

PETITIONS SCHEME

EXECUTIVE MEMBER: Cllr Elaine Woodburn

LEAD OFFICER: Martin Jepson

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Summary: Presents a Draft Petitions Scheme to Council for approval

Recommendation:	<ol style="list-style-type: none">1. That the Draft Petitions Scheme be adopted to take effect from this meeting with the exception of e-petitions which will be adopted following the establishment of an e-petitions scheme on the Council's web-site but in any event by no later than 15th December 2010;2. That Council approve the making of consequential amendments to the Council's Constitution.
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1. INTRODUCTION

1.1 It is a statutory requirement that Council must have a Petitions Scheme in operation by June 2010 giving people a right to a public response if they sign a petition. Petitions with a significant level of support will be able to trigger a debate of the full Council and Petitions will also be able to call for a Senior Officer of the Council to attend an Overview and Scrutiny meeting to answer questions about how they are delivering public services.

1.2 Petition organisers will have a right to ask an Overview and Scrutiny Committee to review the Council's response to their Petition should they feel the response is inadequate. The Council will also have to provide a facility for e-petitions, although the duty to provide this does not take effect until December 2010.

2. DRAFT SCHEME

2.1 A draft Scheme has been drafted and this is set out in the Appendix to this report.

2.2 Members are requested to give consideration to the adoption of the Scheme. At the present time the Council is unable to start operating an e-petitions facility and work is starting on considering systems to establish this. In the circumstances it is proposed that the Petitions Scheme be adopted to take effect from this meeting with the exception of e-petitions which will be adopted following the establishment of an e-petitions system on the Council's web-site but by no later than 15th December 2010.

2.3 Members' attention is particularly drawn to the thresholds to be used for the number of signatures to trigger the various types of petitions. Councils have been recommended to set low thresholds and review them after a period of activity and, if no debates have been triggered in the space of a year, it is recommended that the thresholds be reviewed and consideration given to lowering them in order to ensure that they are locally achievable. It should also be noted that, if it is considered that a Council is setting requirements which are unachievable, the Secretary of State has the power to direct them to amend their Petitions Scheme. Regulations state that the maximum threshold which can be set is 5% of the local population. However, it is expected that in most cases, a much lower figure would be considered locally appropriate.

2.4 The threshold has to be quoted as a simple figure based on an estimate of the population of the area contained in the Registrar General's population estimates for England and Wales published by

the Office of National Statistics. For Copeland, the latest estimate is 70,300 and 5% of the figure would be 3,515. The figures recommended in the draft scheme are:-

Ordinary Petitions- These must be signed by at least 50 people. However, it is suggested that the Council could use its discretion where there are fewer signatories in cases where there is clear local support for action.

Petitions requiring debate- Petitions which contain 1000 signatures or more will be debated by the Full Council.

Petitions to hold a Senior Council Officer to account- Petitions which call for evidence from a Senior Council Officer and have at least 500 signatures will trigger that response.

2.5 Once adopted consequential amendments would be required to the Constitution.

3. OPTIONS TO BE CONSIDERED

3.1. It is a legislative requirement for the Council to adopt a Petitions Scheme in accordance with the Regulations.

4. FINANCIAL CONSIDERATIONS

4.1 There will be costs involved in upgrading the Council's web-site and acquiring a new e-petitions facility. These costs are in the process of being considered. Currently it is anticipated that a figure of £5,000 may be required for initial set up costs, with £500 per annum running costs. These costs should be able to be met from within existing budgets.

List of Consultees:

Corporate Team; Democratic Services Manager, Overview and Scrutiny Support Officer

Background Papers:

None- all Legislation referred to is already publicly available.

PETITIONS SCHEME

The petitions process allows members of the public to have direct influence on the political process and to raise concerns that are important to them. A petition is defined as a communication in writing or using an electronic facility which is signed by the appropriate number of qualifying persons.

1. Types of petitions

Essentially there are three types of petitions:

“Ordinary” petitions

These must be signed by at least 50 people but the Council will use its discretion where there are fewer than 50 signatories in cases where there is clear local support for action (e.g. where all the residents of an isolated community have petitioned for action on an issue of local concern).

Petitions requiring debate

Petitions which contain 1000 signatures or more will be debated by the Full Council. (see section 6 for more information).

Petitions to hold a Senior Council Officer to account

Petitions which call for evidence from a Senior Council Officer and have at least 500 signatures will trigger that response (see section 7 for more information).

2. What sort of issues can be the subject of a petition?

Members of the public can submit petitions on the following:-

- Issues relating to the Council's responsibilities;
- Issues which affect the Borough of Copeland or communities in the area, as long as the Council is in a position to exercise some degree of influence;
- Anything relating to an improvement in the economic, social or environmental well-being of the Borough to which any of the Council's partners could contribute.

The Council will respond to all the petitions it receives and we will be as flexible as we can when handling your petition so that it is considered quickly and in the most appropriate way.

Before submitting a petition you should first check with your local councillor or with the Council to see if the Council is already acting on your concerns and that the Borough Council is the most appropriate body to receive your petition as sometimes your petition may be more appropriate for another public body such as the County Council.

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.

Paper petitions can be sent to the Democratic Services Manager (contact details are available at the end of this Guidance).

Or be created, signed and submitted online by following this link (link)

Petitions can also be presented to a meeting of the Council. The dates and times of these meetings can be found on the Council's website www.copeland.gov.uk. If you would like to present your petition to the Council, or would like your Councillor to present it on your behalf, please contact the Democratic Services Manager in writing (email democraticservices@copeland.gov.uk) at least 5 working days before the meeting. If you would like to discuss this please contact the Democratic Services Manager on 0946 598526 and they will talk you through the process.

Who can submit a petition?

Anyone who lives, works or studies in the Borough of Copeland, including under 18s, can sign or organise a petition.

3. 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 also state what action the petitioners wish the Council to take;
- The name, address and signature of any person supporting the petition.

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. Petitions which do not identify a petition organiser will not be accepted.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate by the Council's Chief Executive 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 you to explain the reasons.

4. 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 (e.g. requesting a referendum on having an elected mayor), or on a matter where there is already a 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 on the Council's website.

We will not take action on any petition which we consider to be vexatious (annoying), abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgment 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 (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.

5. 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 one of the Council's Overview and Scrutiny Committees*
- Calling a referendum
- Writing to the petition organiser setting out our views about the request in the petition
- Treating the Petition as a complaint where appropriate

*Overview and Scrutiny Committees are Committees of Councillors and co-opted members who are responsible for scrutinising the work of the Council – in other words, the Overview and Scrutiny Committees have the power to hold the Council's decision makers to account.

In the vast majority of cases your petition will be submitted to one of the Council's formal meetings where elected councillors will decide how to respond to the petition. These meetings will be held in public and petitioners are welcome to attend to meeting to observe the proceedings. The petition organiser will be entitled to briefly address the meeting.

Depending on the subject matter your petition will be submitted to either the Full Council, the Executive or one of the Council's Overview and Scrutiny Committees. There are two exceptions to this -

- If your petition contains more than 1000 signatures then it must be debated by the Full Council;
- If your petition is asking for a Senior Council Officer to give evidence at a public meeting then it will be considered by one of the Council's Overview and Scrutiny Committees provided it contains at least 500 signatures.

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 and 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 places 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	As the elected representative of your local area and as licensing authority, the Council plays a significant role in tackling anti-social behaviour. The Council, in conjunction with other partners in the West Cumbria Crime and Disorder Reduction Partnership have set out minimum service standards for responding to issues of anti-social behaviour. You can find more details of these standards here (insert link)

If your petition is about something over which the Council has no direct control (e.g. the local railway or hospital) we will aim to make representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are unable to do this for any reason (e.g. if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find out more information on the services for which the Council is responsible on our website www.copeland.gov.uk.

If your petition is about something that a different Council is responsible for, we will give consideration to what is the best method for responding to it. It 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.

6. Full Council Debates

If a petition contains more than 1000 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 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. The petition organiser will receive written confirmation of the decision. This confirmation will also be published on the website.

7. 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 e.g. 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 500 signatures, the relevant Senior Officer will give evidence at a public meeting of the Council's Overview and Scrutiny Committee. The list of Senior staff that can be called to give evidence is below –

- Mr Paul Walker - Chief Executive
- Mr Fergus McMorrow- Director of Development
- Mr Keith Parker- Acting Director (Quality of Life)
- Mr Martin Jepson- Head of Legal and Democratic Services and Monitoring Officer
- Ms Alison Clark – Accountancy Services Manager and Section 151 Officer
- Ms Hilary Mitchell- Head of Policy and Performance
- Ms Jane Salt- Head of Customer Services and...
- Ms Julie Betteridge- Head of Development Strategy
- Ms Pat Graham- Head of Development Operations

You should be aware that the Overview and Scrutiny Committees 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. 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 the Democratic Services Manager, up to three working days before the meeting.

After the meeting the Committee will submit a report to the authority within 14 working days and this report will be considered at the next meeting of the authority. The petition organiser will receive a copy of this report.

8. Are there any petitions which the Council cannot accept?

We believe that the vast majority of petitions we receive will be accepted but in certain circumstances petitions may not be accepted, including:-

- 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 or a separate complaints process;
- Any petition which we consider to be vexatious, abusive or otherwise inappropriate. We will explain the reasons for this in our acknowledgement of the petition;
- Where a person or organisation (or someone on their behalf) has submitted a petition which is the same or substantially the same as one submitted within the previous 12 months

If we decide that a petition is not acceptable then we will let the petition organiser know our reasons.

9. 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 (see above). 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 ten 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 Manager. 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 the Democratic Services Manager within five days of the petition closing.

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 the Council’s website.

10 How do I “sign” an e-petition?

You can see all the e-petitions currently available for signature here ([Link](#))

When you sign an e-petition you will be asked to provide your name, 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.

11. 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 one of the Council’s Overview and Scrutiny Committees review the steps that the Council has taken in response to your petition.

The Committee will consider your request within 30 days of receiving it. Should the Committee determine we have not dealt with the 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’s 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 with 5 working days. The results of the review will also be published on our website.

12. Is there anything else I can do to have my say?

The Council recognises that petitions are just one way in which people can let us know about their concerns. There are a number of other ways in which you can have your say including asking questions at Council meetings and through the Council's complaints system.

If you have any queries on the Petitions Scheme please contact –

The Democratic Services Manager
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
Cumbria
CA28 7SJ

Telephone 01946 598526

Email – democraticservices@copeland.gov.uk