

Subject: Petitions Scheme: Scheme for Handling Petitions made to the Authority

Status: For Publication

Report to: Policy Overview and Scrutiny Council

Date: 15th June 2010
1st July 2010

Report of: Director of Business

Portfolio

Holder: Finance and Resources

Key Decision: Yes

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

1.1 To adopt a scheme for the Duty to Respond to Petitions as required by the Local Democracy, Economic Development and Construction Act 2009.

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities:-

- Delivering quality Services to our customers
- Delivering regeneration across the Borough
- Encouraging healthy and respectful communities
- Keeping our Borough clean, green and safe
- Promoting the Borough
- Providing value for money services

3. RISK ASSESSMENT IMPLICATIONS

3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- The duty to implement a Petitions Scheme is a statutory requirement from 15th June 2010 and there will be a statutory requirement for an e-petitions facility from 15th December 2010.

4. BACKGROUND AND OPTIONS

4.1 Petitions Schemes are a requirement of the Local Democracy, Economic Development and Construction Act 2009. Authorities must provide a mechanism for making petitions and publish their petition scheme.

4.2 The Act details the statutory minimum requirements of the Petitions Scheme:

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

4.3 The Local Authorities (Petitions) (England) Order 2010 stipulates that the maximum threshold for petition signatures is 5% of the population, however the guidance recommends local authorities to set a lower threshold to encourage participation.

If it is considered the threshold is set too high the Secretary of State has the power to direct authorities to amend their petition schemes.

To ensure that the threshold is not set too high the Petitions Scheme has a mid-way threshold of 2.5% with a recommendation for Overview and Scrutiny to review the Scheme within 12 months.

- 4.4 The Listening to Communities guidance encourages local authorities to consider responding to all the petitions it receives. In response to this, and in order to encourage civic and democratic participation, it is recommended that all petitions be responded to by the Council. This includes responding to petitions from those who do not live, work or study in the local area, petitions which do not qualify and petitions which are not made through the authorities own petition facility.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

- 5.1 There are no material financial implications.

6. MONITORING OFFICER

- 6.1 Included within the report.

7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 There are no human resource implications.

8. CONCLUSION

- 8.1 The purpose of the scheme is to reconnect people with public and political decision-making, and to assist people in influencing decisions that affect their local area. This one of the National Indicator targets NI4 (percentage of people who feel they can influence decisions in their locality). Signing a petition is one way for citizens to express their concerns and priorities to their local authority. The Citizenship Survey 2007 shows that petitions are the most popular and recognised form of civic action/participation.

9. RECOMMENDATION(S)

- 9.1 That members approve the Petitions Scheme and all future minor amendments be delegated to the Director of Business in consultation with the Portfolio Holder.
- 9.2 That a review of the Petitions Scheme be undertaken by Overview and Scrutiny within 12 months of the scheme being implemented.
- 9.3 That members consider the additional recommendations made by the Policy Scrutiny Committee at 10.2 of this report.

10. CONSULTATION CARRIED OUT

10.1 Portfolio Holders, Overview and Scrutiny and Director of Business/ Monitoring Officer.

10.2 Policy Overview and Scrutiny considered the scheme on 15th June and made the following additional recommendations to Council:

- A guidance leaflet be produced to explain the Petitions process to members of the public.
- A template design for Petitions be set up indicating that signatures will be verified.
- A need for flexibility over the number of signatures and timescales for petitions.
- To ensure that a response is sent to paper based Petition Organisers.

11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required Yes

Is a Community Impact Assessment attached Yes

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

Contact Officer	
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Position	Committee and Member Services Manager
Service / Team	Committee and Member Services
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Background Papers	
Document	Place of Inspection
Listening to communities: Statutory guidance on the duty to respond to petitions	http://www.communities.gov.uk/documents/communities/pdf/1524975.pdf
Local Democracy, Economic Development and Construction Act 2009	http://www.opsi.gov.uk/acts/acts2009/ukpga_20090020_en_1

COMMUNITY IMPACT ASSESSMENT INITIAL SCREENING FORM

Name of Community Impact Assessment (the policy, decision, strategy, programme, procedure, action plan, function or service etc.):	Petitions Scheme: Scheme for Handling Petitions made to the Authority	
Officer Name(s):	Carolyn Sharples	
Job Title & Location:	Committee and Member Services Manager, Futures Park	
Service Area/ Team:	Committee and Member Services	
Telephone & Email Contact:	01706 252422 / carolynsharples@rossendalebc.gov.uk	
Date Assessment:	Commenced: 14/04/2010	Completed: 14/04/2010

Is the policy² or decision under review (please tick)

New/Proposed

Modified/adapted

Existing

1. Scope of the Community Impact Assessment
The Petitions Scheme outlines how residents can submit petitions to the Council and how the Council will deal with them and respond.
2. Aims & Objectives – summaries the main aims/objectives of the policy, decision, strategy, action plan, project or procedure (please refer to CIA Guidance for details)
To adopt a scheme for the Duty to Respond to Petitions as required by the Local Democracy, Economic Development and Construction Act 2009. <ul style="list-style-type: none"> • To detail how the Council will deal with and respond to petitions. • To detail the essential requirements of a petition and how petitions can be submitted by petition organisers. • To detail the requirement of petitions submitted in hard copy and online. • To detail the minimum number of signatures required under different circumstances e.g. Petitions which are area specific or from Community Groups.

² Policy can be defined as a policy document, decision, strategy, function, service, action plan, programme, procedure, initiative or process.

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3. Impact – Could a particular group of people be affected differently in either a negative or positive way?				
	Positive Impact – it could benefit	Negative Impact – it could disadvantage/ affect differently	Neutral Impact (Neither)	Please indicate whether this is high (H), medium (M) or low (L). If a negative impact is identified please complete a Full CIA³
Women	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Men	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race (Ethnicity or Nationality) – BME or Majority Population - please state which group(s):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
People with a disability (physical, learning/ mental health)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Lesbians, gay men and bisexual people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transgendered people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Older people (60+)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Younger people (17-25), and children	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Religious / Faith groups⁴	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other excluded groups (e.g. careers, rurally isolated, gypsies & roma travelers, people on low incomes etc.). Please state which group(s):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Is a Full Community Impact Assessment required? Yes: No:

Lead Officer signature: _____

Head of P&P signature: _____

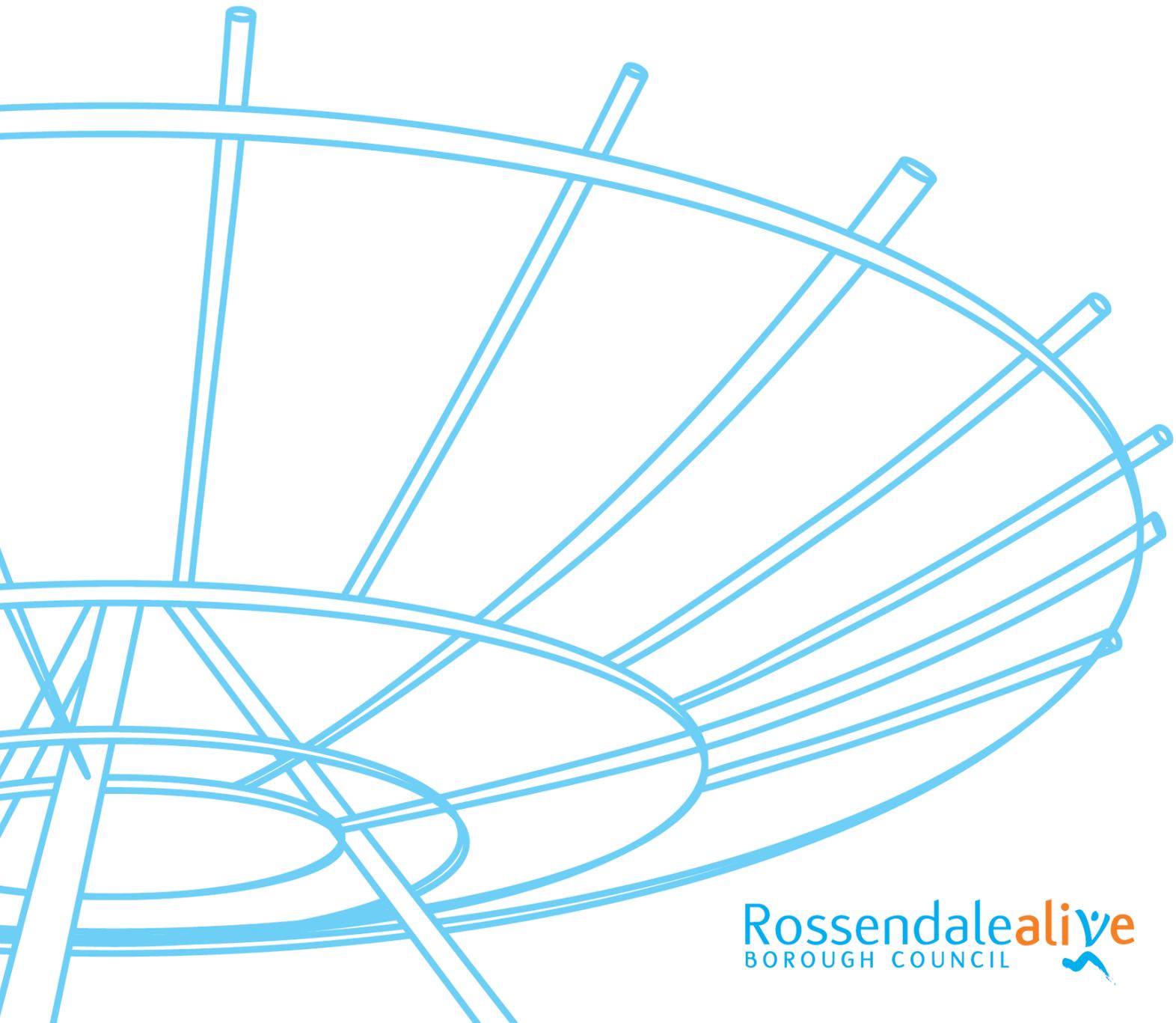
Date: _____

³ If you have identified any negative impact you *will* need to complete a Full Community Impact Assessment. If there are no negative impacts identified you do not need to complete a Full Community Impact Assessment.

⁴ Faith groups cover a wide range of groupings, the most common of which are Muslims, Buddhists, Jews, Christians, Sikhs, and Hindus. Consider faith categories individually and collectively when considering positive and negative impacts.

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Petitions Scheme



Rossendale Borough Council's Scheme for Handling Petitions made to the Authority

Rossendale Borough Council has adopted a scheme for the Duty to Respond to Petitions as required by the Local Democracy, Economic Development and Construction Act 2009. The purpose of this scheme is to reconnect people with public and political decision-making, and to assist people in influencing decisions that affect their local area. Signing a petition is one way for citizens to express their concerns and priorities to their local authority and the Citizenship Survey 2007 shows that petitions are the most popular and recognised form of civic action/participation.

The Petitions Scheme is based on the Rossendale population of 67,000 and information about the Petitions Scheme is also available on the Council's website www.rossendale.gov.uk.

Petitions which contain 1675 signatures will be debated by full Council and petitions which contain 1675 signatures and call for evidence from a senior officer, will be debated by the appropriate Overview and Scrutiny Committee. These thresholds have been set by applying a 2.5% of the Rossendale population requirement. (guidance recommends that the threshold is set no higher than 5%).

To encourage civic and democratic participation the authority aims to respond to all petitions received. This includes responding to petitions from those who do not live, work or study in the local area, petitions which do not qualify and petitions which are not made through the authorities own petition facility.

Petitions Scheme

Rossendale Borough 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 the Council plan to do with the petition. The Council will treat something as a petition if it is identified as being a petition, or if it seems that it is intended to be a petition.

Paper petitions can be sent to:

**Legal and Democratic Services
Rossendale Borough Council
The Business Centre
Futures Park
Bacup
OL13 0BB**

Alternatively, an online petition facility will be available shortly whereby petitions can be created, signed and submitted online by following this link [[link will be added here once online petition facilities are available](#)].

Petitions can also be presented to a meeting of the Council. These meetings take place on a quarterly basis, dates and times can be found here: <http://tinyurl.com/36apwv9>

If you would like to present your petition to the Council, or would like your Councillor or someone else to present it on your behalf, please contact Committee and Member Services on 01706 252422 at least 10 working days before the meeting and they will talk you through the process.

If your petition has received 1675 signatures or more it may be scheduled for a full Council debate and if this is the case we will let you know whether this will happen. This could be at the same meeting where it is being presented, or a later meeting of full Council.

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.
- a valid name and address and signature of any person supporting the petition. This can be anyone who lives, works or studies in the local authority area, including under 18's. (**Note:** where possible under 18's are advised to detail their place of study rather than their home address details).

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we will need to deal with your petition differently – but 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. If this is the 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 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 acknowledgement 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 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. For further information on all these procedures and how you can express your views please contact the Monitoring Officer on 01706 252447.

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?

Petitions will be subject to verification to ensure that signatories either live, work or study in the local authority area. 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 to the appropriate organisation e.g. Lancashire County Council
- referring the petition for consideration by the Council's Overview and Scrutiny Committee*
- calling a referendum

- writing to the petition organiser setting out our views about the request in the petition

*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.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples:

Petition subject	Appropriate steps
Alcohol related crime and disorder	If your petition is about crime or disorder linked to alcohol consumption, the Council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established, the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The Council’s response to your petition will set out the steps we intend to take and the reasons for taking this approach.
Anti-social behaviour (ASB)	<p>As the elected representatives of your local area, as social landlord and licensing authority, the Council plays a significant role in tackling anti-social behaviour. The Council, in conjunction with our partners in the local Crime and Disorder Reduction Partnership have set out minimum service standards for responding to issues of anti-social behaviour. You can find more details about these standards by contacting the Community Safety Officer on 01706 252542.</p> <p>When responding to petitions on anti-social behaviour, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms which enable us to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken, including what role CCTV might play, consider identifying a dedicated contact within the Council to liaise with the community and neighbourhood partners on issues of anti-social behaviour in the area in question and, where appropriate, we will alert the Crime and Disorder Reduction Partnership and the Overview</p>

	and Scrutiny Committee to the issues highlighted in the petition.
Under-performing health services	We will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LINK) might have in reviewing and feeding back on the issue (the LINK is run by local individuals and community groups and is independently supported – their role is to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account). The Overview and Scrutiny Committee will also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue will be referred to them to consider for review.

If your petition is about something over which the Council has no direct control (for example the local railway, hospital, highways or school) we will consider making 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 conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible on the website www.rossendale.gov.uk.

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.

Full Council Debates

If a petition contains more than 1675 signatures it will be debated by 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 five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council Executive (Cabinet) are 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 1675 signatures, the relevant senior officer will give evidence at a public meeting of the Council's Overview and Scrutiny Committee. A list of the senior staff that can be called to give evidence is set out below:

Chief Executive
Director of Business
Director of Customers and Communities
Head of Finance
Head of People and Policy

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 Portfolio Holder/ 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 Committee and Member Services up to three working days before the meeting.

E-petitions

The Council is currently developing an e-petition facility which will be made available shortly. The Council will welcome e-petitions which are created and submitted through our website [\[link will be included once the facility is available\]](#). 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 example, it is vexatious, abusive or otherwise), 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 Legal and Democratic Services. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact Committee and Member Services on 01706 252422 within 10 working days of receipt of the acknowledgement.

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 [\[link will be included once the facility is available\]](#).

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 Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition. If this is the case the petition organiser must give a short explanation of the reasons why the Council's response is not considered to be adequate. This will improve the prospects for undertaking a review.

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 (Cabinet) 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.

Sample Template for Petitions:

Section to be completed by the Petition Organiser

Name of Petition Organiser:	
Address of Petition Organiser:	
Contact number / email address of Petition Organiser:	
Statement concerning the nature of the Petition:	
What action the Petitioners wish the Council to take:	

Section to be available for Petitioners to sign:

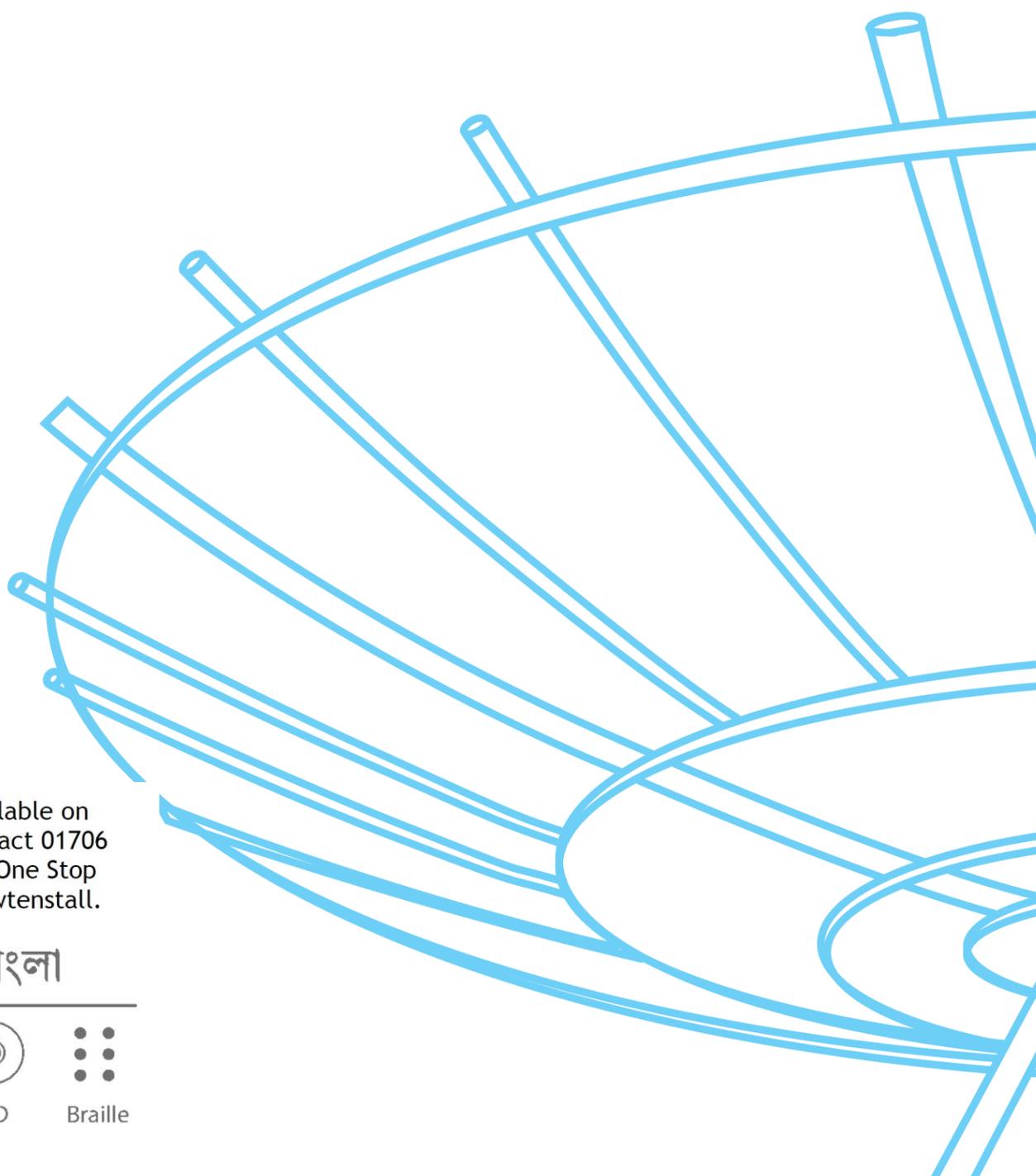
(Names and addresses must be valid as these will be subject to verification)

Statement concerning the nature of the Petition:			
What action the Petitioners wish the Council to take:			
Name	Address	Signature	Date Signed

Rossendale Borough Council
The Business Centre
Futures Park
Bacup
OL13 0BB

Telephone: 01706 217777

Email: generalenquiries@rossendalebc.gov.uk



Other formats available on request. Please contact 01706 217777 or visit our One Stop Shop at Lord St, Rawtenstall.

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