



SCRUTINY MANAGEMENT COMMISSION 29 JUNE 2009

Report of the Director of Corporate and Adult Services

Draft Corporate Petitions Procedure

RECOMMENDATION

1. For the Commission to consider and comment upon the draft Corporate Petitions Procedure

SUPPORTING INFORMATION

- 2.1 The draft procedure contained in Appendix 2 is intended to clarify and bring the Council's response to petitions into line with national government proposals.
- 2.2 The Commission is asked to consider the draft Procedure and to offer suggestions thought to be necessary to improve it.
- 2.3 With the Commission's agreement it is proposed to submit the amended draft procedure to full Council for adoption.

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Background papers: Appendix 1 – Implications
List of appendices: Appendix 2 – Draft Corporate Petitions Procedure June 2009

IMPLICATIONS

Financial

1. None arising from this report.

Legal

2. It is anticipated that forthcoming legislation will require local authorities to adopt a Petitions procedure similar to that contained in Appendix 2 .

Personnel

3. No arising from this report.

Equalities impact

4. An effective petitions procedure will benefit all Derby People.

Corporate Objectives

5. This report has the potential to link with all the Council's Corporate Objectives.

Draft Corporate Petitions Procedure - June 2009

General Guidance on the submission of Petitions

1. Petitions may be submitted to any Councillor, Council Office, neighbourhood forum or appropriate Council Officer. Petitions regarding Licensing and Planning applications should be made directly to the relevant departments, within the timeframe required for the particular application. Once the petition is received, it is the responsibility of the person receiving it to forward it to the Overview and Scrutiny team within 2 working days. The Overview and Scrutiny team will record the details of the petition. If possible, the person receiving the petition should email the details of the petition (title, lead petitioner details and number of signatories) to the Overview and Scrutiny team when they send the hard copy. This is to ensure that petition can still be acted upon should the paper copy be delayed for any reason.
2. Petitions must relate to a subject that the local authority or one of its partners can address. These would include transport and traffic issues, requests for service etc. If the petition requests action that is not in the local authority remit, the lead petitioner will be informed in writing why no action can be taken.
3. To be valid, petitions must satisfy the following criteria:
 - a. Be addressed to Derby City Council
 - b. Request the Council to take specific action on something which is in its remit or that of its partners
 - c. Be signed by at least five Derby residents, workers or students
 - d. Include the address of each signatory and the date each person signed
 - e. Identify a 'lead petitioner'. This is someone who will act as a link between the Council and the signatories. This will usually be the lead petitioner or the first signatory on the petition. If no-one has been identified as the lead petitioner, we will assume that this is the first signatory on the first page of the petition.
 - f. Not be vexatious, abusive or inappropriate. (Vexatious means designed to cause unjustified distress, disruption or irritation to the Council, without justified cause. This definition is taken from Section 14 of the Data Protection Act (1999))
 - g. Not be the subject of a petition made to the Council within the last six months. Details of all petitions made to the Council will be available on the Council's website so that petitioners can see what petitions have already been received. Where multiple petitions are received on the same subject in a short time frame, it may be appropriate to combine responses to them, and petitioners will be notified when this is the case.

- h. If made online, use Derby City Council's own e-petitions system. Derby City Council reserves the right not to accept e-petitions that use an alternative system unless they are presented directly to the Council and meet the other requirements listed above.
- 4. Invalid petitions are ones which do not meet the criteria above. In addition, Derby City Council reserves the right to refuse a petition which falls within the following categories:
 - a. It is not an issue for which a petition is the appropriate forum. If this is the case, the petitioner will be advised of which method is appropriate, and will be guided through that process by Overview and Scrutiny.
 - b. It contains wording that is difficult to understand
 - c. It contains potentially libellous, false and defamatory statements
 - d. It is similar to or overlaps with another petition
 - e. It contains language that is offensive, intemperate or provocative
 - f. It contains material which is potentially confidential, commercially sensitive or which may cause personal distress or loss
 - g. It contains material of a party political nature
 - h. It endorses or promotes a product, service or publication or contains a statement that amounts to advertising

The lead petitioner will be informed if and why their petition is considered invalid and will be advised if it is possible for the petition to be re-submitted by making minor amendments to it. There is no time limit for resubmission of the petition other than the six month rule in 3(g) above

- 5. All petitions will be acknowledged within two working days of being received by the Overview and Scrutiny team. The acknowledgment letter will outline the procedure for considering the petition, and explain what rights the petitioner has to speak on their petition. The letter will also give the following information:
 - a. The details of the officer who will be preparing the response to the petition
 - b. The details of the Cabinet Member with responsibility for the area of concern raised by the petition
 - c. Details of the Councillors who will be considering the petition (either the Sub Commission Members or the Neighbourhood Forum Members)

Most petitions received by the Council will be considered at a neighbourhood forum or Scrutiny Management Commission Petition Sub Commission meeting.

- 6. Where petitions have Member support, the petition may be considered by Full Council, if certain conditions are met. This will be explained to the petitioner in the acknowledgement letter. When they submit their

petition petitioners are expected to indicate whether or not they have already gained support from a Member of the Council. As there is the option for Full Council to consider petitions at a later point in the process, it is not expected that consideration of petitions would be delayed to allow the petitioner to seek a Member champion.

7. Petitions generally fall into one of two categories – city wide or local issues. Local petitions are ones which relate to a localised area and will often be about issues concerning a particular street or area. City wide petitions may relate to services which apply to the whole city. Petitions about city wide and local issues will be dealt with in the following ways:

City Wide Petitions

8. The new guidance arising from the Local Democracy, Economic Development and Construction Bill [HL] proposes that petitions should be given a much more prominent position within the democratic process. This procedure attempts to do this by offering new ways in which petitions can be considered.

The Council needs to consider how and under what circumstances to give prominence to petitions, and the fairest way of doing this is by the number of signatures of support a petition has received. If the number is more than 500, it is suggested that there should be the opportunity to consider the petition at Full Council **provided it is supported by a member of the Council.**

Five hundred signatures is the approximate equivalent of 5% of a single ward signing the petition, and is also approximately 5% of the number of signatures required to hold a referendum on the executive arrangements in the city. It is therefore felt that this would be an appropriately significant number to warrant deeper debate by full Council. Over the last two years (January 2007-December 2008) there would have only been four city wide petitions which would have met the criteria for a Full Council debate. These were in respect of:

- a. Derby Playhouse (13,759 signatures)
- b. The Cathedral Quarter and the Lanes (1294)
- c. Bramblebrook Residential Home (4028)
- d. The closure of the over 60's advisory project (734)

500 signatures represents a significant level of public support and therefore it is suggested that Full Council might provide the best opportunity for debate on these matters.

9. The Member supporting the petition must submit an appropriate motion on the subject of the petition for debate. In accordance with Council Procedure Rule 39 the motion must be submitted to the Director of Corporate and Adult Services not later than seven clear days before

the date of the Council meeting at which the petition is to be considered, and should be seconded by another Member.

10. If a petition **of less than 500 signatures** has Member support, the lead petitioner will be given the option to have their petition heard by the Scrutiny Management Commission Petitions Sub Commission, or by Full Council. It will be made clear that the processes will differ in the following ways:

- a. At Full Council, the petition will be considered as a formal motion. The Member will introduce the petition, and then other Councillors may speak on the petition for up to five minutes each. The petitioner will not be able to engage in the debate.
- b. At a Scrutiny Management Commission Petition Sub Commission Meeting the lead petitioner will be invited to address the commission and to engage in the debate on the issues according to the commission procedure rules.

The difference in procedure allows the fullest and most appropriate level of debate for each petition.

11. It is not anticipated that the majority of the City Wide petitions will be considered by Full Council. The exceptions may high profile issues, or where petitions have been started by Ward Councillors. In most cases, even where the 500 signature rule is met, it is considered that the most appropriate forum for debate will be the Scrutiny Management Commission Petitions Sub Commission. This will give public petitioners the opportunity to present their views ask questions of Members and Officers about the subject of their petition.
12. Of the petitions received between January 2007 to December 2008 only 11 petitions would have fitted the 'City wide' category. Under the proposed arrangements the four listed in (8) above would have been considered by full Council and the remaining seven by the SMC Petitions Sub Commission. It is not felt that this would be an unduly onerous workload for the Petitions Sub Commission

Procedure for City Wide Petitions

On receiving a city wide petition to be considered at a Scrutiny Management Commission Sub Commission Meeting Overview and Scrutiny will:

- a. Arrange a Sub Commission meeting for a date within 15 working days of receipt of the petition.
- b. Identify the appropriate lead officer to deal with the petition, and notify them, the appropriate chief officer, and the Cabinet Member that a petition has been received and a response is required. Each of the nominated members and officers will be

informed of the name and contact details of the lead petitioner, the subject of the petition and the number of signatures. The lead officer will also be sent a copy of the original petition.

- c. Write to the lead petitioner explaining the process and providing the name and contact details of the officer(s) charged with providing a response to the petition. In most cases, this will also be the acknowledgement letter.

Local Petitions

13. Petitions on local issues will be considered by the relevant Neighbourhood Forum at their next scheduled meeting. On receiving the petition, the Overview and Scrutiny team will record the details of the complaint and:
 - a. Notify the Neighbourhood Manager that a petition has been received and send him/her a copy of the petition
 - b. Identify an appropriate lead officer to deal with the petition, and inform them, the appropriate Chief Officer and Cabinet member that a petition has been received and that a response is required. The Chief Officer and Cabinet member will be provided with details of the petition and the number of signatures and the name and contact details of the lead petitioner. The lead officer will also receive a copy of the original petition.
 - c. Write to the lead petitioner explaining the process and providing the name and contact details of the officers charged with providing a response to the petition. In most cases, this will also be the acknowledgement letter.
 - d. The Neighbourhood Manager will then make arrangements for the petition to be considered by the Neighbourhood Forum.

Reviewing the Process

14. As part of the review process for the petition, either the neighbourhood forum or the SMC petitions sub commission will have the option to refer the petition for a debate in Full Council. This is if the following requirements are met:
 - a. The Forum/Sub Commission have heard all of the evidence and the proposed solution and do not feel that it is suitable or appropriate for the matter in hand
 - b. AND there is a member who is willing support the petition at Council.

This method is intended as an action of last resort to be used when the petition has been considered at the relevant meeting but it has not been possible to reach what members consider to be a reasonable and justified solution to the problem.

As an alternative to referral to Full Council an elected member of the Council may decide to make the subject of the petition the subject of a

Councillor call for Action (CCfA). Under such circumstances the CCfA protocol would apply.

15. All petitioners will receive a full written response to their petition, prepared by the Cabinet member in liaison with the appropriate officer, as identified above. This will be sent to them within 5 working days of the meeting at which their petition was considered.
16. As part of the written response, the petitioner will be asked to notify the Overview and Scrutiny team if they feel that the Council has not followed an appropriate process in dealing with their petition. If this is the case, the petitioner can ask for the response to their petition to be reviewed at the next full SMC meeting. It will be made clear to petitioners that this will not be a review of the decision, but of the process taken to reach that decision.

