

to: CONSTITUTIONAL PANEL AND THE ANNUAL
MEETING OF COUNCIL

Date: 7 JUNE 2010

Report of: DIRECTOR OF CHIEF EXECUTIVE'S
DEPARTMENT

**Report
No:**

Contact Officer: ALAN R EASTWOOD

Tele 01204
No: 331101

Report Title: PETITION SCHEME

Non. Confidential:

This report does **not** contain information which warrants its consideration in the absence of the press or members of the public

Purpose:

To agree and publicise a Petition Scheme by the 15 June 2010 and to have an e-petitions facility by 15 December 2010.

Recommendations:

The Council to approve the Draft Petition Scheme.

The draft Petitions Scheme as set out in Appendix 1. Such schemes should also include the following key provisions;

1. To agree the thresholds for signatures at;
 - "ordinary" petitions 25 signatures
 - Petitions requiring debate – 3,000 signatures
 - Petitions to hold Council employees to account – 1,500 signatures
2. To agree the petitions should only be considered from people who live, work or study in Bolton.
3. That Directors only be called to give evidence, for petitions holding Senior Officers to account.
4. To delegate to the Director of Chief Executive's the authority to reject petitions which it is considered to be vexatious, abusive or otherwise inappropriate.
5. That the Director of Chief Executive's Department be instructed to incorporate the Petitions Scheme into the Council's Constitution and make consequential amendments.
6. That the Director of Chief Executive's Department be instructed to undertake the procurement or development of an in-house on-line petitions facility, in consultation with the Leader of the Council and the opposition leader.

Background Doc(s):

The Local Democracy Economic Development and Construction Act 2009 Listening to Communities Statutory Guidance on the duty to respond to petitions. Statutory Instruments no. 898 the Local Authorities (Petitions) (England) Order 2010

Decision:

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1. **Background**

The requirement for a Petition Scheme

The Local Democracy Economic Development & Construction Act 2009, requires every Local Authority from the 15 June 2010 to have adopted a “petition scheme” which sets out how it will deal with petitions, and by the 15 December 2010, every Local Authority must have an on-line petition facility, under which anyone may set up a petition on the Authority’s website, and other petitioners may “sign up” to the petition on line.

1. What is a petition?

The Act defines different categories of petitions, and allows the Authority to define the number of signatories required for each category.

- Petitions for debate – must be reported to and debated at full Council – point 1.
- Petitions to hold an Officer to account - trigger an open meeting of an Overview & Scrutiny Committee at which a named Officer will report and be questioned on their actions.
- Exempted Petitions – petitions received in response to statutory consultation on planning and licensing applications will continue to be reported to Planning & Licensing Committees.
- Ordinary petitions for which the Authority can determine how these petitions will be handled.

2. The Department for Communities and Local Government has issued Statutory Guidance on Petition Schemes which suggests that Authorities should set the number of signatories required for each category of petition at levels which encourage rather than discourage petitions, and should set a lower threshold for petitions on local rather than Authority wide matters.

The petition scheme would only apply to petitions which relate to matters for which the Authority has responsibility or which it is able to influence.

3.1 Petition for Debate in Council

Statutory Guidance states that “a systematic review of evidence on empowerment found that when petitions are linked with decision making there are increased levels of empowerment”. However, many petitions will relate to matters which are the responsibility of the Executive or other Committees rather than the Council. The Act still requires that each such petition is debated in Council, but Council has no power to take an effective decision on the matter. Council can refer the matter to the Executive for Decision, and it can refer the matter to an Overview & Scrutiny Committee for review, but it cannot take an operative decision on the matter. Accordingly, for many petitions, there will be no direct link between the petition and the decision maker.

3.2 Petition to hold Officers to account Page 3 of 11

The Act requires that the petition name the Director to be held to account and gives grounds for the request which must relate to the functions for which the Director is responsible. In practice, it is likely that in many cases the Directors actions will be in the implementation of a member decision. In such cases, if the decision at the Overview and Scrutiny Committee is to be meaningful it would be preferable if the appropriate member also attended.

3.3 Appeal to Overview and Scrutiny Committee

If a petition organiser feels the Council has not dealt with their petition properly, he has the right to request that Scrutiny review the steps that the Council has taken in response to the petition.

Scrutiny has no power to take an operative decision. It can make a recommendation to Council, a Committee, the Executive or an individual Executive Member (as appropriate), but it cannot override the original decision.

3.4 Signatures

The Act provides that petitions may be signed by persons who live, work or study in the Authority's area. Had signatures for this purpose been limited to registered electors, it would have been very easy for Authorities to verify signatures. As the Act is drafted, and given that a number of people may share a common e-mail address, verification is almost impossible. However, a 10% verification of signature/name/address/email address will be made against available data sources e.g. Lagan (CRM), Electoral Register.

3.5 **Thresholds for Minimum number of signatories**

(a) Ordinary petitions

A low threshold is suggested as probably many of these will be about local issues. Currently, the Constitution states that this should be 25 signatories and it is proposed that this be the threshold (with flexibility to accept less than this in certain circumstances) (e.g. where it is a local matter which affects no more than 2 Wards).

(b) Petitions requiring debate at Council

The threshold could be as high as 5% of the Borough's population (262,000 ÷ 5% 13,000 approximately). This seems too high, but if it is set too low, there may be too many petitions requiring debate at Council. This could therefore, be quite time consuming, frustrating to the petitioner, as in many cases the Council (although legally required to debate the issue), may only be able to refer the matter to the Executive or Executive Member unless it relates to a matter reserved to Council. Proposed Threshold 3,000 signatures.

(c) Petitions holding Officers to account

Statutory Guidance says that Local Authorities should consider "a suitable threshold according to local circumstances" and recommends a low threshold is set. Proposed threshold 1,500 signatures.

Responding to petitions

Whenever a petition is received within 2 working days of receipt, the Petitioners Officer, will acknowledge receipt to the Petition organiser.

(a) Ordinary Petitions

The Petitioners Officer will arrange for each ordinary petition to be reported to the next convenient meeting of the Executive Member, or a full Executive or Council or of a Committee or Sub-Committee of Council which has the power to take a decision on the matter. Petitions not relating to the ordinary business will be considered before the normal business of the meeting and will be considered in the order in which they are received, unless the Chair of the meeting determines otherwise.

(b) Petitions to hold an Officer to account

These will be reported to the next convenient meeting of the relevant and Overview & Scrutiny Committee.

In advance of the Committee Meeting, the Petition organiser will be invited to submit a list of questions which he would like to put to the Officer at the meeting. These questions will be provided to the Chairperson of the Committee who will decide whether they are appropriate and to the Officer concerned in advance of the meeting.

The Chairperson may invite the Petition organiser to address the Committee for a maximum of 3 minutes on the issue, and the relevant Officer will be required to report to Committee in relation to the conduct of a subject matter of the petition.

(c) Petitions requiring debate at Council

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 Meeting of Council which are not convened to consider the subject matter of the petition.

The Petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by Councillors in accordance with the Standing Orders relating to the proceedings of the Council. The Council will decide how to respond to the petition at this meeting.

Particular Acts of Parliament require the Council to consider petitions, for example, a petition for a review of Parish Town Councils or a petition for a directly elected Mayor. A petition submitted under such a specific statute will be reported to the next available meeting of the Council in accordance with the statutory requirements.

Recommendations

The Council to approve the Draft Petition Scheme.

The draft Petitions Scheme as set out in Appendix 1. `Such schemes should also include the following key provisions;

1. To agree the thresholds for signatures at;
 - “ordinary” petitions 25 signatures
 - Petitions requiring debate – 3,000 signatures
 - Petitions to hold Council employees to account – 1,500 signatures
2. To agree the petitions should only be considered from people who live, work or study in Bolton.
3. That Directors only be called to give evidence, for petitions holding Senior Officers to account.
4. To delegate to the Director of Chief Executive’s the authority to reject petitions which it is considered to vexatious, abusive or otherwise inappropriate.
5. That the Director of Chief Executive’s Department be instructed to incorporate the Petitions Scheme into the Council’s Constitution and make consequential amendments.
6. That the Director of Chief Executive’s Department be instructed to undertake the procurement or development of an in-house on-line petitions facility, in consultation with the Leader of the Council and the opposition leaders.

Bolton Borough Council Petition Scheme

The petitions process allows members of the public to have direct influence on the political process and to raise concerns that are important to them.

Members of the public can submit petitions on the following:-

- Issues relating to the Borough Council's responsibilities
- Issues which affect the Borough or communities in Bolton, as long as the Council is in a position to exercise some degree of influence
- Anything relating to an improvement in the economic, social or environmental wellbeing of the Borough to which any of the Council's partners could contribute.

The Council will respond to all petitions it receives. We will be as flexible as we can when handling your petitions, that it is considered quickly, and in the most appropriate way.

Essentially, there are 3 types of petition:

- **Ordinary petitions**

These must be signed by at least 25 people, but the Council will use its discretion where there are fewer than 25 signatories in cases where there is clear local support for action (e.g. where those affected are only from a small area).

- **Petitions requiring debate**

Petitions which contain 3,000 signatures or more will be debated by the full Council.

- **Petitions to hold Council Employees to account**

Petitions which call for evidence from a Senior Council employee and have at least 1,500 signatures will trigger that response.

How do I submit petitions?

Petitions can be either paper or electronic. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 2 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

We will treat as a petition for the purposes of this scheme anything which identifies itself as a petition, or which a reasonable person would regard as a petition, and which is signed by the appropriate qualifying persons. Paper petitions can be sent or e-mailed to Democratic Services, Bolton Borough Council, Chief Executive's Department, Town Hall, Bolton, BL1 1RU or you can submit an e-petition on-line (to be implemented).

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, address and signatures of any person supporting the petition (the address can be an address where a signatory lives, works or studies). Will validate 10% of all signatures received by comparing signatures/addresses/e-mail addresses against records held by the Council.
- 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 organisers.

Paper petitions must include a signature and a signatories name and address. This can be an address where the signatory lives, works or studies.

If the petition is an electronic form it must be made using the Council's e-petitions facility (when implemented).

Before submitting a petition you should first check with your Local Councillor or with the Council, to see if the Council is already acting on your concerns and the Council is the most appropriate body to receive your petition, as sometimes your petition may be more appropriate for another Public Body.

Who can submit a petition?

Anyone who lives, works or studies in Bolton including under 18s, can sign or organise a petition.

What will the Council do when it receives my petition?

We will acknowledge the petition within 2 working days of receiving it, and 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 the website.

If the petition needs more investigation, we will tell you the steps we plan to take.

In the vast majority of cases your petition will be submitted to one of the Council's formal Member meetings where elected Councillors will decide how to respond to the petition.

Depending on the subject matter your petition will be submitted to either the Council, the Executive or one of the Overview & Scrutiny Committees. There are two exceptions to this:

- If your petition contains more than 3,000 signatures then it must be debated by the Council.
- If your petition is asking for a Director to give evidence at a public meeting, then it will be considered by one of the Council's Overview & Scrutiny Committees provided it contains at least, 1,500 signatures.

Full Council Debates

If a petition contains more than 3,000 signatures 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 (or a nominee) will be given 5 minutes to present the petition at the meeting, and the

petition will then be discussed by Councillors. 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, refer the issue to the Executive or commission further investigation into the matter, for example, by a relevant Committee. Where the issue is one on which the Executive is required to make a final decision, the full Council should decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision, which will also be published on the Council's website.

Petitions asking for a debate at Council will normally be considered at the next meeting of the full Council, but must be received at least 10 working days before the date of the meeting.

Evidence from Directors

Your petition may ask for a Director employ to give evidence at a public meeting about something for which they are responsible as part of their job. For example, your petition may ask a Director to explain progress on an issue, or to explain the advice given to elected members to make a particular decision. The petition must relate to the Director's job, it cannot relate to their personal circumstances or character.

If your petition contains at least 1,500 signatures, the relevant employee will give evidence at a public meeting of one of the Council's Overview and Scrutiny Committees. This will take place at the next appropriate committee providing that the petition has been received 10 working days prior to the meeting being held.

A list of the Directors of the Council who can be called to give evidence is appended to this Scheme.

The Overview and Scrutiny Committee may decide that it would be more appropriate for another member of staff to give evidence instead of the person named in the petition – for instance if the person 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 the Democratic Services Unit up to 3 days before the meeting.

After the meeting, the Committee will submit a report to the Executive or an individual Executive Member. This report will be considered at the next meeting of the Executive or Executive Member. The Petition organiser will receive a copy of this report.

Are there any petitions which the Council cannot accept?

We believe that the vast majority of petitions we receive will be accepted, but in certain circumstances may not be accepted, including:

- If the petition applies to a planning application, is a statutory petition or on a matter where there is already an existing right of appeal or a separate complaints process.
- Any petition which we consider to be vexatious, abusive or otherwise inappropriate. We will explain the reason for this in our acknowledgement of the petition.
- Where a person or organisation (or someone on their behalf) has submitted a petition which is the same or substantially the same, as one submitted within the previous 12 months.

If we decide that a petition is not acceptable, then we will let the Petition organiser know our reasons.

If a petition relates to the responsibilities of one of our partners, then the petition will be forwarded to that authority for them to deal with, unless the petition is to an improvement in the economic, social or environmental wellbeing of the Borough. In those cases the petitions will be considered under the Council's scheme.

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
- Carrying out consultation
- Holding a meeting with the petitioners
- Referring the petition for consideration by the Council's Overview & Scrutiny Committee*
- Writing to the petition organiser setting out our views about the request in the petition.

**Overview & Scrutiny Committees are Committees of Councillors who are responsible for scrutinising the work of the Council – in other words, the Overview & Scrutiny Committee has the power to hold the Council decision makers to account.*

To ensure that people know what we are doing in response to the petitions we receive, details of all the petitions submitted to us will be published on our website. Whenever possible we will publish all correspondence relating to the petition (all personal details will be removed).

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

E-petitions (not yet available)

The Council welcomes e-petitions which are creative and submitted through our website www.bolton.gov.uk. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and e-mail address. You will also need to decide how long you would like your petition to be open for signatories. Most petitions run for 6 months, but you can choose a shorter or longer time frame up to a maximum of 12 months.

When you create an e-petition it may take 5 working days before it is published on line. This is because we have to check that the contents of your petition is suitable before its made available for signature.

If we feel we cannot publish your petition for some reason, we will contact within this time to explain. You will be able to change and re-submit your petition if you wish. If you do not do this within 14 working days, a summary of the petition and the reasons why it was not being accepted would be published under the "rejected petitions section of the website".

When an e-petition has closed for signature you will receive an acknowledgement within 5 working days. Your petition will then be dealt with by the Council in the same way as a paper petition. A petition acknowledgement and response will be e-mailed to everyone who has signed the petition and has elected to receive this information. The acknowledgement and response will also be published on this website.

How do I sign an e-petition? (Not yet available)

When you sign an e-petition you will be asked to provide your name, your post code and valid e-mail address. When you have submitted this information you will be sent an e-mail to the e-mail address you have provided. This e-mail will include a link which you must click on in order to confirm the e-mail 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 it is referred to an Overview & Scrutiny Committee (excluding the Overview & Scrutiny Committee who may have heard evidence from a Director initially) to review the steps that the Council has taken in response to your petition.

The Overview & Scrutiny Committee will consider your request within 21 working days of receiving it. Should the Members feel that the Council has 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 Executive or Executive Member 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.

Is there anything else I can do to have my say?

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 that you can have your say including:-

- Contacting your local Councillor
- Attending Area Forums and asking questions
- Making a complaint using the Council's Complaint System