

Report for Resolution

Report to Council
30 November 2010

Report of Head of legal and democratic services

Subject Petitions scheme

9

Purpose

To consider the requirements of the Local Democracy, Economic Development and Construction Act, 2009 relating to petitions.

Recommendations

To adopt the revised petition scheme and amend the constitution accordingly.

Financial & Legal Consequences

Local authorities will each receive a grant for 2010/11. This amount will vary by local authority dependent on the size of the local population. We received £3712 in October, and are due to receive £532 monthly from November to March, making a total of £6732. It is expected, but not clear at this stage, that funding for future years will be incorporated into the revenue support grant.

Costs may arise from increased work for council officers, time at council meetings and the scrutiny committee.

Risk Assessment

Failure to agree a new petitions scheme would mean that the council was not fulfilling its statutory duty

Strategic Objective/Service Priorities

The report helps to meet the strategic priorities of a “strong and prosperous city”, “safe and healthy neighbourhoods” and “aiming for excellence”.

Executive Member: Steve Morphew

Ward: All

Contact Officers

Andy Emms
Phil Hyde

01603 212459
01603 212440

Background Documents; Chapter 2 of the Local Democracy, Economic Development and Construction Act 2009.

Report

Background

1. In a 2008 survey of all local authorities the Department for Communities and Local Government (CLG) found that only one in five councils make details about how to submit a petition publicly available. However, Norwich City Council has had provision in appendix 1 of its constitution since it came into force following the Local Government Act, 2000. This has been available to the public and publicised via the council's web-site.
2. The executive received a report on 27 January, 2010 on the Local Democracy, Economic Development and Construction Act, 2009 (LDEDCA) which requires local authorities to implement a scheme for petitions, including e-petitions.
3. Guidance was subsequently issued regarding the implementation of a new scheme. However, following the general election the new government indicated that this guidance was withdrawn.
4. The advice from the CLG is that local authorities are bound to comply with the minimum requirements of the statutory duty, including publishing a revised scheme and having an e-petitions facility by 15 December, 2010. However in considering how the council approaches the petitions requirements, including arrangements to set up an e-petition facility, regard should be paid to both the government's commitment to remove unnecessary prescription for local authorities and the priority of cutting out all wasteful spending.

Requirements of the 2009 Act

5. The council's petitions scheme will need to accommodate the following requirements:-
 - The petition must relate to a function of the council
 - Anyone who lives, works or studies in Norwich must be able to sign or organise a petition and trigger a response
 - A facility for making electronic petitions must be provided

Discussions are being held with providers of e-petitions facilities.

The government has already provided funding for this.
 - Petitions must be acknowledged within a specified time period
 - Among the possible steps that the council may choose to take in response to a petition, the following possible stages must be included in the scheme:
 - a) taking the action requested in the petition
 - b) considering the petition at a meeting of the council

- c) holding an inquiry
 - d) holding a public meeting
 - e) commissioning research
 - f) a written response to the petition organiser setting out the council's views
 - g) referring the petition to the scrutiny committee
- petitions with a significant level of support trigger a full debate at a council meeting (this level is set by each local authority and the proposal for Norwich is 1500)
 - petitions with a requisite level of support, set by the local authority, trigger a senior officer to give evidence at a meeting of the scrutiny committee (this level is set by each local authority and the proposal for Norwich is 750)

The 2009 Act requires that it must be a relevant officer as specified in the scheme – this must include the head of paid services and statutory and non statutory chief officers.

The final decision on which officer(s) should attend and the questions to be asked would rest with the scrutiny committee. The committee may also consider it appropriate to ask the relevant cabinet portfolio member to be in attendance to deal with questions, in addition to the appropriate senior officer.

- petition organisers can prompt a review of the council's response by scrutiny committee if the response is considered to be inadequate.

Draft Petitions Scheme

6. The revised petitions scheme is attached.
7. Although not required by legislation, the draft scheme proposes leaving in the current provision for a (hard copy) petition that achieves 50 signatures to be presented to the relevant council meeting and a portfolio holder/chairs response given.
8. Once published the council must comply with its petition scheme but can revise it at any time.

Norwich City Council – Petition Scheme

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.

All petitions sent or presented to the council will receive an acknowledgement from the council within 10 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, and it relates to a function of the council.

Paper petitions can be sent to:

**Democratic services manager
Norwich city council
City Hall
Norwich
NR2 1NH**

Or be created, signed and submitted online (see e-petitions below)

What are the guidelines for submitting a petition?

Petitions submitted to the council must relate to a function of the council

Petitions 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 who lives, works or studies in Norwich.

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 council's 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.

If the petition is a statutory petition (for example requesting a referendum on having an elected mayor), or relates to a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply.

Petitions will not be accepted that relate to a planning, licensing or similar application.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election (known as purdah period) or a 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.

If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we take the action the petition asks for, the acknowledgement may confirm that we have already, or intend to, take the action requested and the petition will be closed.

If the petition has enough signatures to trigger a portfolio holder response, 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. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition does not contain enough signatures to trigger a council debate or a senior officer giving evidence then the acknowledgement will tell you this and will explain when you can expect to receive a response from us.

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.

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's scrutiny committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*Scrutiny committee is a committee of councillors responsible for scrutinising the work of the council – in other words, the scrutiny committee has the power to hold the council's decision makers to account.

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 that a different council or body 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.

Portfolio holder response

If a petition is a hard copy (ie not an e-petition) and it contains 50 or more signatures it can be presented to council, or the most appropriate committee. The petition organiser will be given 5 minutes to present the petition at the meeting and the relevant portfolio holder, or committee chair, will respond.

If you would like to present your petition to the council or another committee, or would like your councillor or someone else to present it on your behalf, please contact Democratic Services on 01603 212459 least 10 working days before the meeting and they will talk you through the process.

Full council debates

If a petition contains more than 1500 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.

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 5 minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 25 minutes.

The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council cabinet is required to make the final decision, 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.

Officer evidence

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.

If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the council's scrutiny committee. You should be aware that the scrutiny committee might 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 also be able to ask a question and be able to suggest questions to the chair of the committee by contacting the Senior Committee Officer on 01603 212029 up to three working days before the meeting.

E-petitions

The council welcomes e-petitions which are created and submitted through our website. 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. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five 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. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to the democratic services officer. In the same way as a paper petition, you will receive an acknowledgement within 10 working days.

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

How do I 'sign' an e-petition?

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.

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 scrutiny committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at 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 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