

Report to Constitution and Member Services Standing Scrutiny Panel

Date of meeting: 24 June 2010

Portfolio: Leader

Subject: Statutory Guidance on Duty to Respond to Petitions

Responsible Officer: Chris Overend (01992 564247)

Democratic Services Officer: Mark Jenkins (01992 564607)



Recommendations:

- (1) To note the main provisions of the Local Democracy, Economic Development and Construction Act 2009 and subsequent statutory guidance in respect of the duty to respond to petitions; and**
- (2) That a report be made to Council recommending the adoption of draft Petitions scheme set out at Appendix 2 subject to consequential amendments required as a result of changes made at the Panel meeting and the rescinding of the current scheme;**
- (3) That during the period up to 15 December 2010 or the formal introduction of the Council's e-Petitions system (whichever is sooner) the Council continue only to accept Paper based petitions;**
- (4) That members determine:
 - (a) the percentage threshold for a petition to trigger a debate at full Council;**
 - (b) the threshold for a petition to require a 'Senior Officer' to attend a meeting to give evidence on a matter and the scope of the meaning of 'Senior Officer';**
 - (c) the timing and method of periodic reviews of these thresholds by the Council; and**
 - (d) the arrangements for the involvement of partner bodies in the new scheme;****
- (5) That petitions containing more than 20 signatures and less than the preferred Council debate threshold be considered and dealt with by the relevant portfolio holder who may:
 - (a) take action if he or she has delegated powers to act alone;**
 - (b) refer the matter to the Cabinet or a Committee of the Cabinet for decision.****
- (6) That the Assistant to the Chief Executive commence work on the implementation of an e-Petitions scheme and provide a further report to the Panel on the proposed implementation prior to 15 December 2010;**

(7) That the Assistant to the Chief Executive report further on proposed consequential amendments to both the Council Procedure Rules and the Overview and Scrutiny Procedure Rules to enable the debates and review envisaged by the legislation;

(8) That the Assistant to the Chief Executive ensure that appropriate publicity is sought for the introduction of the scheme and at the appropriate time the e-Petition facility on the Council's website.

1. INTRODUCTION

1.1 The Local Democracy, Economic Development and Construction Act 2009 (2009 Act) contains requirements setting out how local authorities should respond to and deal with the receipt of petitions. Statutory guidance on the duty to respond was published in March 2010.

1.2 The new duty for local authorities to respond to petitions comes into force on 15 June 2010, with the e-petitions requirements coming into effect on 15 December 2010. This report sets out the main provisions as identified in the Act and subsequent guidance. It also identifies the issues Members need to consider when determining how the Council's current petitions scheme should be enhanced to reflect the new requirements.

2. HANDLING PETITIONS – SUMMARY OF REQUIREMENTS IN 2009 ACT

2.1 The 2009 Act requires all principal local authorities in England to establish a scheme for handling petitions made to the authority.

2.2 The scheme:

(a) must be approved by a meeting of the full Council before it comes into force;

(b) must be published on the principal local authority's website and by any other method appropriate for bringing it to the attention of those who live, work or study in its area;

(c) can be revised at any time but the revised scheme must be approved and publicised in the same way; and

(d) the authority must comply with its petition scheme.

2.3 The requirements for these petitions are:

(a) 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;

(b) a facility for making electronic petitions is provided by the local authority;

(c) petitions must be acknowledged within a time period specified by the local authority;

(d) among the many possible steps that the principal local authority may choose to take in response to a petition, the following 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

(e) 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% of the local population;

(f) petitions with a requisite level of support trigger a senior local government officer to give evidence at a meeting of the authority's Overview and Scrutiny Committee;

(g) petition organisers can prompt a review of the local authority's response if the response is felt to be inadequate.

2.4 The requirements listed above are the minimum set by the 2009 Act. Local authorities are being encouraged to consider designing a scheme which is wider than these requirements, for example, responding to petitions from those who do not live, work or study in the local area or e-petitions which are not made through the authority's own e-petition facility.

3. DESIGNING A PETITION SCHEME

3.1 Principal local authorities, when designing their petition scheme, are expected to:

- take into account local circumstances to ensure that the scheme is appropriate to their areas; for example, *the same thresholds set in a densely populated urban area may not be suitable for a rural authority, the same thresholds may not be appropriate for a ward-specific issue in comparison to one affecting a county;*
- ensure that the scheme is accessible to all, *for example, the e-petitions facility is compliant with web accessibility standards;*
- ensure that the process is easy for citizens to use; *for example, no previous knowledge of council procedure is needed to submit a petition, the scheme is written in Plain English, people know what they have to do to receive a response.*

3.2 In applying the 'no more than 5%' principle and determining whether a smaller percentage might be appropriate, there are a number of factors to consider. The population includes a large number of children and babies – unlikely to be signatories to a petition. It would, perhaps, be misleading to include these as part of the total when determining the percentage. At what age does an individual become a valid petitioner? Some issues are very local (e.g. the future of a village hall) and some might have district-wide implications (refuse collection arrangements, for instance). There are some issues which it could be said impact on individuals other than the District's residents e.g. road traffic measures, charges at leisure centres, tourist attractions.

4. DETERMINING RELEVANT MATTERS AND ACCEPTING PETITIONS

- 4.1 As community leaders and place-shapers, local authorities should have a key interest in issues which, although wider than the remit covered by their specific functions, affect the local area. Petitions are a valuable opportunity for local authorities to demonstrate strong leadership on issues of concern to the community.
- 4.2 It is essential for the Council to understand the action the petitioners seek. A scheme must seek to ensure that each petition contains a clear and concise statement covering the subject of the petition. For those submitted electronically, there will be a system in place to enable a dialogue between lead petitioner and officers to agree the wording that will be placed on the website.
- 4.3 The Act requires top tier authorities (Counties and Unitary Authorities) to respond to petitions which relate to the economic, social or environmental well-being of the area – in effect this means they must deal with petitions which relate to the functions of partner authorities. There is no specific mention of such a duty on District Councils. However, including a reference to the functions of partner bodies in the petitions scheme would illustrate the fact that the District Council is acting as an advocate for the local community and working with partners to resolve the issue. Under the proposed scheme it would be for the Portfolio Holder (or Council) to determine how the Council would respond which might include referral to another body or working with partners to find a solution.
- 4.4 Members are therefore asked for their views on whom they would regard as the key partners for the purposes of the petitions scheme and how to include them in the implementation of the new scheme. As a minimum it is suggested that they be consulted on the draft. However, their involvement can, and perhaps should go further than that. For instance the model scheme put forward by the Consultation Institute suggests the formal adoption/approval of the scheme by partners and the appointment by those partners of 'responding officers' as the main contact on petitions.

5. REJECTING PETITIONS

- 5.1 Local authorities should approach the petitions they receive positively and not assume that the motivation is one which is vexatious, abusive or otherwise inappropriate. However, where they consider that a petition does fall in one or more of these categories they do not have to follow the set procedure. They must, however, acknowledge the petition and explain why they will not be taking action. Our scheme should provide for this eventuality.
- 5.2 A request in a petition which goes against Council policy can be rejected. However, it must be made clear in the response to the petitioners the grounds for this.
- 5.3 Petitions made under other enactments should be dealt with according to the procedures set out in those enactments. In addition, because established processes already exist, the following matters are excluded from the scope of the petitions duty:
- (a) any matter relating to a 'planning decision';
 - (b) any matter relating to an alcohol, gambling or sex establishment licensing decision; (referred to in our scheme as a 'licensing decision')
 - (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of course to a review or right of appeal conferred by or under any enactment (for example Community Governance Reviews).
- 5.4 In addition our scheme proposes specific exclusions relating to members complaints

and complaints against employees, matters relating to current legal proceedings and petitions that seek to reintroduce a matter determined within the previous 12 months.

5.5 A local authority's response should be proportionate to the seriousness of the issue and the level of support contained in the petition. The Government encourages authorities to be innovative when considering their response to petitions, including considering any courses of action open to them that are specific to the subject of the petition.

5.6 It is also suggested in the guidance that the Authority should make arrangements for the periodic review of the scheme and its thresholds to ensure that they are still appropriate. The Panel are asked to consider how this might be achieved. One suggestion is that it could be built into the annual Constitutional sweep up by the Panel.

6. e-PETITIONS

6.1 The 2009 Act applies the same requirements to electronic petitions as to paper petitions, except for the following:

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

6.2 In relating these requirements to the proposed scheme, officers have sought to balance practical issues and making the system easy to use. It is proposed that the Council only accept e-Petitions made through the Council's own system. To extend the scheme to other petitioning sites such as gopetition.com (where a current petition seeks the introduction of a freedom pass in Epping Forest District) would not be practical. The Council could not track them or respond to them validly in accordance with the Governments guidance. Likewise emailing a list of names on a petition provides no real proof of community support for an issue. Signatories to an e-Petition will required to validate their signature using CAPTCHA technology widely used and accepted on the internet.

6.3 In deciding whether to host an e-Petition, officers will use the parameters of the scheme set out in section 3 and 4 of the scheme.

6.4 Officers are currently working with the supplier of the Committee Management Systems (CoMS) to implement an e-Petitions scheme in time for the December 2010 deadline. In the interim, however, it is recommended that paper petition submissions be dealt with in accordance with the new scheme and then extend it to e-Petitions once the implementation is completed. A further report will be made to members on the implementation timescales. It is thought that there will be no implementation costs save those associated with the administration of the scheme.

7. PETITION THRESHOLDS

7.1 Where a petition receives the required level of support (to be determined by members) it can trigger a Council debate. The Governments Guidance stipulates that

the scheme should specify the number of signatories (based upon a maximum of 5% of the population figure held by the Office of National Statistics (ONS)) that would automatically trigger such a debate. The table below gives an indication of the thresholds:

1%=1200
2%=2400
3%=3600
4%=4800
5%=6000

- 7.2 Local authorities are free to determine their own 'trigger' level requiring a debate of the full Council, subject to the threshold being set at no higher than 5%. However, it is suggested that 5% might be too high. The model schemes put forward by the Government indicates a threshold of 1% (say 1,200 in the Epping Forest District). Members are asked to determine what the threshold should be for triggering the requirement for a Council debate.
- 7.3 Under the 2009 Act (Section 18) the Authority can specify the distinction between correspondence supported by one or more people (that could be dealt with in the routine office procedures) and what constitutes a petition. It is suggested that the current threshold of 20 signatures should be maintained. Correspondence supported by less than 20 people would stand referred to the relevant Service Director for reply. Anything signed by 20 or more (and under the threshold for Council debate) will be dealt with by Portfolio Holder who will still have the opportunity of referring the matter if considered appropriate.

8. FULL COUNCIL DEBATES

- 8.1 Once support for a petition reaches the agreed threshold, the Council would be required to debate the matter. Petitioners should be offered the option of presenting their petition to the Council at the beginning of the debate. Local authorities should consider what other contribution the petitioners might make to the discussion e.g. answering questions put by Members. The principle behind a petition is the increased transparency of the local decision- making process. Therefore, the petition organiser should be informed in writing as to when the debate will be held and with sufficient notice to enable their attendance.
- 8.2 The debate should conclude with a decision taken by the full Council. This could be a decision to take action as requested, not to take the action proposed (for reasons put forward in the debate), or to 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 the final decision, the full Council should decide whether to make recommendations to inform that decision. The local authority should also consider what other steps they should take to ensure their response is adequate. A debate alone may not be considered a sufficient response to a petition with this level of support
- 8.3 Within this framework, further work needs to be undertaken by officers to fully develop changes required to the Council procedure rules to guide such a debate. Further report will be made to members on proposed consequential Constitutional changes.

9. SENIOR OFFICERS GIVING EVIDENCE

- 9.1 The scheme must allow for petitions to require the attendance by a senior member of staff which responsibility for delivery of the service in question to attend a meeting of the Authority in order to address the concerns expressed in a petition (possibly the Overview and Scrutiny Committee). This builds on the existing powers of Overview and Scrutiny, allowing those in the local community to make use of petitions to

influence the way that scrutiny takes place. Local authorities must determine which of their officers are able to be called to account in this way and include their details in the petition scheme. For petitions to have a meaningful impact, petitioners must be able to call on the most senior officers to attend meetings and give evidence.

- 9.2 As a minimum, therefore, petition schemes should provide for the Head of Paid Service (ie the Chief Executive) and the most senior officer responsible for the delivery of services, to be required to provide information on their activities at public meetings of Overview and Scrutiny Committees. The final decision on which officer should attend, and the questions to be asked of them, rests with the Overview and Scrutiny Committee. The Committee may also consider it appropriate to call the relevant elected member with responsibility for the service area in question, in addition to the appropriate senior officer. Our proposed scheme suggests that Senior Officer means Chief Executive, Deputy Chief Executive, Service Director or Assistant Service Director and that the threshold be set at 500 signatures.
- 9.3 The scrutiny undertaken, prompted by petitions, must be appropriate and fair to the officers involved. They must not be exposed to inappropriate public scrutiny of their private lives, nor to harassment or bullying.
- 9.4 After the relevant person has appeared before the Overview and Scrutiny Committee, that committee must make a report or recommendations to the authority and send a copy of that report and/or recommendations to the petition organiser. If appropriate the report should also be published on the authority's website.

10. PETITION REVIEWS

- 10.1 If a petition organiser is not satisfied with the way an authority has dealt with a petition, they have the power to ask an Overview and Scrutiny Committee to review that authority's response to the petition. The Overview and Scrutiny Committee will decide whether the steps that the authority took in response to the petition were adequate. The Committee will bear in mind the list of potential steps which could be used to respond to the petition (see 2.3 above). An adequate response is likely to be proportionate to the issue set out in the petition and the level of support the petition received.
- 10.2 One failing of the proposals is that, in some cases, the Overview and Scrutiny Committee may have had some involvement earlier in the process in either the development of Policy or in initially responding to a petition. Thus members may feel they are fettered in dealing with a review. A mechanism needs to be developed to enable the appointing of a 'fresh' committee to deal with such review requests if they have had previous dealing with the issue. Further work needs to be done to formulate changes that will be required to the Overview and Scrutiny Procedure Rules. One suggestion is the ability to set up a Task and Finish Panel to undertake such a review.
- 10.3 If, following the completion of the review, the Overview and Scrutiny Committee is of the opinion that the authority is seriously neglecting its responsibility to listen to local people it can arrange for the full Council to carry out the review function i.e. it can arrange for the authority's response to the petition to be discussed by the Council.

11. NEW EFDC PETITION SCHEME AND PUBLICITY

- 11.1 The District Council's petition scheme is in need of review and revision generally but particularly bearing in mind the provisions of the new Act and recent guidance. A copy of the existing scheme is attached as Appendix 1. A draft of how a new scheme might look, taking account of the revisions required, is attached as Appendix 2.
- 11.2 Details of the scheme must be published on the Council website. The current scheme is set out in the Constitution and the Constitution itself is available on the website.

However, the Council should make arrangements to widely publicise the scheme. Once a new scheme has been determined it will be necessary to give it prominence on the website.

- 11.3 It is suggested that for e-petitions the Council should guarantee a formal acknowledgement within 5 working days of its submission. For all other petitions a longer period would be suitable, say 10 working days. Members are asked to determine the appropriate number of days in each instance.
- 11.4 Members are asked to determine whether the scheme should provide for the consideration of issues relating to the functions of partner bodies and cross-authority matters, as well as petitions relating to the District Council's own functions.

EXISTING PETITIONS PROCEDURE

1. Definition

For the purposes of this note, a petition is any written request to the Council signed by 20 or more persons. Any communication signed by less than 20 persons shall be dealt with in accordance with Paragraph 2 as correspondence.

2. Correspondence Signed by Less than 20 Persons

Correspondence with fewer than 20 signatures shall be dealt with by the appropriate Service as ordinary correspondence, unless the Head of Service concerned is of the opinion that the subject matter is sufficiently important or contentious to warrant referring the matter to the appropriate Portfolio Holder.

3. Routine Matters

It is also recognised that in some instances, petitions will be received by Services which relate to routine matters and which can be satisfactorily answered at officer level. However the Head of Service concerned may consult with the Portfolio Holder or relevant Chairman if there is any doubt about the correct procedure to be followed.

4. Planning Matters

Petitions relating solely to planning applications shall be acknowledged immediately by the Head of Planning and Economic Development to the Organiser or first named petitioner, and a copy sent to the Chairman of the District Development Control Committee or Area Plans Sub-Committee, to which the application will be reported. The contents of the petition shall be reported to the appropriate Committee or Sub-Committee at the time the planning application is considered.

5. Procedure for Petitions

In the case of petitions (i.e. correspondence signed by 20 or more persons), these shall be referred in the first instance to Committee and Members' Services who shall:

- (a) acknowledge the petition to the organiser or first named signatory, and indicate a provisional timescale for a full reply asking him/her to inform the other petitioners accordingly;
- (b) send copies to the appropriate Cabinet Portfolio Holder, to ward councillors, appropriate Overview and Scrutiny Committee Chairmen and any other relevant members agreed with Portfolio Holder;
- (c) consult the appropriate Head of Service and the Cabinet Portfolio Holder about:
 - (i) the date by which a response is to be given;
 - (ii) whether there needs to be a meeting with petitioners and to set a date;
- (d) Committee and Members' Services will then communicate with the lead petitioner regarding any meeting arrangements and advise ward members and other relevant Councillors;
- (e) details of the petition will be included on the agenda for the next available Cabinet meeting but this requirement shall not delay action being taken on the petition.

6. The Cabinet Portfolio Holder may then decide (if necessary after a meeting as outlined above):

(a) take action if he or she has delegated powers to act alone;

(b) to refer the matter to the Cabinet or a Sub-Committee of the Cabinet for decision.

7. All decisions made by the Portfolio Holder shall be recorded in writing and signed in the format prescribed in the Key Decision Regulations and notified to the public, the lead petitioner and all members of the Council.

8. In cases where a petition is received after a decision has been made by the Council on any matter, the following steps shall be taken by the Head of Service:

(a) a letter of acknowledgement shall be sent, including a statement of the action already taken by the Council;

(b) in consultation with the appropriate Portfolio Holder, Committee or Sub-Committee Chairman a decision will be taken as to whether the petition raises new evidence requiring further consideration by the Portfolio Holder or Committee concerned;

(c) if it is decided that no new matters are raised by the petition, the petitioners shall be advised accordingly;

(d) if new matters are raised, the procedure set out in paragraphs 5, 6, 7 will then be followed.

Draft Petition Scheme – Epping Forest District Council

1. Introduction

Epping Forest District Council recognises the importance of petitions as a means of engaging more meaningfully with local communities, enabling the public to let us know about their concerns and as a mechanism for generating service improvements.

This Protocol sets out 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.

2. How to submit a petition

We accept paper based petitions, e-petitions or a mix of paper and e-petitions.

Paper petitions can be sent to:

Assistant to the Chief Executive
Epping Forest District Council
Civic Offices
High Street
Epping, Essex
CM16 4BZ

Or **e-Petitions** can be created, signed and submitted online by following this link to our e-petitions system [\[link\]](#)

All petitions sent or presented to the council will receive an acknowledgement from the council within **XX** working days of receipt. This acknowledgement will set out what we plan to do with the petition. 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.

3. Exceptions to Petitions

The following are examples of petitions that do not fall within the scope of this petitions scheme:

- (a) We do not accept emailed petitions as email systems are not secure. You must use either paper or our e-petitions system.
- (b) Petitions which are considered to be vexatious, abusive, anonymous or otherwise inappropriate will not be accepted. 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.
- (c) We do not accept Petitions relating to a planning decision; (as the Planning application process deals with objections to applications), including about a development plan document or the community infrastructure levy.
- (d) We do not accept Petitions relating to a licensing decision; (as the Licensing scheme deals with objections to applications)
- (e) We do not accept Petitions relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal.
- (f) Any matter for which the Standards Committee has powers for determining complaints

received under the Local Assessment process.

- (g) Any complaint made against an employee of the District Council.
- (h) Any matter which is substantially the same as a petition submitted in the previous 12 months.
- (i) Where the subject matter is subject to ongoing legal proceedings.

Where a petition submitted relates to one of the categories set out above the Council will write to the lead petitioner and explain why the matter is not covered by the authority's Petitions Scheme. In appropriate circumstances, the Council may advise how the public views can be considered via alternative means.

4. 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.
- 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.

5. Who can sign a petition?

Anyone who lives, works or studies in Epping Forest District can sign to support a petition including those under 18. The Council may ask for a valid email address and/or postcode if you sign an e-Petition on the Council's website. For paper petitions signatories must provide their signature, name and address.

6. What will the council do when it receives my petition?

If the Petition is submitted fully completed, an acknowledgement will be sent to the petition organiser within **XX** 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.

If the lead petitioner contacts the Council to start an e-Petition, then the Council and the Lead Petitioner will agree the period over which signatures will be collected and to agree the final wording of the petition. The petition will then be available to sign 'electronically' for the agreed period on the Council's website. On the expiration of that time, the Council will respond in accordance with Section 7 below.

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 **Senior Officer** giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place (see sections 8 and 9 below).

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

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. We will advise you if this is the case and on the correct procedure to be followed.

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.

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). 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]

7. How will the Council respond to petitions?

If your petition receives (XX)

Decision required: % trigger needs to be max 5%

1%=1200

2%=2400

3%=3600

4%=4800

5%=6000

Build in process of reviewing this figure periodically?

signatures or more it will also be scheduled for a council debate [link to section on Full Council Debates] and if this is the case we will let you know whether this will happen

Correspondence with fewer than 20 (needs to be determined) signatures shall normally be dealt with by the appropriate Service as ordinary correspondence, unless the Service Director concerned is of the opinion that the subject matter is sufficiently important or contentious to warrant referring the matter to the appropriate Portfolio Holder.

Petitions with less than XX same as Council threshold signatures will be considered and dealt with by the relevant portfolio holder who may:

- (a) take action if he or she has delegated powers to act alone;
- (b) refer the matter to the Cabinet or a Sub-Committee of the Cabinet for decision.

All decisions made by the Portfolio Holder will be recorded in writing and signed in the format prescribed in the Key Decision Regulations and notified to the public, the lead petitioner and all members of the Council.

In cases where a petition is received after a decision has been made by the Council on any matter, the following steps will be taken by the Service Director unless the petition meets the threshold for a Council debate:

- (a) a letter of acknowledgement shall be sent, including a statement of the action already

taken by the Council;

(b) in consultation with the appropriate Portfolio Holder, Committee or Sub-Committee Chairman a decision will be taken as to whether the petition raises new evidence requiring further consideration by the Portfolio Holder or Committee concerned;

(c) if it is decided that no new matters are raised by the petition, the petitioners shall be advised accordingly;

(d) if new matters are raised then the petition will be treated as new under this scheme.

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 the Council's Overview and Scrutiny Committee¹ or to the Cabinet² or a Cabinet Committee
- writing to the petition organiser setting out our views about the request in the petition

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 healthcare or transport) we will consider making representations on behalf of the community to the relevant body. Should a petition calling for support call for something that goes against stated Council policy, the District Council may choose to say 'no' to the request.

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 [\[link\]](#).

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.

8. Full council debates

If a petition contains more than **xx** signatures it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting.

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.

² The Cabinet is the part of the Council which is responsible for making most decisions. It is made up of 9 Councillors called Portfolio Holders including the Council's Leader. The Cabinet make decisions within current policy and budget set by the Council.

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 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 **NB need to change Council procedure rules.**

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 the Cabinet** or a relevant **Cabinet** committee.

Where the issue is one on which the council executive are required to make the final decision (**i.e within the financial and policy framework**), the 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.

9. Officer evidence

Your petition may ask for a **Senior Officer**³ 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 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 **500** signatures, the relevant **Senior Officer** will give evidence at a public meeting of the Council's Overview and Scrutiny Committee or if appropriate one of its Panels.

You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another 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 councillor to attend the meeting. 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 **[insert details]** up to three working days before the meeting. You will be informed when and where this meeting will take place.

10. E-petitions

The council accepts only e-petitions which are created and submitted through our website **[link]**. 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 and contact details. 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 6 months.

When you create an e-petition, it may take **xx** 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. Our reasons for not publishing a petition will be linked to the exceptions section above. 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

³ For the purpose of this Scheme Senior Officer means Chief Executive, Deputy Chief Executive, Service Director or Assistant Service Director. A schedule attached to this scheme contains a list of these officers who may be called to give evidence as a result of a petition.

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 [\[insert details\]](#). In the same way as a paper petition, you will receive an acknowledgement within [xx](#) working days.

11. How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here [\[insert link\]](#). 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.

12. 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 ([NB requires amendment to OS procedure rules](#)). 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, ([this provision may lead to the need to constitute a fresh OS Committee if they had previous dealing with the petition and felt conflicted by the review – OS rules would need to change to allow this to happen](#)) 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 or 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 5 working days. The results of the review will also be published on our website.