

## **Chesterfield Borough Council Petitions Scheme**

### Background

The Local Democracy, Economic Development and Construction Act 2009 imposes a duty on local authorities to respond to petitions and to follow certain procedures in dealing with those petitions. Statutory guidance has been provided from the Department for Communities and Local Government. The petitions duty came into force on the 15 June and required the Council to formally adopt a Local Petitions Scheme. The Council is required to treat something as a petition if it is identified as being a petition or it seems to the Council that it is intended to be a petition. There is no minimum number of names for a petition but there are minimum numbers of signatures required to trigger particular actions (see 2 and 3 below).

### Main Features

1. 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. The government guidance recommends that councils be as flexible as possible in applying these provisions and that they may take account of signatures of people who do not supply such information or supply information which shows that they do not live, work or study in the Borough.
2. Petitions with the requisite level of support (minimum 1,000 signatures), excluding those at 3. below, trigger a full council debate at which the petitioner can attend to speak on the petition.
3. Petitions may call a designated officer to account through a public meeting of the Scrutiny Board provided they have the requisite level of support (minimum 750 signatures). This part of the scheme requires that the most senior officers responsible for the delivery of services can be required to provide information on their activities at a public meeting of the Scrutiny Board. The designated officers are the Chief and Deputy Chief Executive and Heads of Service. A list of the designated officers' names and titles must be published in the petitions scheme.

The final decision as to which officer should attend and the questions to be asked of him/her rests with the Scrutiny Board. Under s. 16 (10) of the 2009 Act the Board may decide that for the purposes of addressing the concerns raised in a petition it is more appropriate for another senior officer to be called instead. The Board may also consider it appropriate to call the relevant elected member with responsibility for the service area in question, in addition to the appropriate senior officer.

The petition must give grounds for the request which relate to the functions for which the officer is responsible. To safeguard officers, s.16 in the 2009 Act stipulates that the “grounds” given in the petition for attendance at the Scrutiny Board must relate to their job- it cannot relate to their personal circumstances or character.

After an officer has appeared at Scrutiny Board, the Board must make a report or recommendations to the Council (under its existing powers) and send a copy to the petition organiser.

4. All petitions must be reported to WBR. The response to petitions with fewer than 750 signatures must be supported by WBR. Any petition which is considered to be vexatious, abusive or otherwise inappropriate will not be accepted.

5. The council’s response to the petition will depend on what the petition asks for and how many people have signed it. The guidance lists a range of steps that a council may take (see attached guidance for the list). In addition to these steps the council must consider all the specific actions it can possibly take on the issues highlighted in a petition.

6. The petition organiser has a right of appeal to the council’s Scrutiny Board if they feel that a petition has not been dealt with properly. The Scrutiny Board must then review the steps that the Council has taken to deal with the petition. The Board has no power to override the original decision but can make a recommendation to Council or Cabinet or individual member as appropriate.

7. A petition organiser may deliver a petition to a full council meeting, or alternatively ask for a councillor or other person to

deliver it. The receipt of the petition will be recorded in the minutes but no debate will take place at that meeting (see also 2. above).

8. The new petition scheme does not apply to petitions received under other statutory procedures, such as petitions for a mayoral constitution, or petitions relating to a planning or licensing application or on a matter where there is already an existing right of appeal such as council tax banding and non domestic rates. In those circumstances the petition organiser will be informed of the correct vehicle for pursuing the issue in the petition.

9. The government guidelines set the following standards for responding to petitions:

All petitions received must be published on the council's website together with progress and action taken on each petition, including the outcome of any appeal (see 6 above).

- Personal contact details of those signing or organising a petition must not be disclosed on the website.
- All petitions must be acknowledged and receive a full response. The local scheme uses the same response targets as set for all other correspondence with the Council, including complaints, comments and compliments, namely receipt acknowledged within five working days and a full written reply within 15 working days. It is recognised that it will not be possible to deal with all petitions within this timescale and the full reply will explain this and the actions proposed in response.
- The council must notify the petition organiser in writing of the steps it intends to take and publicise this notification on the website.
- The full detail of any response as given to the petition organiser must be published on the website.
- The findings of any Scrutiny Board meeting must be published on the website and notified in writing to the petition organiser.
- The decision or recommendations of Council following a petition debate under (2) above, or other council decision on a petition must be published on the website and notified in writing to the petition organiser.

- Details of petitions listed for a council debate or public Scrutiny Board meeting and the date of such meetings must be published on the website.
- A record must be kept of how the council has responded to each petition it has received.

### E-petitions guidance

The 2009 Act applies the same requirements to electronic petitions as to paper petitions, except for the following:

- Principal local authorities are only required to respond to e-petitions made through their e-petition facility;
- Principal local authorities must decide, when a request to host an e-petition is received, whether the petition is appropriate for publishing on their facility;
- Principal local authorities will decide what equates to a signature on an e-petition (see Section 12(3)(b) of the 2009 Act);
- Principal local authorities are required to provide a facility for people to submit petitions to the authority electronically. In addition to this, local authorities can choose to respond to e-petitions submitted by other means and should indicate in their petition scheme how they will deal with these types of petitions;
- A local authority's petition scheme must secure that the authority's e-petition facility allows citizens to create a petition which can be published online and made available to others for electronic signature. Government does not consider that mere acceptance of e-mailed petitions meets this requirement;
- Local authorities should consider how best to integrate their e-petition process with relevant online information and existing online functions, for example, linking petitions to council meetings or decisions; to the minutes or webcast of the relevant meeting; to online forums; and most importantly, to the authority's published response to the petition;
- When taking the decision whether to host an e-petition principal local authorities should, in addition to following the guidance on vexatious, abusive and otherwise inappropriate petitions, consider those issues pertinent when publishing any information of their website. For example, issues such as

data protection, libel and the statutory requirement, as a public body, to comply with equalities and antidiscrimination legislation;

- Under Section 10 (2) of the 2009 Act principal local authorities are required to give reasons should they decide not to host an e-petition. This will allow petitioners an opportunity to amend and resubmit their petition;
- Further sector led best practice guidance on e-petitions will be available, including practical advice for selecting and setting up an e-petitions facility and a set of recommended data standards.

### Suggested procedure for responding to petitions

1. The petition scheme will be co-ordinated by the Democratic Services Section. We will acknowledge receipt of all petitions and, as required, act as the main point of contact for the petition organiser and service head. We will also be responsible for keeping the website updated on the progress of all petitions received. All petitions must therefore be notified to Democratic Services upon receipt. The designated officer in Democratic Services will be the committee officer responsible for supporting the Scrutiny Board.
2. Petitions may be received by a variety of means, eg direct to Democratic Services, to a service department, delivered to a council or committee meeting or handed into a community forum. Upon receipt Democratic Services will send a copy of the petition to the relevant service head and lead member and arrange for the petition to be listed on the first available agenda for WBR. The relevant service head should attend that meeting to discuss the council's response having regard to the range of possible actions suggested at in the government guidance. These are listed at page 3 of the scheme.
3. Democratic Services will arrange for the receipt of the petition to be listed on the website together with copies of any correspondence.
4. Once the petition has been discussed at WBR and a course of action agreed this must be notified in writing to the petition organiser. Democratic Services will liaise with the relevant service head over the response. All correspondence with the petitioner

must be copied to Democratic Services. At the conclusion of the investigation and action the petitioner must be advised of the outcome and the right of appeal. The last section of the Petitions scheme explains the process of appeal and the role of the Scrutiny Board in this process.

5. If an appeal is received this will be reported to the first available meeting of the Scrutiny Board. The relevant Head of Service will be asked to report on the steps taken in response to the petition in order that the Scrutiny Board may decide whether they were adequate. The Scrutiny Officer will act as adviser to the Scrutiny Board in respect of any petitions which fall within its remit or any appeals.

6. Democratic Services will notify the petitioner of the outcome of any appeal.