumstances a Director may appoint a senior officer to attend the meeting in their place. 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 Democratic Services up to three working days before the meeting.

21.7 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 a Scrutiny Committee review the steps that the Council has taken in response to your petition.

21.71 The committee will consider your request at the next possible 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.

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

Amendment to Council Standing Order Section 7.312 Petitions

The below text replaces Standing Order 7.312 Petitions, in its entirety.

Petitions

All petitions received by the Council will be processed in accordance with the Petition Scheme as set out at section 21 of the Constitution.

Petitions which are submitted in line with the procedure outlined at section 21 of the Constitution may be presented to a meeting of the Council.

Petitions which Trigger a Debate by Council

Petitions receiving 987 or more signatures will be debated at a meeting of the Council, unless the petition calls for a Director to give evidence at a public 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.

Other Petitions

- i) The petition organiser must submit both the petition and a summary of points they wish to raise at the meeting to Democratic Services at least 5 working days before the meeting. Petition organisers may not speak at the meeting if they do not provide this information by this deadline.
- ii) The petition organiser may speak for up to three minutes at the meeting, but must confine themselves to the issues raised in the summary of points, as submitted to Democratic Services.
- iii) The Cabinet Member with responsibility for the issue will, if necessary, comment on any points raised by the petition organiser.