

Taunton Deane Borough Council

Full Council – 13 July 2010

Petition Guidance and amendments to Standing Orders

Report of Legal and Democratic Services Manager

(This matter is the responsibility of the Leader of the Council, Councillor John Williams)

Executive Summary

Every local authority needs to ensure that it has a scheme in place to deal with petitions. Although the Council already has a scheme to deal with petitions revisions are necessary in order to comply with the legislation and Government guidance.

1. Purpose of the Report

1.1 To approve the attached guidance and revisions to the Standing Orders.

2. Background

2.1 The provisions relating to petitions were created by the Local Democracy, Economic Development and Construction Act 2009 and came into effect on the 15 June 2010. The Act places a duty on local authorities to implement a petition scheme in line with their recommended guidance.

2.2 Members will recall that they provided a response to the consultation process in February this year and it is understood that there have been some amendments made to the guidance following that consultation process.

2.3 At this stage we do not have to have an e-petition scheme in place although we will need to have something in place by December of this year. A further report will be made to Full Council in due course regarding this matter.

2.4 The Corporate Governance Committee has approved both the guidance and the revisions to the standing orders and these are attached at Appendix 1 and 2 respectively.

2.5 Full Council needs to approve both the guidance and the revisions to the standing order for incorporation in the guidance.

3. Finance Comments

3.1 There are no financial implications other than officer and Member time.

4. Legal Comments

4.1 As stated there is a duty upon local authorities to implement such a scheme.

5. Links to Corporate Aims

5.1 There are no direct links to the corporate aims.

6. Equalities impact

6.1 There are no equalities impacts.

7. Recommendations

7.1 To approve the guidance as set out in Appendix 1; and

7.2 To approve the revisions to the Standing Orders as set out in Appendix 2.

For further information please contact Tonya Meers, Legal and Democratic Services Manager on 01823 356391 or t.meers@tauntondeane.gov.uk

Appendix 1

PETITION SCHEME

PETITIONS

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.

Paper petitions can be sent to:

**Taunton Deane Borough Council
The Deane House
Belvedere Road
Taunton
TA1 1HE**

What is a petition

A petition is a formal written request signed by the requisite number of people appealing to an authority about a particular cause or issue.

What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- the name and address and signature of any person supporting the petition

- the name and address of the petition organizer

Petitions must 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.

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 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 can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. 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. Further information on all these procedures and how you can express your views is available here [insert links]

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

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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).

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 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

	<p>consumption, the council may, 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.</p>
<p>Anti-social behaviour (ASB)</p>	<p>As the elected representatives of your local area, as social landlord and licensing authority, the Council plays a significant role to play in tackling anti-social behaviour. The Council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards here [insert link].</p> <p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have 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</p>

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	CCTV might play, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and crime and disorder overview and scrutiny committee to the issues highlighted in the petition.
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If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners [link to list of LAA partners] and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here [link].

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full council debates

If a petition contains more than 1,500 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 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 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 750 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 can be found here [\[insert link\]](#). You should be aware that the Overview and Scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting Richard Bryant, Democratic Services Manager up to three working days before the meeting.

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. 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.

Appendix 2

PRESENTATION OF PETITIONS *

16. (1) (a) A petition is a written request signed by the requisite number of people appealing to an authority about a particular cause or issue.

(b) A petition requiring debate by full council is a petition that contains more than 1,500 signatures and will be debated by full council unless it is a petition asking for a senior council officer to give evidence.

(c) A petition containing at least 750 signatures 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.
- (2) Excluded Matters are matters that are excluded from the scope of the petitions duty and these are:-
 - (a) any matter relating to a planning decision, including about a development plan document or the community infrastructure levy;
 - (b) any matter relating to an alcohol, gambling or sex establishment licensing decision;
 - (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment
- (3) Petitions submitted to the Council must include:-
 - (a) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take;
 - (b) the name and address and signature of any person supporting the petition;
 - (c) the name and address of the petition organiser
- (4) All petitions will be acknowledged within 10 working days.

(5) The Council may respond to the petition in a number of ways such as taking the action requested, considering the petition at a Council meeting, holding an inquiry into the matter, undertaking research into the matter, referring the matter to one of the Council's Overview and Scrutiny Committee or holding a meeting with the petitioners.

(6) If a petition contains more than 1500 signatures the petition will be debated at the next scheduled meeting of Full Council unless it is a petition requiring a senior council officer to give evidence at a public meeting.

6.1 The petition organiser will be given 5 minutes to present petition at the meeting;

6.2 Councillors will discuss the petition up to a maximum of 15 minutes;

6.3 The Council will decide how to respond to the petition which may include to take the action requested, not to take the action requested for the reasons given in the debate, refer the matter for further investigation, or refer the matter to the Council Executive for final decision.

(7) A 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. Any petition requesting this must contain at least 750 signatures. The level of senior officer will be limited to the Council's Corporate Management Team.

(8) A petitioner has the right to request a review of the steps taken in response to the petition if they are unhappy and that request shall be made to one of the Council's Overview and Scrutiny Committees which cannot decide but can only recommend to the Executive Committee or Full Council.