

Council Meeting

6 July 2010

Booklet 1

Recommendations

INDEX TO MINUTES

Standards Committee, 10 June 2010

STANDARDS COMMITTEE

10th June, 2010

Members Present:- City Council Members

Councillor R. Lakha
Councillor A. Williams

Independent Members

G. Allen
D. Delieu
C. Edden
A. Patel
J. Willetts

Parish Councillors

D. Lilly

Employees Present:- H. Abraham (Assistant Director (Democratic Services))
C. Forde (Council Solicitor/Assistant Director (Legal Services))
J. McLellan (Customer and Workforce Services Directorate)
G. Paddan (Customer and Workforce Services Directorate)

Apologies:- D. Jackson
Councillor K. Mulhall
Professor B. Ray
B. Shakespeare

1. **Declaration of Interest**

Christine Forde declared a personal interest in the matter the subject of Minute 2/10 below, headed "New Duty to Respond to Petitions" in so far as it relates to her role as Monitoring Officer, she remained in the meeting during the consideration of this issue.

RECOMMENDATIONS

2. **New Duty to Respond to Petitions**

The Committee considered a joint report which detailed how the Council's processes for dealing with petitions would need to be revised as a result of a new statutory duty to respond to petitions which Councils were required to implement.

The Constitution Working Group had considered reports on the issue at their meetings on the 28th May and 8th June and had set thresholds for the number of signatures that would trigger the new petition arrangements. These figures were detailed in the recommendations contained in the report.

The Local Democracy, Economic Development and Construction Act (2009) included a new duty on Councils to respond to all petitions submitted. The aim of this new duty was to strengthen local accountability in public services and places local authorities on the front line of ensuring that local people connect with their decision makers. The Local Authorities (Petitions) (England) Order 2010 was made on 22nd March 2010 and statutory guidance was issued on 30 March 2010. The duty required Councils to establish a petition scheme to handle paper based petitions from 15th June 2010. The Scheme must be approved by a meeting of the Council prior to it coming into force. Planning and licensing/ regulatory matters and matters relating to an individual or entity where there was a right to hold a review or a right of appeal under any other legal requirement were exempt under the new requirements of the legislation, but were still provided for in the Council's Scheme, as provision already existed in the Council's rules under the existing scheme. From 15th December 2010, the Council must also have an e-petitions facility in place, and the new Scheme provides for this.

The new duty requires the current process for dealing with petitions at Coventry City Council to be changed. The new petition scheme would replace the current petitions procedure rules in the Council's Constitution (section 4.9), but still contains provisions which were in place, where they do not contradict the new requirements. A key principle of the new duty was that any person living, working or studying within its area can raise or sign a petition and require it to be dealt with in accordance with Council's petition scheme, and that petitions no longer need to be submitted by a Councillor.

The Council was required under the Statutory Guidance to establish a petition scheme for dealing with all the petitions it receives. There was specific guidance on what this must contain. The petition scheme should include the following information:

- a) how we deal with petitions and decide if they are valid
- b) a list of steps to be taken in relation to responding to a petition
- c) provide for notification of steps taken to be given to the petition organiser
- d) provide for a review of the action taken by the Council and
- e) provide a facility for e-petitions (by 15th December, 2010 at the latest)

The Council's current petition scheme allows a petition to be brought by a Councillor if at least 5 signatories appear on it. Within the new scheme a petition can be submitted by a Councillor or a member of the public and still requires at least 5 signatories. Under the new scheme, a petition can be dealt with in one of 4 ways, depending on the content of the petition and the number of signatories.

The Council was able to deal with petitions which relate to the functions of partner authorities in its area, and those relating to sub-regional or cross-authority matters. Section 14 (2) of the Local Democracy, Economic Development and Construction Act 2009 provides that a petition must relate to:

- a) a function of the authority; or
- b) an improvement in the economic, social or environmental wellbeing of the Council's area, to which any of its partner authorities could contribute.

The guidance states that the Council could consider designing a scheme which was wider than requirements e.g. responding to petitions from those who do not live/work in the area. However, it was not proposed to include this option within the petition scheme.

The Council had to check each petition submitted, to determine whether it was valid. It was expected that the Council would treat as a petition any document which was identified as being a petition or which a reasonable person would regard as a petition. The authority was permitted not to accept a petition where, in the opinion of the authority, it was vexatious, abusive or otherwise inappropriate to be dealt with under the petition scheme. Where appropriate, other procedures such as the Council's complaints process would be followed instead. Any petition must have at least 5 signatures on it, to be considered as a petition. A standard pro-forma for collecting signatures would be published on the Council's website.

The Council had to decide what equates to a signature on a petition and what level of authentication to apply to paper petitions and e-petitions. It was proposed that each signature should be accompanied by a valid address and postcode for where that person lives, works or studies in Coventry (as well as a valid email address for e-petitions). This would reduce the risk of false signatures.

Petitions prescribed under other legislation e.g. for an elected mayor, would be excluded from the petitions scheme and would be dealt with under separate procedures:

The Council was required to provide a facility for electronic petitions (e-petitions) from 15 December 2010 and was only required to respond to e-petitions raised through an e-petitions facility.

Once a petition was defined as valid, the Council would send an acknowledgement within 10 working days of receipt, and advise the petition organiser which route it was intended that the petition would follow. The petitions organiser must be kept informed all through the process of the progress of the petition, attendance at meetings where the petition would be discussed, and the eventual result. If the Council decided that a petition was not valid, it must state the reason for this. If the Council decided a petition was valid, but that the petition's objective had already been addressed and no further action was needed, the Council must confirm this.

The Council was expected to determine a threshold number of signatures on a petition which would trigger a debate at a full Council meeting. The guidance stated that this was to be set locally but should be no more than 5% of the population (which was 15,525 for Coventry). It was recommended that for Coventry the threshold should be 15,000. The Council can change this threshold number at any point in the future; if no petitions were received within six months or a year, the Council could reduce the threshold.

The action which a Council must take to deal with a petition depends on which of the following categories it fits into:

- a) it meets the threshold of enough signatures to trigger a Council debate
- b) it has fewer than the threshold number of signatures; or
- c) it holds a named officer to account and meets the required threshold for this or
- d) is a petition on a planning, licensing or regulatory matter in which case it will be dealt with by the relevant Committee under the Committee's rules.

The Council currently had a register of petitions which were active. It would be prudent to incorporate these current and outstanding petitions into the new petitions framework and all petitions received would be included in the Petitions Register.

Where a petition had at least 15,000 signatures, there must be a debate at a full Council meeting. This gives people the assurance that their views have been listened to and the chance to hear their local representatives debate their concerns. The petition organiser would be invited to attend to present their petition to Council, at the start of the debate. The Council could also give petitioners the opportunity to make further contributions to the debate, such as responding to questions from Councillors. When the debate concludes, the Council must take a decision which could be to take specific action or not to take any action. The debate outcome would be confirmed to the petition organiser in writing.

Under the government guidance, it was expected that Councils would consider a petition at the first meeting after a petition was received, but recognised that a balance was needed between the debate of petitions and other Council business. Where there were a number of petitions already scheduled for debate, it may be necessary to schedule petitions at a Council meeting beyond the next one. The petition organiser would be told when the debate would be held, with sufficient notice to enable them to attend.

Under the legislation, Full Council should consider the following options when dealing with a petition:

- Giving effect to the request in the petition
- Holding an enquiry into the matter
- Commissioning research into the matter
- Referring the petition for consideration by the Council's Scrutiny Boards
- Writing to the petition organiser setting out the views of the Council about the request in the petition
- Any other appropriate action

Those petitions with between 5 and 15,000 signatures would be treated as 'ordinary petitions' and would follow the route which existed prior to this new scheme, i.e. by referral to Cabinet Member or Cabinet. At either meeting, the Council should still consider the options below, but does not have to do so as these petitions fall outside of the new legislation

- Giving effect to the request in the petition
- Considering the petition at a Full Council meeting
- Holding an enquiry into the matter
- Commissioning research into the matter
- Referring the petition for consideration by the Council's Scrutiny Boards
- Writing to the petition organiser setting out the views of the Council about the request in the petition
- Any other appropriate action

The City Council's current process for dealing with petitions includes sending the petition to the relevant directorate, with a request for a report responding to the petition within two months (as per the Council's Constitution). It was recommended that this procedure be replicated within the new petition scheme.

Local people have the right to petition for a named senior officer to attend a public meeting of the Council's overview and scrutiny committee and answer questions about their work. The Council needs to set a threshold for the number of signatures on a petition

which would trigger an officer being asked to attend a meeting of one of the Scrutiny Boards. There was no specific guidance on this figure. It was proposed that the Council set a threshold of 10,000 signatures on petitions holding an officer to account.

The Council must decide which senior officers could be called to account by such a petition. The officers must include the head of paid service and the statutory chief officers and non-statutory chief officers of the authority as set out in Section 2 of the Local Government and Housing Act (1989) (c. 42). For Coventry this would include the following officers:

- Chief Executive
- Corporate Directors
- Monitoring Officer

The Scrutiny Board may require an alternative officer to attend where it was appropriate and necessary. The Scrutiny Board may also require the relevant Cabinet Member to attend. The outcomes from the meeting of the Scrutiny Board must be published on the website and notified to the petition organiser.

Under Section 17 of the 2009 Act, if the petition organiser was not satisfied by the actions taken by the authority in response to a petition, the petition scheme must give a right of appeal for the petition to be considered by a Scrutiny Committee. It was proposed this should be the Scrutiny Co-ordination Committee. The results of any review must be published on the website.

The petition scheme would be contained within the Council's Constitution and it was recommended that it be inserted at section 4.9.

In addition, there were a number of other sections within the Constitution which need to be amended to enable the provisions within the scheme to be implemented and these were detailed in the Appendices to the report. These were:

- changes to the terms of reference of Scrutiny Boards to consider petitions to call senior officers to account (Appendix 2).
- changes to the terms of reference for Scrutiny Boards to include the requirement for a petitions review (or appeal) process (see Appendix 2); and
- amendment of paragraph 4.1.2.7 and insertion of paragraph at 4.1.36.1, to enable petition debates to be held at Council meetings, in accordance with the Petition Scheme (see Appendix 2).

The Council currently allows petitions of more than 5 signatures to be submitted by a Councillor and presented to a meeting of the full Council, to a Cabinet Member or to either the Planning or Licensing Committee. Councillors were able to speak at full Council meetings to a petition they have submitted. It was proposed that, under the new petition scheme, the existing provisions would remain in place. The new Scheme had been written to take account of the existing provisions of the Council's scheme, and to include the requirements for the new types of petitions.

The timescales for implementation of the requirements for Coventry City Council were set under the Local Democracy, Economic, Development and Construction Act 2009, which provides that the duty to make a scheme comes into force on 15th June 2010, whilst the e-petitions requirements would become effective from 15th December 2010. Statutory

guidance to support the petitions duty was published on 30th March 2010.

The Committee considered the report and discussed in detail the thresholds for petitions which trigger a Council debate and those which trigger an officer attending an overview and scrutiny committee. The Committee agreed that the figures in the report of 15,000 signatures to trigger a Council Debate and 10,000 signatures to trigger an officer attending an overview and scrutiny committee were too high based on previous petitions submitted to the Council and be reduced to be more in line with the size/population of a ward. Equally a reduced figure for an officer attending an Overview and Scrutiny Committee should be identified.

The Committee requested that the City Council give further consideration to the thresholds for petitions and that the officers be requested to submit a briefing note to Council accompanying the report to explain the Committee's request.

RECOMMENDED that, having regard to the views of the Standards Committee in terms of threshold numbers, the City Council:-

- (1) Approve the threshold for petitions which trigger a Council debate.**
- (2) Approve the threshold for petitions which trigger an officer attending an overview and scrutiny committee.**
- (3) Approve the petition scheme detailed in Appendix 1, to take immediate effect and to replace the existing section 4.9 of the Council's Constitution.**
- (4) Approve the remaining changes required in the Constitution to the terms of reference for the Scrutiny Boards and Council procedure rules as detailed in Appendix 2.**

**Report to Standards Committee
Council**

**10th June, 2010
24th June, 2010**

**Report of:
Director of Customer and Workforce Services and
Director of Finance and Legal Services**

Title: New Duty to Respond to Petitions

1 Purpose of the Report

- 1.1 This report sets out how the Council's processes for dealing with petitions needs to be revised as a result of a new statutory duty to respond to petitions which Councils are required to implement.

2 Recommendations

- 2.1 Standards Committee is asked to recommend that Council:
- 2.2 Approve the threshold for petitions which trigger a Council debate at 15,000 signatures;
- 2.3 Approve the threshold for petitions which trigger an officer attending an overview and scrutiny committee at 10,000 signatures;
- 2.4 Approve the petition scheme in Appendix 1, which will take immediate effect and replacing the existing section 4.9 of the Council's Constitution;
- 2.5 Approve the remaining changes required in the Constitution to the terms of reference for the Scrutiny Boards and Council procedure rules. (Appendix 2)
- 2.6 The Council is requested to consider the recommendations of the Standards Committee and then to decide whether or not to approve the above recommendations.

3 Information/Background

- 3.1 The Local Democracy, Economic Development and Construction Act (2009) include a new duty on Councils to respond to all petitions submitted. The aim of this new duty is to strengthen local accountability in public services and places local authorities on the front line of ensuring that local people connect with their decision makers. The Local Authorities

(Petitions) (England) Order 2010 was made on 22nd March 2010 and statutory guidance was issued on 30 March 2010. The duty requires Councils to establish a petition scheme to handle paper based petitions from 15th June 2010. The Scheme must be approved by a meeting of the Council prior to it coming into force. Planning and licensing/ regulatory matters and matters relating to an individual or entity where there is a right to hold a review or a right of appeal under any other legal requirement are exempt under the new requirements of the legislation, but are still provided for in the Council's Scheme, as provision already existed in the Council's rules under the existing scheme. From 15th December 2010, the Council must also have an e-petitions facility in place, and the new Scheme provides for this.

- 3.2 The new duty requires the current process for dealing with petitions at Coventry City Council to be changed. The new petition scheme will replace the current petitions procedure rules in the Council's Constitution (section 4.9), but still contains provisions which were in place, where they do not contradict the new requirements. A key principle of the new duty is that any person living, working or studying within its area can raise or sign a petition and require it to be dealt with in accordance with Council's petition scheme, and that petitions no longer need to be submitted by a Councillor.

4. Proposal

- 4.1 The Council is required under the Statutory Guidance to establish a petition scheme for dealing with all the petitions it receives. There is specific guidance on what this must contain. The petition scheme should include the following information:
- a) how we deal with petitions and decide if they are valid
 - b) a list of steps to be taken in relation to responding to a petition
 - c) provide for notification of steps taken to be given to the petition organiser
 - d) provide for a review of the action taken by the Council and
 - e) provide a facility for e-petitions (by 15 December 2010 at the latest)

Definition of a valid petition

- 4.2 The Council's current petition scheme allows a petition to be brought by a Councillor if at least 5 signatories appear on it. Within the new scheme a petition can be submitted by a Councillor or a member of the public and still requires at least 5 signatories. Under the new scheme, a petition can be dealt with in one of 4 ways, depending on the content of the petition and the number of signatories.
- 4.3 The Council is able to deal with petitions which relate to the functions of partner authorities in its area, and those relating to sub-regional or cross-authority matters. Section 14 (2) of the Local Democracy, Economic Development and Construction Act 2009 provides that a petition must relate to:
- a) a function of the authority; or
 - b) an improvement in the economic, social or environmental wellbeing of the Council's area, to which any of its partner authorities could contribute.
- 4.4 The guidance states that the Council could consider designing a scheme which is wider than requirements e.g. responding to petitions from those who do not live/work in the area. However, it is not proposed to include this option within the petition scheme.

- 4.5 The Council has to check each petition submitted, to determine whether it is valid. It is expected that the Council will treat as a petition any document which is identified as being a petition or which a reasonable person would regard as a petition. The authority is permitted not to accept a petition where, in the opinion of the authority, it is vexatious, abusive or otherwise inappropriate to be dealt with under the petition scheme. Where appropriate, other procedures such as the Council's complaints process will be followed instead. Any petition must have at least 5 signatures on it, to be considered as a petition. A standard pro-forma for collecting signatures will be published on the Council's website.
- 4.6 The Council has to decide what equates to a signature on a petition and what level of authentication to apply to paper petitions and e-petitions. It is proposed that each signature should be accompanied by a valid address and postcode for where that person lives, works or studies in Coventry (as well as a valid email address for e-petitions). This would reduce the risk of false signatures.

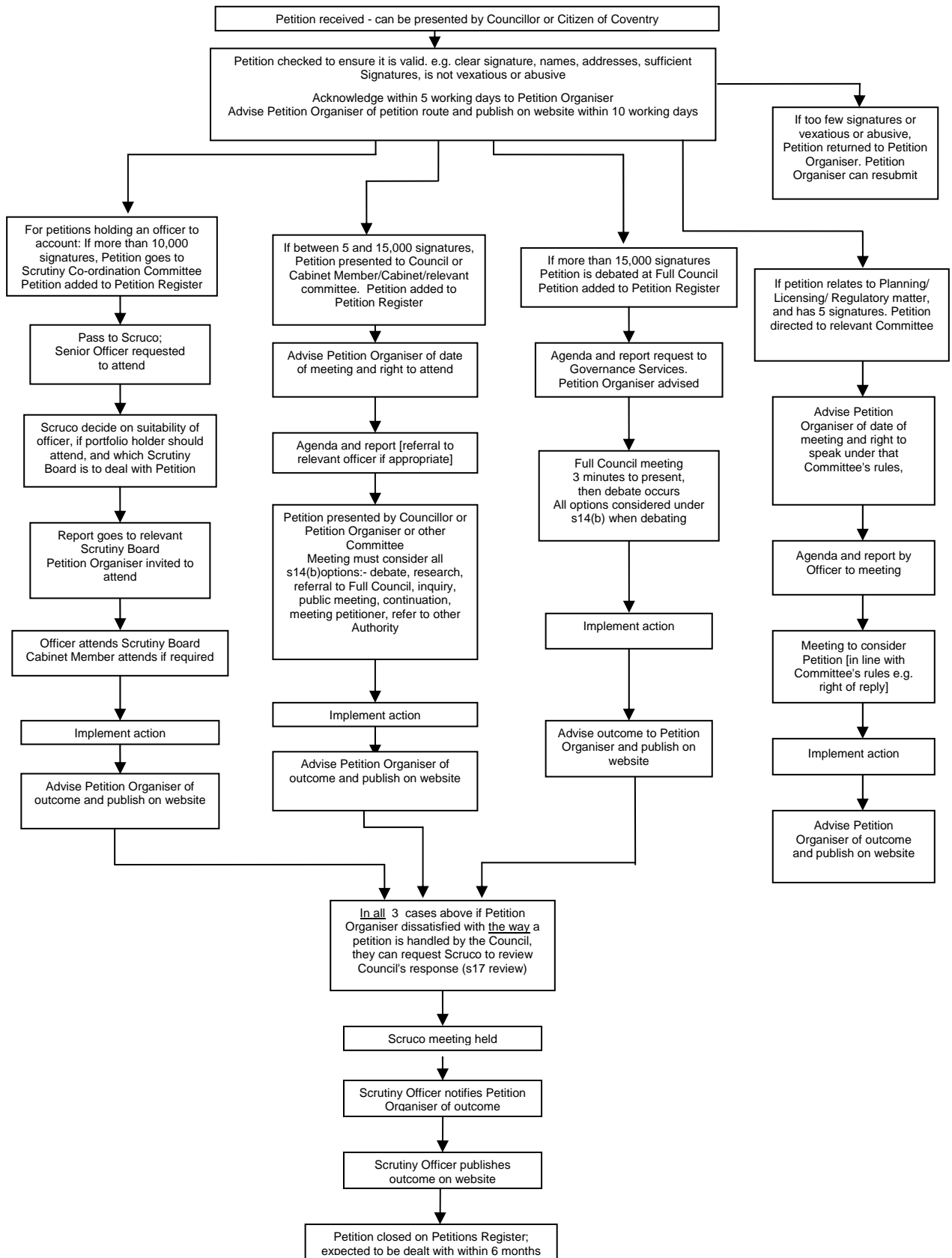
Petitions excluded from the petition scheme

- 4.7 Petitions prescribed under other legislation e.g. for an elected mayor, will be excluded from the petitions scheme and will be dealt with under separate procedures.
- 4.8 The Council is required to provide a facility for electronic petitions (e-petitions) from 15 December 2010 and is only required to respond to e-petitions raised through an e-petitions facility.

Dealing with valid petitions

- 4.9 Once a petition is defined as valid, the Council will send an acknowledgement within 10 working days of receipt, and advise the petition organiser which route it is intended that the petition will follow. The petitions organiser must be kept informed all through the process of the progress of the petition, attendance at meetings where the petition will be discussed, and the eventual result. If the Council decides that a petition is not valid, it must state the reason for this. If the Council decides a petition is valid, but that the petition's objective has already been addressed and no further action is needed, the Council must confirm this.
- 4.10 The Council is expected to determine a threshold number of signatures on a petition which would trigger a debate at a full Council meeting. The guidance states that this is to be set locally but should be no more than 5% of the population (which is 15,525 for Coventry). It is recommended that for Coventry the threshold should be 15,000. The Council can change this threshold number at any point in the future; if no petitions are received within six months or a year, the Council could reduce the threshold.
- 4.11 The action which a Council must take to deal with a petition depends on which of the following categories it fits into:
- a) it meets the threshold of enough signatures to trigger a Council debate
 - b) it has fewer than the threshold number of signatures; or
 - c) it holds a named officer to account and meets the required threshold for this or
 - d) is a petition on a planning, licensing or regulatory matter in which case it will be dealt with by the relevant Committee under the Committee's rules.
- 4.12 The Council currently has a register of petitions which are active. It would be prudent to incorporate these current and outstanding petitions into the new petitions framework and all petitions received will be included in the Petitions Register. The new framework is illustrated as a flowchart in Figure 1 and explained in the following sections.

Figure 1 Route for a Petition



Action for petitions with at least 15,000 signatures

- 4.13 Where a petition has at least 15,000 signatures, there must be a debate at a full Council meeting. This gives people the assurance that their views have been listened to and the chance to hear their local representatives debate their concerns. The petition organiser will be invited to attend to present their petition to Council, at the start of the debate. The Council can also give petitioners the opportunity to make further contributions to the debate, such as responding to questions from Councillors. When the debate concludes, the Council must take a decision- which could be to take specific action or not to take any action. The debate outcome will be confirmed to the petition organiser in writing.
- 4.14 Under the government guidance, it is expected that Councils will consider a petition at the first meeting after a petition is received, but recognises that a balance is needed between the debate of petitions and other Council business. Where there are a number of petitions already scheduled for debate, it may be necessary to schedule petitions at a Council meeting beyond the next one. The petition organiser will be told when the debate will be held, with sufficient notice to enable them to attend.
- 4.15 Under the legislation, Full Council should consider the following options when dealing with a petition:
- Giving effect to the request in the petition
 - Holding an enquiry into the matter
 - Commissioning research into the matter
 - Referring the petition for consideration by the Council's Scrutiny Boards
 - Writing to the petition organiser setting out the views of the Council about the request in the petition
 - Any other appropriate action

Action for petitions with between 5 and 15,000 signatures

- 4.16 These petitions will be treated as 'ordinary petitions' and will follow the route which existed prior to this new scheme, i.e. by referral to Cabinet Member or Cabinet. At either meeting, the Council should still consider the options below, but does not have to do so as these petitions fall outside of the new legislation
- Giving effect to the request in the petition
 - Considering the petition at a Full Council meeting
 - Holding an enquiry into the matter
 - Commissioning research into the matter
 - Referring the petition for consideration by the Council's Scrutiny Boards
 - Writing to the petition organiser setting out the views of the Council about the request in the petition
 - Any other appropriate action
- 4.17 Our current process for dealing with petitions includes sending the petition to the relevant directorate, with a request for a report responding to the petition within two months (as per the Council's Constitution). It is recommended that this procedure be replicated within the new petition scheme.

Action for petitions which hold an officer to account

- 4.18 Local people have the right to petition for a named senior officer to attend a public meeting of the Council's overview and scrutiny committee and answer questions about their work. The Council needs to set a threshold for the number of signatures on a petition which will trigger an officer being asked to attend a meeting of one of the Scrutiny Boards. There is no specific guidance on this figure. It is proposed that the Council sets a threshold of 10,000 signatures on petitions holding an officer to account.
- 4.19 The Council must decide which senior officers can be called to account by such a petition. The officers must include the head of paid service and the statutory chief officers and non-statutory chief officers of the authority as set out in Section 2 of the Local Government and Housing Act (1989) (c. 42). For Coventry this will include the following officers:
- Chief Executive
 - Corporate Directors
 - Monitoring Officer
- 4.20 The Scrutiny Board may require an alternative officer to attend where it is appropriate and necessary. The Scrutiny Board may also require the relevant Cabinet Member to attend. The outcomes from the meeting of the Scrutiny Board must be published on the website and notified to the petition organiser.

Right to review the response to a petition

- 4.21 Under Section 17 of the 2009 Act, if the petition organiser is not satisfied by the actions taken by the authority in response to a petition, the petition scheme must give a right of appeal for the petition to be considered by a Scrutiny Committee. It is proposed this should be the Scrutiny Co-ordination Committee. The results of any review must be published on the website.

The petition scheme and changes to the Constitution

- 4.22 Taking all the requirements as set out in this report, the full proposed petition scheme is shown at Appendix 1. The petition scheme needs to be contained within the Council's Constitution and it is recommended that it be inserted at section 4.9.
- 4.23 In addition, there are a number of other sections within the Constitution which need to be amended to enable the provisions within the scheme to be implemented. These are:
- changes to the terms of reference of Scrutiny Boards to consider petitions to call senior officers to account (Appendix 2).
 - changes to the terms of reference for Scrutiny Boards to include the requirement for a petitions review (or appeal) process (see Appendix 2); and
 - amendment of paragraph 4.1.2.7 and insertion of paragraph at 4.1.36.1, to enable petition debates to be held at Council meetings, in accordance with the Petition Scheme (see Appendix 2).
- 4.24 The Council currently allows petitions of more than 5 signatures to be submitted by a Councillor and presented to a meeting of the full Council, to a Cabinet Member or to either the Planning or Licensing Committee. At full Council meetings, Councillors are able to speak at full Council meetings to a petition they have submitted. It is proposed

that, under the new petition scheme, the existing provisions would remain in place. The new Scheme has been written to take account of the existing provisions of the Council's scheme, and to include the requirements for the new types of petitions.

5 Other specific implications

	Implications (See below)	No Implications
Neighbourhood Management		✓
Best Value		✓
Children and Young People	✓	
Comparable Benchmark Data		✓
Corporate Parenting		✓
Coventry Community Plan		✓
Crime and Disorder	✓	
Equal Opportunities		✓
Finance	✓	
Health and Safety		✓
Human Resources	✓	
Human Rights Act		✓
Impact on Partner Organisations		✓
Information and Communications Technology	✓	
Legal Implications	✓	
Property Implications		✓
Race Equality Scheme		✓
Risk Management	✓	
Sustainable Development		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

5.1 Legal implications

The legal requirement to have a petition scheme is already contained within the statutory provisions under the Local Democracy, Economic Development and Construction Act 2009. Statutory guidance on the duty to respond to petitions was issued by the Department for Communities and Local Government in March 2010. The duty to make such a scheme comes into force on 15 June 2010 and the scheme must provide for e-petitions from 15 December 2010.

5.2 Children and Young People

The Council has to have regard to the necessity to safeguard and promote the welfare of children in the exercise of its functions under the Children's Act 2004.

5.3 Risk Management

Under the legislation the Council must introduce a petition scheme which takes account of the statutory guidance. Not to respond effectively to the concerns raised by Coventry City citizens could have a negative impact on the reputation of the Council.

5.4 Crime and Disorder

The Council to take into account the need to reduce crime and disorder in exercising its functions under the Crime and Disorder Act 2004. The petition system is a mechanism which may be used to raise issues relating to anti social behaviour or crime and disorder generally.

5.5 Information and Communications Technology

The Council has to invest in appropriate software which is to be utilised to support the e-petitions system. The various options are being identified and considered but the actual software system and the price has not been confirmed, as it has not been determined whether the software can be supported internally or hosted by a third party, as a stand alone system. The new e-petitions facility does not need to be in place until 15 December; however work will need to start immediately on the procurement or establishment of this facility.

5.6 Human Resources

The Government recognises that the petitions scheme will require additional resources to administer the facility. The adoption and publication of the petition scheme will have an impact on staff resources as there will be a requirement to verify signatures, to judge validity of the petition, servicing the online e-petition facility and, if there were an increase in petitions, attendance at more meetings.

5.7 Finance

It is envisaged that costs will arise from increased work for officers, time at Council meetings and Overview and Scrutiny Committee, training and set up costs for e-petitions.

Local authorities will each receive a grant for 2010/11. This amount will vary by local authority dependent on the local population and has yet to be determined. It is likely that funding for future years to be incorporated into the revenue support grant.

6 Monitoring

6.1 The petition scheme to be reviewed in December 2010

7 Timescale and expected outcomes

7.2 The timescales for implementation of the requirements for Coventry City Council are set under the Local Democracy, Economic, Development and Construction Act 2009', which provides that the duty to make a scheme comes into force on 15th June 2010, whilst the e-petitions requirements will become effective from 15th December 2010. Statutory guidance to support the petitions duty was published on 30th March 2010.

	Yes	No
Key Decision		✓
Scrutiny Consideration (if yes, which Scrutiny meeting and date)		✓
Council Consideration (if yes, date of Council meeting)	✓ 24 th June, 2010	

List of background papers

Commencement orders/Regulations made thereunder.
 Department of Communities and Local Government – Listening to communities: statutory guidance on the duty to respond to petitions – March 2010.
 The Local Authorities (Petitions) (England) Order 2010. SI 2010 no. 898
 Local Democracy, Economic Development and Construction Act 2009

Proper officer:

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 (Any enquiries should be directed to the above)

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 Assistant Director, Finance and Legal Services

Neil Chamberlain, Finance Manager Tel 024 7683 4005

Papers open to Public Inspection

Description of paper	Location
None	

Appendix 1 Petition Procedure Rules (Petition Scheme)

Section 4.9

4.9.1 General

- 4.9.1.1 This part of the Constitution shall be referred to as the Petitions Scheme. The Petitions Scheme is based on the framework set out in the Local Democracy, Economic Development and Construction Act 2009 and takes account of the Guidance issued by the Department for Communities and Local Government issued on 30 March 2010.
- 4.9.1.2 The Council welcomes petitions and recognises that these are one way in which citizens of Coventry can raise 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 how the Council plans to deal with the petition, including an assessment of which of the three routes the petition should follow (see 4.9.4-4.9.9 below).
- 4.9.1.3 The Council will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition, and it has at least ~~5~~ [5 signatories](#) on it.
- 4.9.1.4 Subject to these rules, petitions can be submitted by members of the public, or presented by a Councillor on their behalf.
- 4.9.1.5 Petitions can be submitted in two ways - on paper and electronically. The option to submit e-petitions does not come into effect until 15 December 2010.
- 4.9.1.6 Paper petitions should be sent to the Petitions Officer:
- Assistant Director, Democratic Services
Customer and Workforce Services
Coventry City Council
Council House
Earl Street
Coventry
CV1 5RR

4.9.2 Guidelines for Submitting a Petition

- 4.9.2.1 Petitions submitted to the Council must include:-
- a clear and concise statement covering the subject matter of the petition.
 - what action the petitioners wish the Council to take.
 - the name, address, postcode and signature of any person supporting the petition.
- 4.9.2.2 Petitions should be accompanied by contact details including an address for the Petition Organiser. This is the person the Council will contact to explain how it intends to respond to the petition. This can be, but does not have to be, a Councillor. That person will need to indicate which personal data can be published on the Council's

website in order to enable the Council to meet its obligations under the Data Protection Act 1988. If the petition does not identify a Petition Organiser, signatories to the petition will be contacted, starting with the first signatory, to agree who will act as the Petition Organiser.

- 4.9.2.3 Petitions which have less than 5 signatures or are considered to be vexatious, abusive or otherwise inappropriate (as determined by either the Petitions Officer or Monitoring Officer) will not be accepted.
- 4.9.2.4 In the period immediately before an Election or referendum the Council may need to deal with the petition differently – if this is the case the Council will explain the reasons and discuss the revised timescales which will apply.
- 4.9.2.5 In all cases, if the petition does not follow the guidelines set out above, the Council may decide to take no further action with the petition. If this is the case the Council will set out the reasons for this action.

4.9.3 e-Petitions

- 4.9.3.1 Petitions can be submitted electronically from 15 December 2010. E-petitions will be created and submitted through the Council's website and e-petitions will follow the same guidelines as paper petitions.
- 4.9.3.2 The e Petition Organiser must provide their name, postal address and email address and specify how long the petition is to be open for signatures. He or she must also give their consent to their personal data being published on the Council's website in order to enable the council to meet its obligations under the Data Protection Act 1988. Most petitions are expected to run for 6 months but a shorter or longer timeframe can be applied by the e-Petition Organiser up to a maximum of 12 months.
- 4.9.3.3 An e-petition will be published online within ten working days. The Council will check that the content of the e-petition is suitable before it is published in accordance with section 4.9.3.4 below. If the petition cannot be published then the Petition Organiser will be advised within ten working days, and will have the opportunity to make changes to the petition. If the e-petition is not altered and re-submitted, 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.
- 4.9.3.4 When an e-petition has closed for signature, it will be automatically submitted to the Council's Petitions Officer. All e-petitions will be checked using the name, email address and the postcode supplied by the signatories. It will then follow the normal routing process referred to below, depending on the number of signatures on the e-petition and what it is asking the Council to do.

4.9.4 Council Action on Receipt of a Petition

- 4.9.4.1 A written acknowledgement will be sent to the Petition Organiser within five working days of receiving the petition. Details of the petition will be sent to the relevant ward Councillors. For city-wide petitions, all Councillors will be notified via the weekly Petitions Register update. Any Councillor wishing to act as 'Sponsor' for a petition will need to contact the Petition Organiser and seek their agreement, and then inform the Petitions Officer. The Councillor's name will be added to the Petition Register. Both

the Petition Organiser and a Sponsor will receive correspondence relating to the petition. Where the Petition Scheme states that the Petition Organiser will be informed, the Sponsor will also be informed.

4.9.4.2 On receipt of the petition, the Council's Petitions Officer [the Assistant Director (Democratic Services)] will review the petition and check which of the four applicable routes that the petition should follow. The four routes that are available to a petition are as follows:-

- A petition requiring Council debate.
- A petition requiring a senior officer to give evidence.
- A petition which relates to a Planning, Licensing or Regulatory matter
- Other petitions

4.9.4.3 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 or non-domestic rates, other procedures will apply and the petition will not be routed in any of the four ways above by the Petitions Officer.

4.9.4.4 The Petitions Officer will check that the petition complies with the requirements with regard to the details above and then publish details of the petition received on the Council's website. The petition will be published within ten working days of receipt.

4.9.5 Petitions being submitted or Sponsored by a Councillor

4.9.5.1 Councillors may submit a petition as Petition Organiser or support an existing petition, acting as its 'Sponsor'. In these cases, where there are at least 5 signatures:

4.9.5.2 If a Councillor presents a petition to a meeting of the City Council, the Councillor submitting the petition will be entitled to speak for two minutes.

4.9.5.3 If a Councillor presents a petition to the Cabinet or appropriate Cabinet Member, the Councillor submitting the petition will be entitled to attend the Cabinet or Cabinet Member meeting to present the petition and entitled to speak for two minutes.

4.9.5.4 If a Councillor presents a petition to either the Planning or the Licensing and Regulatory Committee, that Committee's rules with regard to speaking and responding will apply.

4.9.5.5 Where two or more Councillors present the same petitions, both Councillors will be entitled to the rights regarding speaking at council meetings and attending the appropriate meeting to present the petition as outlined in 4.9.1.1-4.9.1.4 above and 4.9.6 below.

4.9.6 A Petition Requiring Full Council Debate

4.9.6.1 If a petition contains more than 15,000 signatures it will be debated by a Full Council meeting, unless it is a petition requiring senior officer attendance. This means that the issue raised in the petition will be discussed at a Full Council meeting when all Councillors can attend. The Council will endeavour to consider the petition at its next

available meeting, although on occasions this will not be possible and the matter will be passed to the next Full Council meeting.

- 4.9.6.2 The Petition Organiser and Sponsoring Councillor(s) will each be allowed 3 minutes to present the petition at the Full Council meeting and the petition will then be discussed by Councillors – there is no time limit set for this.
- 4.9.6.3 The Council will decide how to respond to the petition at this meeting. The Council may decide to take the action the petition requests, not to take the action requested for the reasons put forward in debate, or to commission further investigation into the matter, for example by a relevant Committee.
- 4.9.6.4 When dealing with the petition, the Council may consider one or more of the following responses to the petition:-
- Taking the action requested in the petition
 - Referring the petition to Cabinet, a Cabinet Member or relevant Committee
 - Holding an enquiry into the matter
 - Undertaking research into the matter
 - Holding a public meeting
 - Holding a consultation
 - Holding a meeting with the petitioners
 - Referring the petition for consideration by the Council's Scrutiny Boards
 - Calling a referendum
 - Writing to the Petition Organiser setting out the views of the Council about the request in the petition.
 - Any other appropriate action
- 4.9.6.5 In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in the petition.
- 4.9.6.6 For example, if the petition relates to something over which the Council has no direct control (for example a railway or hospital) it may 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 will work with these Partners to respond to the petition.
- 4.9.6.7 If the Council is not able to do this for any reason then it will set out the reasons for this in writing to the Petition Organiser.
- 4.9.6.8 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 the Council's website.
- 4.9.6.9 In all cases the Council will advise the Petition Organiser of the action it has taken.

4.9.7 Petitions Requiring Attendance by a Senior Council Officer

4.9.7.1 If a petition asks 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, the petition must contain at least 10,000 signatures. Those senior officers that can be called to give evidence are as follows:-

- Chief Executive
- Assistant Chief Executive
- Director of Customer and Workforce Services
- Director of City Services and Development
- Director of Community Services
- Director of Children, Learning and Young People
- Director of Finance and Legal Services
- Director of Strategic Planning and Partnerships
- Monitoring Officer

4.9.7.2 Only these officers can be called to give evidence under this section of the petition scheme.

4.9.7.3 If a petition has the requisite number of signatures, the Council's Scrutiny Co-ordination Committee will decide which of the Council's Scrutiny Boards, the senior officer will be asked to attend before. The Scrutiny Co-ordination Committee may decide that it is better for a different officer to give evidence and may also decide to call the relevant Councillor to attend the meeting.

4.9.7.4 Scrutiny Board members will ask the questions at the meeting, but the Petition Organiser may suggest questions to the Chair of the Committee by contacting the Petitions Officer up to three working days before the meeting.

4.9.7.5 In all cases the Council will advise the Petition Organiser of the action it has taken.

4.9.8 Other Petitions

4.9.8.1 ~~If~~ ~~alf~~ a petition has at least ~~5~~ ~~but~~ ~~5~~ ~~but~~ less than 15,000 signatures on it, the Petitions Officer will review the content of the petition and decide whether the petition should be addressed to Full Council, Cabinet or Cabinet Member. If the Petition has been presented by a Councillor as the Petition Organiser, then the Councillor will be able to present the Petition.

4.9.8.2 Petitions can be presented to Full Council by the Petition Organiser (a Councillor or a citizen), but will not be debated by them. Instead Full Council will refer the petition to the relevant Cabinet, Cabinet Member or Committee to deal with the matter.

4.9.8.3 The Petitions Officer will notify the Petition Organiser which Cabinet/ Cabinet Member/ Committee the matter relates to and advise them of the date of the meeting when the Cabinet / Cabinet Member / relevant Committee will consider the matter, The Petitions Officer will also notify the relevant Ward Councillor/s. If the Petition Organiser is a Councillor, he or she will not be entitled to vote at any meeting unless she/he is a member of the Cabinet or Committee [or the Cabinet Member concerned].

4.9.8.4 The Petition Organiser (including any Councillor as Petition Organiser) may attend the Cabinet Member / Cabinet / relevant committee meeting and speak about the petition. Only the Petition Organiser is entitled to speak and they should confirm their attendance to the Council at least 3 working days before the meeting.

4.9.8.5 Where more than one petition is presented in relation to a particular item, then the Petitions Officer will endeavour to ensure that all petitions are dealt with at the same meeting. In the event that petitions have an "opposing" viewpoint, the Petitions Officer will invite the petitioner organiser to nominate a spokesperson for each of the petitions to the meeting at which the petitions are to be considered. Each spokesperson will be entitled to attend the meeting and to speak upon the consideration of the petition. If a spokesperson is unable to attend, for any reason, this would not prevent the meeting considering all the petitions and coming to a decision.

4.9.8.6 Where a petition stands referred by the Petitions Officer to the Cabinet, appropriate Cabinet Member or appropriate City Council Committee, no discussion will take place upon it in the City Council prior to its consideration by the Cabinet, appropriate Cabinet Member or appropriate City Council Committee except that the Councillor presenting a petition will be allowed to speak for not more than two minutes in explanation of the contents of that petition.

4.9.8.7 The Cabinet, appropriate Cabinet Member or relevant Committee will have the following courses of action available:-

- Taking the action requested in the petition
- Referring the petition to Full Council or another relevant Committee
- Holding an enquiry into the matter
- Undertaking research into the matter
- Holding a public meeting
- Holding a consultation
- Holding a meeting with the petitioners
- Referring the petition for consideration by the Council's Scrutiny Boards
- Calling a referendum
- Writing to the Petition Organiser setting out the views of the Council about the request in the petition.
- Refer the matter to an Advisory Panel and ask them for advice
- Any other appropriate action

4.9.8.8 When considering the matter, the Cabinet Member/ Committee may decide that the petition is such a matter that requires Full Cabinet consideration, in which case he or she can refer the matter to the Cabinet for the next available meeting, for example if it appears to relate to a City Council-wide or cross-cutting issue.

4.9.8.9 In all cases the Council will advise the Petition Organiser of the action is has taken.

4.9.9 Petitions which relate to matters by Planning Committee and Licensing and Regulatory Committee

4.9.9.1 Petitions relating to planning, licensing or regulatory matters will be referred to the respective Committee by the Petitions Officer and proceed in accordance with the rules of procedure relating to that Committee.

- 4.9.9.2 In the case of a petition that relates to a particular application, the petition will be considered at the same time as the application rather than within a period of two months. Any petition relating to a planning or licensing issue, for which an application has not been received within a 12 month period and where there is no on-going process, will automatically be considered by the relevant Cabinet Member and the petition put on file in planning or licensing for future reference.
- 4.9.9.3 Deadline for Receipt of Petitions to Planning Committee
- 4.9.9.4 In relation to the receipt of petitions to Planning Committee, only those petitions received by 12.00 noon on the day before the meeting will be treated as a petition, with the Petition Organiser (including any Councillor presenting the petition) and the applicant (or their agent/representative) being invited to attend and speak at the meeting; and that any 'petition' received after this deadline be treated as a 'late representation' and summarised by the City Planning Manager on the 'late representations report' which is tabled at the meeting.
- 4.9.9.5 Length of Speeches at Planning Committee
- 4.9.9.6 At Planning Committee, in line with the public speaking scheme, the length of the Petition Organiser's speech will be limited to three minutes. In addition, the applicant (or their agent/representative) will have the right of reply when a petition is presented in respect of a Planning Application. The Chair of the Planning Committee will have the discretion to ensure that any right of reply by an applicant (or their agent/representative) in response to a petition spokesperson's speech (which is limited to three minutes) will be of a proportionate amount of time.
- 4.9.9.7 In all cases the Council will advise the Petition Organiser of the action it has taken.

4.9.10 Petitions – The Right of Appeal

- 4.9.10.1 If the Petition Organiser considers that the Council has not responded to a ~~petition~~ ~~(petition -except(except~~ those petitions which are dealt with by the Planning, Licensing and regulatory Committees) properly, he or she has the right to request the Council's Scrutiny Co-ordination Committee to review the steps that the Council has taken in response to the petition.
- 4.9.10.2 If a Petition Organiser wishes to operate his or her right of appeal, he should write to the Council's Scrutiny Officer no later than 5 working days after final determination of the petition. The letter should set out the reasons why the Petition Organiser considers a review should be conducted.
- 4.9.10.3 The Scrutiny Officer will arrange for the matter to be considered by the next available meeting of the Council's Scrutiny Co-ordination Committee and will notify the Petition Organiser of the date of this meeting.
- 4.9.10.4 If the Council's Scrutiny Co-ordination Committee considers the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. This includes instigating an investigation, making recommendations to the Council's Cabinet or arranging for the matter to be considered at a meeting of Full Council.

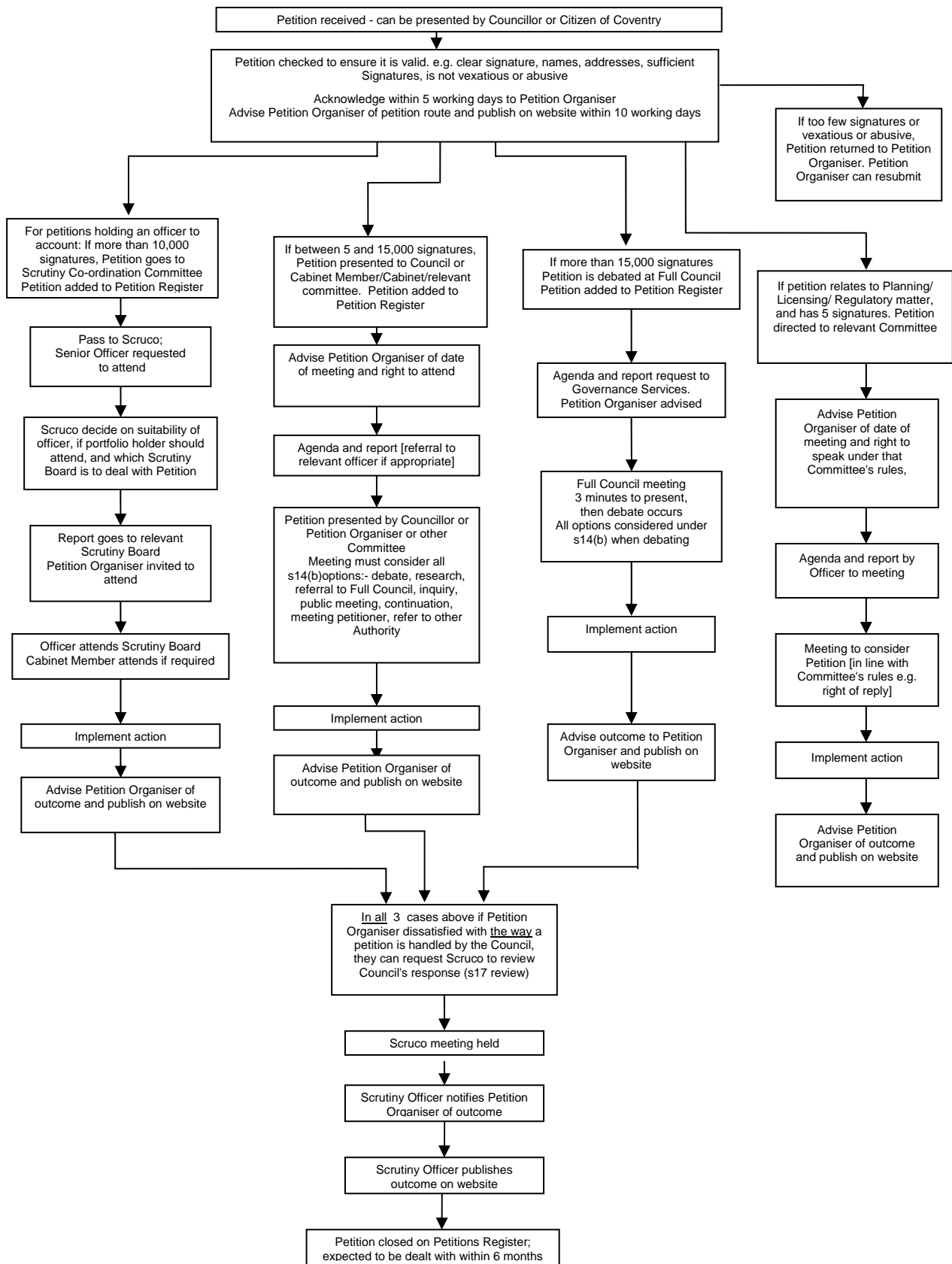
4.9.10.5 Once the appeal has been considered the Petition Organiser will be informed of the results within 5 working days. The results of the review will also be published on the Council's website.

4.9.11 Summary

4.9.11.1 A summary of the Council's process for dealing with petitions is set out on the diagram attached.

4.9.12 Reviewing the petition procedure rules (the petition scheme)

4.9.12.1 The Council can revise this petition scheme at any time in accordance with Section 11 of the Local Democracy Economic Development and Construction Act 2009.



Appendix 2

2.3 **Article 3 – Citizens and the Council**

2.3.4 **Participation**

Citizens have the right to participate in Planning Committee meetings and the rules of participation are set out in Part 4.

Citizens may be invited to contribute to investigations by Scrutiny Boards, [and to speak at meetings of the Scrutiny Co-ordination Committee when they are conducting a review under s17 Local Democracy, Economic Development and Construction Act 2009.](#)

[Citizens who are the organisers of petitions will be entitled to speak at a meeting of Full Council in accordance with the rules for petitions in Part 4.](#)

2.6 **Article 6 - Scrutiny**

2.6.3 **General Role**

Within their Terms of Reference and Scrutiny Procedure Rules, Scrutiny ~~Councillors will~~[Councillors will](#):

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions
- ii) make reports and/or recommendations to the full Council and/or the Cabinet and/or any other Committee/Other Bodies in connection with the discharge of any functions
- iii) consider any matter affecting the area or its inhabitants
- iv) exercise the right to call-in for reconsideration decisions made but not yet implemented by the Cabinet and/or any other Committee/Forum subject to limitations specified in Part 4.5.26 of this Constitution.

[v\) undertake a review of the way the Council has dealt with a petition, under s17 Local Democracy, Economic Development and Construction Act 2009](#)

2.6.7.2 **Scrutiny**

Scrutiny Boards may:

- review and scrutinise the decisions made by and performance of the Cabinet and/or other Committees/Forums and Council Officers both in relation to individual decisions and over time

- review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- question members of the Cabinet and/or other Committees/Other Bodies and Council Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- make recommendations to the Cabinet and/or appropriate Committee/Forum and/or Council arising from the outcome of the scrutiny process
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Board and local people about their activities and performance
- request information from Partner Authorities as defined in s104 of the Local Government and Public Involvement in Health Act 2007
- question and gather evidence from any person (with their consent)
- conduct scrutiny and health related activity/services within the City
- require a Member to attend before it and answer questions relating to any function that has been delegated to that Member by either the Council or ~~the Leader~~ the Leader (~~on~~on behalf of the Cabinet) relating to that Member's Ward.
- In relation to petition matters, require senior officers to attend before it and answer questions on their work in accordance with s. 16 of the Local Democracy, Economic Development and Construction Act 2009 and the Council's Petitions Scheme, at 4.9.6 of this Constitution.
- Review the way in which the Council has dealt with a petition, under s17 Local Democracy, Economic Development and Construction Act 2009

4.1 **Council Procedure Rules**

4.1.2 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will be:

~~4.1.2.7 receive any petitions in accordance with the Petitions Procedure Rules set out in Part 4.9~~

4.1.2.7 receive any petitions and to debate any petition containing more than 15,000 signatures in accordance with the Petitions scheme as set out at part 4.9 of this Constitution

4.1.2.8 Petitions which contain more than 15,000 signatures will be debated at full Council meetings, in accordance with the Petition Scheme at part 4.9 of this constitution.

4.5 Scrutiny Procedure Rules

4.5.1.2 There will also be a Security Coordination Committee whose main functions will be to co-ordinate the work of the Scrutiny Board, will be responsible for the consideration of call ins and undertake reviews of the way the Council deals with petitions under section 17 of The Local Democracy, Economic Development and Construction Act (2009).

4.5.2.2 The terms of reference of each Scrutiny Board: -
(ix) to consider petitions – under 4.9.

To
Council

24th June, 2010

Subject
Report on New Duty to Respond to Petitions

1 Purpose of the Note

- 1.1 To confirm to Council the outcome of the consideration by the Standards Committee of this report on 10th June, 2010.

2 Recommendations

- 2.1 The Council is recommended to:-
- a) note that, in general, the Standards Committee supports the proposed processes for responding to petitions.
 - b) approve that the thresholds for the number of signatures required to trigger a debate at Council be reduced to be more in line with the size/population of a ward and identify a reduced figure for an officer to give evidence at Overview and Scrutiny Committee.

3 Information/Background

- 3.1 The Standards Committee considered this report at its meeting on 10th June, 2010.
- 3.2 The Standards Committee in general supported the proposed processes for dealing with petitions which had been revised as a result of a new statutory duty to respond to petitions which Councils were required to implement.
- 3.3 The Standards Committee discussed in detail the threshold for the number of signatures in a petition which triggers a Council debate and the threshold number of signatures in a petition to trigger a senior officer to attend an overview and scrutiny committee meeting. The Committee agreed that the figure in the report of 15,000 signatures to trigger a Council Debate was too high, based on the fact that no petitions of this size have been submitted to the Council previously and felt that it should be reduced to be more in line with the size eg. electorate of a ward. Equally, the Standards Committee felt that the threshold number for triggering a senior officer to attend an Overview and Scrutiny Committee was too high and should be reduced.

- 3.4 The Committee requested that the City Council give further consideration to the thresholds for petitions and that the officers be requested to submit a briefing note to Council accompanying the report on 24th June to explain the Committee's request.
- 3.5 The Committee requested that the thresholds be reviewed six months after implementation.

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