

**Report to: Constitution and Members
Services Scrutiny Standing Panel**

Date of meeting: 9 November 2010

Subject: Statutory Guidance on Duty to Respond
to Petitions

Officer contact for further information:

Chris Overend (01992 564247)

Committee Secretary: Mark Jenkins (01992 564607)



Recommendations/Decisions Required:

(1) That, having received the analysis of the various petitions received by the Council during the period 2005 – 2010 and benchmarking information in respect of other local authorities, 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 an Overview and Scrutiny meeting to give evidence on a matter and the scope of the meaning of 'Senior Officer';
- (c) whether separate thresholds should apply for 'local' issues and, if so, what the threshold levels should be, and
- (d) the timing and method of periodic reviews of the thresholds set by the Council.

(2) That, following this meeting, the decisions made under recommendation (1) above and those made at the last meeting, be incorporated in a petitions scheme for submission to the Overview & Scrutiny Committee and the Council, for adoption and incorporation in the Constitution.

Report:

1. INTRODUCTION:

1.1 At the meeting of the Panel on 24 June 2010, Members received a report setting out 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. Members noted, in particular, the requirement for the new scheme to be approved by the Full Council; publication on the Council's website; provision of a facility for making electronic petitions to be in place by 15 December 2010; the requirements for responding to petitions; involvement of partner organisations in the petitions process; and the trigger levels required for there to be a debate of the Full Council or for a senior local government officer to give evidence at a meeting of the authority's Overview and Scrutiny Committee.

1.2 In a letter of 24 September 2010, the Department of Communities and Local

Government advised local authorities that the statutory guidance was to be withdrawn, with local authorities to have more discretion on how to deal with petitions locally. Nonetheless the primary legislation, including the requirement to introduce a facility to make e-petitions, by 15 December 2010, remains in force. The indications are that local authorities will be paid for the new burden through the area based grants process this financial year.

2. TRIGGER LEVELS:

2.1 The Panel, at the 24 June meeting, approved a draft containing the elements referred to in 1.1 above to form the basis of the new scheme to be put forward for adoption by the Council. However, to be able to make a more informed decision about the trigger levels, which should be applied, Members asked for details to be made available of the types of issue referred to in petitions received, and the extent of the geographical area impacted on by different issues.

2.2. The schedule attached as Appendix A provides an analysis of the various petitions received by the Council from the 2005/06 Council year to date, in chronological sequence, categorised by type and the area which would be applicable, in determining the relevant % population trigger. It will be noted that some issues (such as anti-social behaviour at West Hatch School, smell of foul waste at The Matchings) are clearly locality specific. Other issues cut across a number of wards eg. Loughton Swimmers bookings, household waste collection in Waltham Abbey. There are those that impact on a District – wide basis (Caravan Site Licence Conditions) and some which affect other Districts as well – for instance, Over 60's travel concessions. The list is useful as a means of not only identifying the types of issue raised, but helping the would-be Responding Officer to determine the geographical area which could be used in applying trigger levels.

2.3 Appendix B is a schedule setting out information on population levels for various 'sample' local authority areas and the trigger levels set by the local authorities concerned in their newly agreed petitions schemes.

2.4 The schemes have been chosen on a random basis - in this instance the selection of a family group of authorities would have no more merit than this random selection, although it is recognised that the range of issues dealt with by a County Council (Essex County Council in this instance) is greater than that covered by Districts. As will be seen from this selection, there is a range of % trigger levels being used but it can be noted that many of the authorities set the trigger levels at or about 1% of the population in respect of the requirement for a Council debate and 0.5% for senior officer attendance at Overview and Scrutiny Committee. Both these figures are as per the model scheme provided as part of the statutory guidance. Members are reminded that the maximum trigger level which can be applied is 5%.

2.5 Few local authorities make specific reference to a separate trigger level being applied in respect of local issues. Most schemes are silent in that regard, presumably leaving it to the Responsible Officer as to what constitutes 'local'. One authority which does make reference to local issues, however, is Brentwood and a copy of the Brentwood Scheme is attached at Appendix C for information. This sets a threshold of 200 signatories for a Council debate in respect of local issues and 100 for a local issue to be referred to Overview and Scrutiny Committee with a senior officer required to be in

attendance.

2.6. The Petitions Scheme agreed by Essex County Council is attached, for information, at Appendix D.

3. MATTERS FOR DETERMINATION

3.1 Members are asked to determine the trigger thresholds to be applied in the District Council's Scheme. In the light of information available through the 'benchmarking' exercise comparing various new schemes recently approved by other local authorities as set out in Appendix B, it is suggested that reasonable % thresholds to be applied in the Epping Forest District would be 1% and 0.5% of the population (rounded down to the nearer hundred) for, respectively, items to be referred to Council and for a senior officer attendance at Overview and Scrutiny Committee. The latest figures indicate a population for the District in excess of 120,000 so the figures would be 1,200 and 600 respectively.

3.2. Some local authorities are making a specific reference, within their schemes, to the trigger levels which should apply to more local eg Ward or Parish issues. The figures of 200 (for items to be referred to Full Council) and 100 (requiring Officer attendance at Overview and Scrutiny Committee) used by Brentwood, are a case in point. However, the geographical nature of the Epping Forest District is such that, there are some local issues which might impact on several wards eg in Loughton and Waltham Abbey. Furthermore, setting a local (eg warden or parish) threshold may prove confusing. Including provision for a more local trigger level at this stage would involve additional costs and be difficult to achieve by the December 2010 deadline. It is therefore suggested that no trigger level be set for localised issues at this stage but that the impact of the new scheme, (with trigger levels of 1,200 and 600 requiring reference to council and senior office attendance respectively, along with information on the number of petitions on local levels and how they are dealt with) be reviewed after the new scheme has been in place for twelve months.

4. OTHER MATTERS

4.1 Members of the Panel are asked to refer to Minute 5 of the meeting held on 24 June 2010 for previous recommendations put forward on the new petitions procedure. These, together with decision made in response to this report, will be used to formulate a petitions scheme for approval by Overview and Scrutiny Committee and the Council.

Resource implications:

Minor costs associated with the introduction of the new petitions scheme.

Legal and Governance Implications:

The Local Democracy, Economic Development and Construction Act 2009 sets out new requirements for local authorities in terms of dealing with petitions. The proposals, as set out in this report, indicate the means by which the District Council will meet these requirements.

Consultation Undertaken:

Discussions with other local authorities regarding their new petitions schemes.

Background Papers:

Sample Petitions of other local authorities, Local Democracy, Economic Development and Construction Act 2009 and subsequent guidance on implementation of requirements on petitions.

Key Decision reference: (if required): N/A

PETITIONS – DIFFERENT ISSUES AND TRIGGER LEVELS**ANALYSIS OF PETITIONS RECEIVED 2005 – 2010****LOCALITY LEVEL**

DATE	DETAILS
27/5/2005	Anti-social behaviour – students at West Hatch
2/5/2006	Smell of foul waste – The Matchings
12/5/2006	Potentially Contaminated Land, The Windsors, Buckhurst Hill
23/5/2006	Land off Upshire Road, Waltham Abbey
8/1/2007	Policing – Limes Farm Estate
6/2/2009	Replacement windows – Parsonage Court, Loughton
11/11/2009	Fire Safety Issues – Torrington Drive, Loughton
24/2/2010	Resurfacing of car park, Woodreden Close, Roydon
31/3/2010	Resident's parking permits – Meadow Road, Loughton

WARD LEVEL

DATE	DETAILS
13/12/2006	Shop – Lower Queens Road, Buckhurst Hill
6/3/2007	Installation of Telephone Mast, Stonyshotts, Waltham Abbey
27/3/2007	Gas Main – Debden Broadway
15/1/2008	Siting of Bus Terminal – Vere Road, Loughton
31/1/2008	On-street Parking – Colson Road, Loughton
14/5/2008	Car parking – Lambourne End
21/10/2008	Saving Debden's Green Spaces
16/1/2009	Parking Problems – Centre Drive, Epping
21/7/2009	Stockpiling of wood – Birchwood Industrial Estate, Nazeing

CROSS WARD LEVEL

DATE	DETAILS
15/8/2006	Household Waste collection
27/2/2008	Request for Residents parking – Sycamore House, Buckhurst Hill
3/3/2008	Loughton Swimmers Bookings

GENERIC/DISTRICT WIDE

DATE	DETAILS
6/3/2006	Reduction in Household Refuse Collections
-/6/2009	Extension of Over 60's Underground Concession to Epping
5/11/2009	Free Travel – Underground for Pensioners
5/7/2010	Revised Standard Caravan Site Licence Conditions

COMPLETE LIST – CHRONOLOGICAL SEQUENCE

Date	Details	Applicable Area
27/5/2005	Anti-social behaviour – Students at West Hatch	Locality specific
6/3/2006	Reduction in Household Refuse Collections	District wide issue
2/5/2006	Smell of Foul Waste – The Matchings	Locality specific
12/5/2006	Potentially Contaminated Land, The Winsdors, Buckhurst Hill	Locality specific
23/5/2006	Land off Upshire Road, Waltham Abbey	Locality specific
15/8/2006	Household Waste Collection, Waltham Abbey	Waltham Abbey Wards
13/12/2006	Shop – Lower Queens Road, Buckhurst Hill	Ward Specific
8/1/2007	Policing – Limes Farm Estate	Locality specific
6/3/2007	Installation of Telephone Mast, Stonyshotts, Waltham Abbey	Ward specific
27/3/2007	Gas Main – Debden Broadway	Ward specific
1/11/2007	Holme Field Nursery, Nazeing	N/A – Planning Matter
15/1/2008	Siting of Bus Terminus – Vere Road, Loughton	Ward specific
31/1/2008	On-street Parking – Colson Rd, Loughton	Ward specific
27/2/2008	Request for residents Parking – Sycamore House, Buckhurst Hill	Town/Parish Specific
3/3/2008	Loughton Swimmers Bookings	Loughton Wards
14/5/2008	Car parking – Lambourne End	Ward specific
21/10/2008	Saving Debden's Green Spaces	Ward specific
16/1/2009	Parking Problems – Centre Drive, Epping	Ward specific
6/2/2009	Replacement Windows – Parsonage Court, Loughton	Locality specific
20/5/2009	Objectives – Opening Indian Restaurant, Buckhurst Hill	N/A Planning matter
-/6/2009	Extension of Over 60's Underground Concession to Epping (several different petitions)	District wide (but perhaps just pensioners)
21/7/2009	Stockpiling of wood – Birchwood Industrial Estate, Nazeing	Ward specific
5/11/2009	Free Travel – Underground for Pensioners	District wide (but perhaps just pensioners)
11/11/2009	Fire Safety Issues – Torrington Drive, Loughton	Locality specific
24/2/2010	Resurfacing of car park, Woodreden Close, Roydon	Locality specific
31/3/2010	Resident's parking permits – Meadow Road, Loughton	Locality specific
5/7/2010	Revised Standard Caravan Site Licence Conditions	District wide issues
2/8/2010	Alleged Noise Nuisance – Rectory Lane, Loughton	Ward specific
10/8/2010	Closure of Faversham Hall, Chigwell Row	Ward specific

APPENDIX B

Local Authority	Population	Trigger Level – Council Debate	Trigger Level Officer Attendance
Essex County Council	1,400,000	14,000 (1%)	2,000 (0.07%)
Aylesbury Vale	165,000	2,000 (1.2%)	1,000 (0.6%)
Basildon	125,000	5,000 (4%)	Not Stated
Brentwood	71,000	1,500 (2.1%)	500 (0.7%)
Cambridge	110,000	500 (0.45%)	50 (0.045%)
Chelmsford	157,000	1500 (1%)	750 (0.5%)
Colchester	181,000	1,800 (1%)	900 (0.5%)
East Herts	135,500	1,355 (1%)	677 (0.5%)
Eastleigh	54,000	5,000 (9.2%)	750 (1.3%)
Epsom & Ewell	72,400	1,500 (2%)	800 (1.1%)
St Albans	133,500	1,000 (0.7%)	500 (0.37%)
Stevenage	80,000	1,000 (1.2%)	500 (0.6%)
Watford	80,000	30 (0.00%)	30 (0.00%)
Wyre Forest	98,700	987 (1%)	493 (0.5%)

Brentwood Borough Council's Petitions Scheme

What is a petition

We treat as a petition any communication which is signed by or sent to us on behalf of a number of people.

For practical purposes, we normally set a requirement for at least 10 signatories or petitioners before we treat it as a petition. Whilst we like to hear from people who live, work or study in Brentwood, this is not a requirement and we would take equally seriously a petition from, for example, 10 visitors to the Borough on the subject of facilities at one of our visitor attractions.

Types of petition

There are five different types of petition, as set out below. How we deal with a petition depends on which type of petition you submit:

- Ordinary petitions

These are petitions which do not come within any of the following specific types. Please note that petitions which raise issues of possible Councillor misconduct will be taken as complaints arising under the Local Government Act 2000 and will be reported to the Standards Assessment Sub-Committee, rather than considered under this Petition Scheme.

- Consultation Petitions

These are petitions in response to an invitation from the authority for representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions or speed limits. Consultation petitions which are received by the response date in the consultation invitation will be reported to a public meeting of the person or body which will be taking the decision on the application or proposal.

- Statutory Petitions

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

- Petitions for Debate

If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 1,500 signatories or petitioners (this is reduced to 200 signatories or petitioners where the petition relates to a local issue, affecting no more than two electoral wards within the authority's area).

- Petitions to Hold an Officer to Account

If you want your petition to be considered at a meeting of an Overview & Scrutiny Committee, where an officers, identified either by name or by post title, will be required to answer questions on the conducts of a particular matter, your petition should contain at least 500 signatories or petitioners (this is reduced to 100 where the petition relates to a local issues, affecting no more than two electoral wards within the authority's area). The authority has determined that such petitions must relate to the Chief Executive, a Director or a Head of Service of the authority. Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to the Head of Human Resources in respect of the Chief Executive) and will be considered under the authority's Disciplinary Procedures, and not under this Petition Scheme.

How to give us your petition

1. 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.

Please send paper petitions to:

The Executive Director (Resources)
Brentwood Borough Council
The Town Hall
Brentwood
Essex
CM15 8AY

2. Petitions can also be presented by a Councillor at a meeting of the full Council. A calendar of meetings is available from Brentwood Borough Council on request or on the council's website www.brentwood.gov.uk. If you would like a Councillor to present your petition, please use the "Your Councillors" pages on the Council's website to find a Councillor's contact details. Also, a "Your Local Councillors" leaflet is available to at the Town Hall which includes all Councillors, their wards and their contact details as well as panel structures. Alternatively contact Leanna Watts or Jean Sharp on 01277 312655/312739 or democratic.services@brentwood.gov.uk. our Democratic Services Officers who will be able to provide you with the information you

need. Arrangements must be made by at least 7 working days before the meeting takes place.

What are the guidelines for submitting a petition?

3. Petitions must include:

- a clear and concise statement covering the subject of the petition
- a statement of what action the petitioners wish the Council to take
- the name and address (which may be where the signatory lives, works or studies) and the signature of any person supporting the petition

4. 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.

5. If the petition does not identify a petition organiser, we will contact the first signatory to the petition to agree who should act as the petition organiser. 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 explain the reasons.

What will the Council do when it receives my petition?

6. 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.

7. If we can do what your petition asks, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition needs more investigation, we will tell you the steps we plan to take.

8. 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.

- What happens to a Consultation Petition?

Consultations petitions are submitted in response to an invitation from the Council to submit representation on a particular proposal or application such as a planning or licensing application or a proposed traffic regulation order.

The petition will be reported to person or body who will take the decision on the proposal or application at the meeting when they are to take the decision on that application or proposal. The Council's Constitution defines who will take different types of decision, as set out in the Scheme of Delegations and the terms of Reference of Committees and Sub-Committees. However, all

planning and licensing applications are determined by the Planning Development Control and Licensing Committee (with one exception) and traffic regulation orders are determined by the Highways Panel. The one exception in respect of planning applications is that the Head of Planning and Regulatory Services has delegated power to determine domestic planning applications where no objection has been received. So, where a petition has been received objecting to the grant of planning permission, the application would be reported to the Planning Development Control and Licensing Committee for decision. Where the petition supports the planning application, it may be determined by the Head of Planning.

Where the petition relates to a matter which is within the delegated power of an officer, the officer will not exercise those delegated powers but will automatically refer the matter up to the relevant Committee, Panel or Board for decision.

Where the petition relates to a matter which is within the delegated powers of a Chairman, s/he may decide not to exercise those delegated powers but to refer the matter to Council for decision.

At the meeting, when the matter to which the petition relates is considered:

Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting, and will be considered in the order in which they were received, unless the Chairperson at the meeting determines otherwise. A maximum of 30 minutes will be allowed at each meeting for considering such petitions and any petitions not reached in the time allowed will be referred to the relevant Panel for consideration or deferred until the next meeting.

Any petitions relevant to particular items of business, such as petitions relating to planning applications or proposed traffic regulation orders, will be taken together with that item of business, in the normal order of business.

The decision-taker or the Chairman of the meeting may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address him/her for up to three minutes. The Chairman may then ask questions of the petition organiser, and will then invite any relevant Ward Councillors present to address him/her on the matter for up to three minutes (each). The Chairman will then invite a relevant Officer(s) to advise him/her/the meeting, after which the matter will be open for debate among members of the decision-making body. Where the matter is to be determined by a Chairman, s/he will take a decision on the matter. That decision may be a determination of the matter, or may be a decision to refer the matter for investigation and report back or to refer it up to a meeting of Council or a Committee of the Council for determination.

Within five working days of the consideration of the petition by the relevant Chairman, the Council will notify the petition organiser of the Chairman's

decision and advise him/her that if s/he is not satisfied with that decision, s/he may require the matter to be reported to the next convenient meeting of the appropriate Overview & Scrutiny Committee for review

At each stage, the Council will enter the relevant information on the website at the same time as it is sent to the petition organiser.

Appeal to an Overview & Scrutiny Committee

If the petition organiser is not satisfied with the outcome of the authority's consideration of his/her petition, he/she may appeal to an Overview & Scrutiny Committee by notifying the Council of his/her intention to appeal within 20 working days of being notified of the authority's decision on the petition.

Within five working days of receipt of intention to appeal, the Council will determine which is the relevant Overview & Scrutiny Committee and will notify the petition organiser of the time, date and place of the next convenient meeting of that Overview & Scrutiny Committee and will invite the petition organiser to attend the meeting and to address the Committee for up to three minutes on why he considers that the authority's decision on the petition is inadequate.

At that meeting, the Overview & Scrutiny Committee will invite the petition organiser and Ward Councillors to make their representations and to explain why s/he considers that the Panel's response was insufficient.

How will the Council respond to petitions?

9. 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 meeting with petitioners
 - writing to the petition organiser setting out our views about the request in the petition

10. If your petition is about something over which the Council has no direct control (for example, the local railway station or hospital), we may make representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible, we 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 should conflict with Council policy), then we will set out the reasons for this to you.

11. 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.

Officer evidence

12. 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 members to enable them to make a particular decision.

What can I do if I feel my petition has not been dealt with properly?

13. If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's relevant overview and scrutiny committee review the steps that the Council has taken in response to your petition.
14. The Committee will consider your request within 30 days of receiving it. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter.
15. Once your request has been considered, the petition organiser will be informed of the results within seven days.

This scheme is subject to review by the Council.

Petitions which will not be reported

- Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

- Repeat Petitions

Where a petition will not normally be considered where they are received within six months of another petition being considered by the authority on the same matter.

- Rejected Petitions

Petitions will not be reported if in the opinion of the Council, they are rude, offensive, defamatory, scurrilous or time-wasting, or do not relate to something which is the responsibility of the authority, or over which the authority has some influence.

Accessing this information in other formats

Please contact us if you would a copy of this scheme (or other documents relating to petitions) in a particular format suited to your needs e.g. large print - contact the Council (see below for details). We are pleased to discuss arrangements which will make accessing or understanding our information easier for you, so do get in contact with us.

Contact details for Brentwood Borough Council

Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
CM15 8AY

Email: enquiries@brentwood.gov.uk
Telephone: 01277 312500
Fax: 01277 312743
Minicom: 01277 312890

ESSEX COUNTY COUNCIL PETITIONS POLICY

Background

The Local Democracy, Economic Development and Construction Act, 2009 (hereafter referred to as 'the 2009 Act') received Royal Assent in November 2009. Local Authorities have a new statutory duty under Part 1, Chapter 2 of the 2009 Act, to have a scheme for handling petitions. This Scheme must be approved by Full Council and publicised on the Council's website.

Consultation took place between 2 December 2009 and 24 February 2010, and statutory guidance was published on 30 March 2010. The core elements of the petitions duty came into force on 15 June 2010 with a further requirement to provide facilities for e-petitions coming into force on 15 December 2010. Once published the Council must comply with the petitions scheme and can revise it at any time by taking the steps set out in Section 11 of the 2009 Act.

The Petition Scheme

Section 12 of the 2009 Act sets out the types of petitions the petition scheme must apply. These are petitions which:

- request the authority to take action or to cease taking an action
- are signed by at least the number of people specified in the petition scheme (see below)
- are not made under, or in accordance with, any other enactment
- if made in electronic form, are made using the Council's e-petitions facility.

The 2009 Act requires the petition scheme to define three categories of petition, and set a minimum number of signatures for each type. A maximum threshold of 5% of the total population is stipulated in the statutory guidance. The Council is given flexibility to set the threshold number of signatures as high or low as it wishes, and to determine how such petitions are dealt with.

The Council welcomes petitions and recognises they are one way in which people can let us know of their concerns. All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. Such acknowledgement will set out what the Council plans to do with the petition.

The Council will take account of the signatures of people who provide valid addresses where they live, work or study within the administrative boundaries of the County, but the Council reserves the right to take account of signatures of people who do not supply such information if it is appropriate to do so.

Paper petitions can be sent to:

Governance Team
Essex County Council
County Hall
Market Road
Chelmsford, CM1 1QH

From December 2010 people will be able to create, sign and submit electronic petitions, we would refer you to the E-petitions section for further information.

Petitions not covered by this scheme

The following petitions are not covered by this scheme:

- those that the Governance Team consider to be rude, offensive, defamatory, scurrilous or vexatious
- petitions made under any enactment other than the 2009 Act
- petitions about issues for which this Council is not responsible or cannot influence
- petitions relating to any individual or the personal circumstances of individual Councillors or employees of the Council.

If the Council decides that a petition does not fall within this scheme, the petitioner will be informed and an explanation why it has not been accepted will be provided.

Additionally, a petition will not normally be considered if it is received within six months of another petition on the same matter. However, if two or more petitions on the same subject are received at the same time, each will be treated as a separate petition.

Guidelines for submitting a petition

The Council will accept a petition if it is signed by the required number of people who live, work or study within the administrative boundaries of the County. The minimum age of a petition signatory is designated as 12 years of age.

A petition to the Council must include:

- a clear, concise statement covering the subject of the petition
- a statement explaining what action the petitioners wish the Council to take
- the name, address and signature of any person supporting the petition.

The contact details of the petitioner must accompany the petition. It is this person who we will contact to explain how we will respond to the petition. These contact details will not be placed on the Council's website. If the petition does not identify a petition organiser, we will contact the first signatory to the petition to agree who should act as the petitioner.

If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. If this were to be the case, the petitioner will be informed and

an explanation why it has not been processed will be provided.

The Council strongly recommends that prior to submitting a petition the petitioner should first check with their local Councillor:

(<http://www.essexcc.gov.uk/vip8/ecc/ECCWebsite/dis/guc.jsp?channelOid=14341&guideOid=14337&guideContentOid=14336>) or with the Council, to ascertain whether the Council is already acting on the concerns, including any expressed within a similar petition. If you are unsure who your local county councillor is then please check on the Council website. The petitioner should also ascertain that the County Council is the most appropriate body to receive the petition.

If the Council receives a petition which relates to the jurisdiction of another legislative body (such as a Primary Care Trust, or a District/Borough Council) the lead petitioner will be contacted and advised to submit the petition to the more appropriate body.

What will the Council do with received petitions?

All petitions received by the Council will be logged by the Governance Team and they will take responsibility for acknowledging receipt, co-ordinating a response, publishing details on the website and monitoring progress of the petition through to its conclusion.

Within 10 working days of the receipt of a petition an acknowledgement will be sent to the petitioner. It will let them know what we plan to do with the petition and when they can expect to hear from the Council again. The petition will also be published on the Council website.

If the Council is able to action the petitioners wishes, the acknowledgement may set out what action has been taken and that the petition has been closed.

If the petition has enough signatures (see below) to trigger a full Council debate, or to call a senior officer to give evidence at a Policy and Scrutiny Committee, then the acknowledgement will confirm this and inform the petitioner of the date and venue the meeting will take place.

If the petition needs further investigation, the Council will inform the petitioner the steps the Council intends to take. If the petition refers to a specifically local issue, then the petition will be placed on the relevant Area Forum agenda.

To ensure that people know what we are doing in response to the petitions any correspondence and accompanying documentation will be published on the County website. There may be circumstances where it would be inappropriate to publish a petition, and in these cases the Council reserves the right not to do so. When e-petitioning goes live the information can be received via e-mail if required. Only information relevant to the e-petition will be sent in this way.

How will the Council respond to petitions?

The Council's response to a petition will depend on what the petition asks for and how many signatures it has, 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 to a Policy and Scrutiny Committee, with a senior officer/Cabinet Member held to account
- referring the petition to an Area Forum
- writing to the petition organiser setting out the view of the Council about the request in the petition.

If a petition relates to something over which the Council has no direct control an acknowledgement of receipt will still be sent to the petitioner. However, the acknowledgement will inform the petitioner that they should re-direct the petition to the body responsible. More information on the services for which the Council is responsible can be found at: www.essex.gov.uk .

Every effort will be taken, where appropriate, to consider the petition at the next available meeting of the Council or relevant Policy and Scrutiny Committee, but there may be circumstances where this is not possible. In such circumstances, consideration will take place at the following meeting.

Petitions

A low threshold is suggested as these are likely to be about issues related to a specific locality. The threshold for such petitions will reflect the minimum number of signatures the Council will consider constitutes a petition. The Council has set this threshold at a minimum of **10** signatures.

Full Council debates

The Council highly values the opinion of its citizens and has therefore chosen to set the thresholds considerably lower than the 5% of the population suggested by the Secretary of State.

If a petition contains more than **14,000** signatures (approximately 1% of the Essex population) it will be debated by Full Council, unless it is a petition calling for a senior Council officer/Cabinet Member to give evidence at a public meeting¹, in which case the threshold of 2,000 signatories will apply (see below).

This means that the issue raised in the petition will be discussed in public 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. The Council may decide to take the action the petition requests, not to take

¹ A public meeting, in this instance, is designated as any of the Policy and Scrutiny Committees of the County Council or any of the Area Forums of the County Council

the action requested for reasons put forward during the debate, or to commission further investigation into the matter, for example by referring the matter to a relevant committee. The petitioner will receive written confirmation of any decision. The decision will also be published on the Council's website.

A petition with between 10,000 and 13,999 signatures on a County-wide issue will be forwarded to the relevant Cabinet Member who will provide a written response to the petitioner.

Officer/Cabinet Member evidence at Policy and Scrutiny Committees

If the petition requests a senior Council officer/Cabinet Member to give evidence at a public meeting about something for which the officer is responsible and is supported by at least **2,000** signatures then the relevant officer will give evidence at a public meeting of the appropriate Policy and Scrutiny Committee. The senior employees who can be called to give evidence are:

- Cabinet Members
- Chief Executive; Deputy Chief Executive and Commissioning Director, Adult Social Services; Executive Director, Commercial Services; Director, Customer Services; Executive Director, Environment, Sustainability and Highways; Director for Finance; Chief Information Officer; Director, People and Transformation; Assistant Chief Executive, Policy, Community Planning and Regeneration; Executive Director, Schools, Children and Families; and the County Monitoring Officer
- Any Deputies who report directly to the above officers.

Petitioners should be aware that the appropriate Policy and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of the one named in the petition – for instance if the named officer has changed jobs. The petition organiser will be given five minutes to present the petition at the meeting, and the petition will then be discussed by Committee Members for a maximum of 15 minutes. Committee Members will ask the questions at this meeting, but the petitioner will be able to suggest questions to the Committee Chairman by contacting the Designated Scrutiny Officer up to five working days prior to the meeting.

Area Forums

The most likely destination for the receipt of petitions is the Council Area Forums, as many issues will be local in nature. If after due consideration the Council refers the petition to an Area Forum the petition organiser will be given five minutes to present the petition at the Area Forum meeting, and the petition will then be discussed by Councillors for a maximum of 15 minutes.

Where the Council consider it appropriate to do so (e.g. the matter raised in the petition is locality based) the Area Forum will discuss the petition falling within the threshold of discussion by a Policy and Scrutiny Committee. The Council will contact the petitioner with the reason the petition will be received by the Area Forum.

The table below denotes the Area Forum which a petition related to a specific locality

would be discussed.

Area Forum	District
East Area Forum	Colchester, Tendring
Mid Area Forum	Braintree, Chelmsford, Maldon
South Area Forum	Basildon, Castle Point, Rochford
West Area Form	Brentwood, Epping Forest, Harlow, Uttlesford

Therefore, if a petition relates to a locality matter within the administrative district of Braintree it would, ordinarily, be referred to the Mid Area Forum etc. The petitioner will be advised if the petition is to be referred to an alternative Forum, and the reasons why.

Disclaimer regarding Signature Thresholds

The Council reserves the right to amend any of the above thresholds, and will publish any such amendments, with immediate effect, on the website.

E-petitions

An e-petitions scheme will be in place by December 2010. It will be possible to create and submit petitions through the Council's website using our hosted e-petitions [Committee Management System](#).

E-petitions must follow the same guidelines as paper petitions, and set out within this policy. The petitioner will need to provide us with their name, postal address and email address. The petitioner will need to decide how long they would like the petition to be open for signatures. Most petitions would run for six months, but a shorter or longer timeframe can be requested, up to a maximum of 12 months.

Once created it may take up to five working days before the e-petition is published online, in order to check the suitability and content of the petition prior to it being made available for signature. If the Council feels it cannot publish the petition for some reason, the petitioner will be contacted within this time and provided with an explanation. The petition could then be changed and resubmitted for publication. If the petitioner does not resubmit within 10 working days, a summary of the petition and the reasons as to why it has not been accepted for publication will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signatures, it will automatically be submitted to the Governance Team in the same way as a paper petition. The petitioner will be sent an acknowledgement within 10 working days.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and who has elected to receive this information. The acknowledgement and response will also be published on the website.

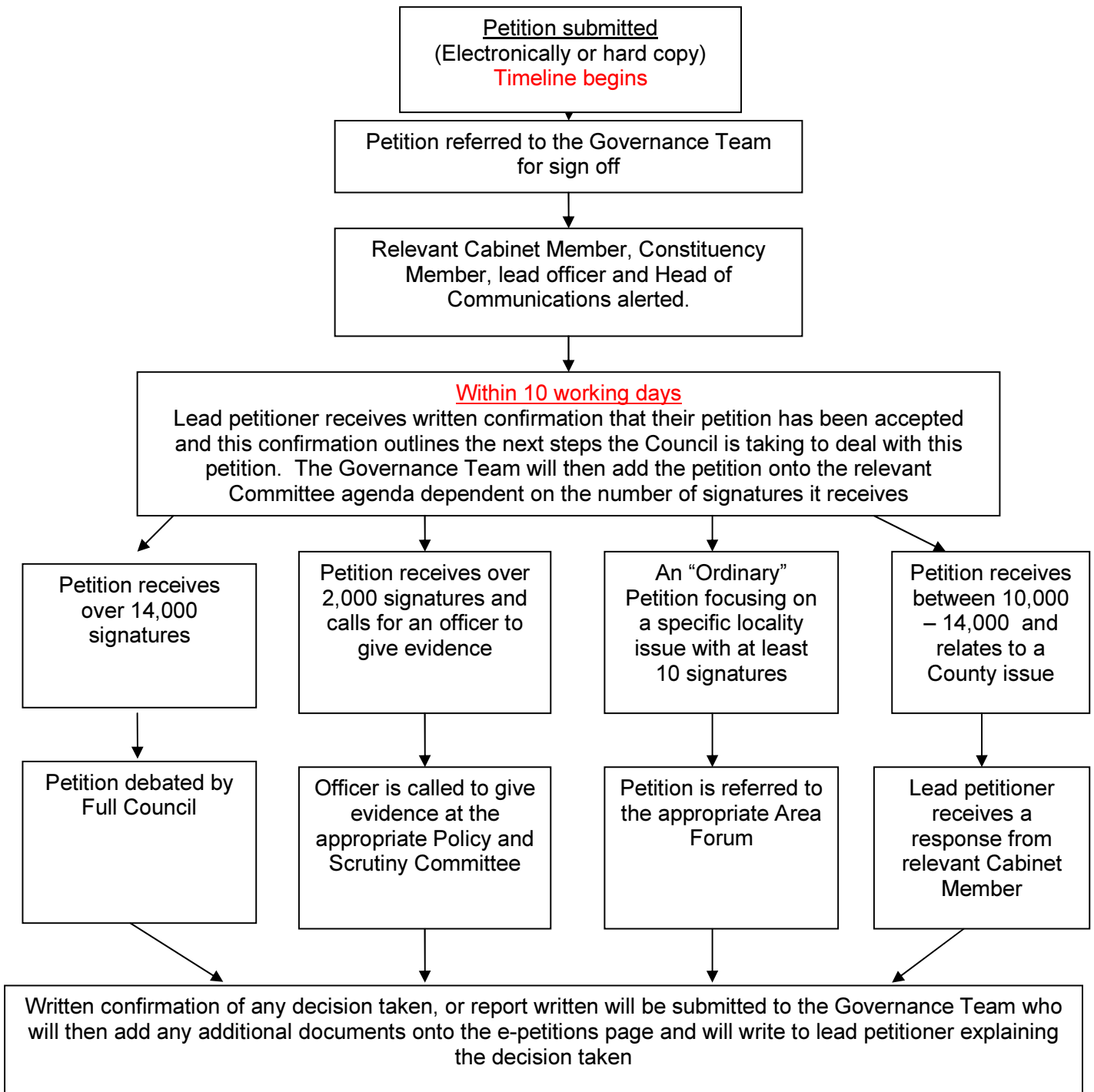
Details of how to sign an e-petition, and the signature thresholds for these will be given on the Council website when it is possible to create and submit them from December 2010.

What the petitioner can do if they feel their petition has not been dealt with in accord with this policy

If the petitioner feels that their petition has not been dealt with properly, they have the right to request that the appropriate Policy and Scrutiny Committee reviews the steps that the Council has taken in response to their petition. This request will be considered within 30 working days of receiving it. Should it be determined that the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. This may include, amongst other things, instigating an investigation, making recommendations to the Cabinet, or arranging for the matter to be dealt with at Full Council. Once the appeal has been considered the petitioner will be informed of the results within seven working days. The results of any such review will also be published to the website.

Joanna Killian
Chief Executive, Essex County Council
July 2010

Petitions Process



Petitions Flowchart

