

Report of	Meeting	Date
Director of Transformation (introduced by the Executive Leader)	Executive Cabinet and Council	12 August 2010 28 September 2010

PETITIONS SCHEME

PURPOSE OF REPORT

- To agree a Petitions Scheme for the Council under the requirements of the Local Democracy, Economic Development and Construction Act 2009.

RECOMMENDATIONS

- 2.1 That the Executive Cabinet approve the attached Petitions Scheme and forward it to full Council for approval on 28 September 2010 for inclusion in the Council's Constitution.
- 2.2 That the Executive Cabinet approve the implementation of the e petitions proposals.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities	/	Ensure Chorley Borough Council is a performing organization	

BACKGROUND

- The Local Democracy, Economic Development and Construction Act 2009 requires every Council to formally adopt a scheme for how they handle petitions. Schemes require full Council approval, must be published on the Council's website and by other means and Council's must comply with their scheme. There are a number of minimum standards which petition schemes should adhere to but otherwise Councils have scope for local determination.
- The principles behind the requirements are that people should know how to express their views; local authorities should take action to respond to petitions; and people should feel their views have been listened to.

MINIMUM STANDARDS FOR A PETITIONS SCHEME

6. Under the legislation, the minimum prescribed standards for a Petitions Scheme are that:
- 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
 - A facility for making electronic petitions should be provided by the local authority
 - Petitions must be acknowledged within a time period specified by the local authority
 - Among the many possible steps that the principal local authority may choose to take in response to a petition, the following steps must be included amongst the options listed in the scheme:
 - Taking the action requested in the petition
 - Considering the petition at a meeting of the authority
 - Holding an inquiry
 - Holding a public meeting
 - Commissioning research
 - A written response to the petition organiser setting out the authority's views on the request in the petition
 - Referring the petition to an overview and scrutiny committee
 - Petitions with a significant level of support trigger a debate at full Council. Councils will determine this threshold locally but it must be no higher than 5% of the local population
 - Petitions with a requisite level of support, set by the local authority, trigger a senior local government officer to give evidence at a meeting of the Authority's overview and scrutiny committee
 - Petition organisers can prompt a review of the local authority's response if the response is felt to be inadequate

CURRENT ARRANGEMENTS IN CHORLEY

7. This Council already has in place a facility whereby those submitting a petition will have it first considered by the Executive Member or the Executive Cabinet – depending on the scale or subject of the petition. Once action is agreed this is reported to a full Council meeting. A written response is always provided to the petitioner with the option to attend the meeting of Executive and/or Council when the issue is being considered. In reality there are very few petitions received by the Council and all are dealt with efficiently.

PETITIONS SCHEME

8. In order to comply with the requirements of the 2009 Act, a Petitions Scheme has been drawn up based on the model scheme suggested in the Government guidance. The proposed Scheme is attached as Appendix A to this report. Members are asked to approve the Scheme for publication on the Council's website and also to form part of the Council's Constitution.
9. The Council is also developing a facility for the submission of electronic petitions. The Government deadline for introducing e-petitions is December 2010. An e-petition facility is available on the Modern.gov software which Democratic Services Officers use to generate committee agenda and to publish Member and meeting information on our website. This facility is available at no additional cost to the Council. Specific E petitions guidance has been drawn up and is included in the petitions scheme.

IMPLICATIONS OF REPORT

10. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	/
Human Resources		Equality and Diversity	
Legal	/	No significant implications in this area	

COMMENTS OF HEAD OF GOVERNANCE

It is a legal requirement to have a Petitions Policy. Both proposed policies are based on models issued under regulation and are therefore compliant with the legislation. It is appropriate to have a separate policy for e-petitions as this is a separate process which has different requirements to the paper petition scheme.

GARY HALL
DIRECTOR OF TRANSFORMATION

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Carol Russell	5196	23 July 2010	

Background Papers			
Document	Date	File	Place of Inspection
Listening to communities: statutory guidance on the duty to respond to petitions	March 2010		Democratic Services

PETITIONS SCHEME

1. INTRODUCTION

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition and contains the names of more than ten signatories or if it seems to us that it is intended to be a petition.

Paper petitions should be sent to:

**Chief Executive
Chorley Council
Town Hall
Market Street
Chorley PR7 1DP**

Or be created, signed and submitted online by following this link [to be inserted].

If your petition has received 1500 signatures or more it will be included for debate at a meeting of the full Council and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the Council.

You may choose to contact your Ward Councillor to gain their support for your petition. The Council's website www.chorley.gov.uk will provide details of your Ward Councillors.

2. WHAT ARE THE GUIDELINES FOR SUBMITTING A PETITION?

Petitions submitted to the Council must include:

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

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. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive, contain confidential information or are otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss a revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case we will write to you to explain the reasons.

If the petition applies to a planning or licensing application it will be dealt with by the relevant committee when the application is considered. If it is a statutory petition (for example requesting a

referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. In these circumstances please contact Democratic Services for further information and to discuss your issue.

3. 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.

Petitions will normally be discussed with the relevant Executive Member or go to Executive Cabinet for a decision on any action to be taken.

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 (1500 signatures), 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.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition. Petitions which deal with staffing matters will be dealt with directly by the Chief Executive as Head of the Paid Service.

To ensure that people know what we are doing in response to the petitions we receive the details of all petitions submitted to us will be published on our website, except in cases where this would be inappropriate.

4. HOW WILL THE COUNCIL RESPOND TO PETITIONS?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition;
- considering the petition at a Council meeting;
- holding an inquiry into the matter;
- undertaking research into the matter;
- holding a public meeting;
- holding a consultation;
- holding a meeting with petitioners;
- referring the petition for consideration by the Council's overview and scrutiny committee*
- calling a referendum;
- writing to the petition organiser setting out our views about the request in the petition.

*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the Council – in other words, the overview and scrutiny committee has the power to hold the Council's decision makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible on the Council's website www.chorley.gov.uk.

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

Once action has been decided and the petitioner informed, then the receipt of the petition and the action decided will be reported to a full Council meeting for information.

5. FULL COUNCIL DEBATES

If a petition contains more than 1500 signatures it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

In line with the public question facility at Council meetings, the petition organiser will be given three minutes to present the petition at the meeting and the petition will then be discussed by Councillors. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council's Executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

6. OFFICER EVIDENCE

Your petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior Council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the Council's Executive Cabinet where petitioners will be able to ask questions in line with the public speaking facility.

7. E-PETITIONS

The Council welcomes e-petitions which are created and submitted through our website www.chorley.gov.uk. E-petitions must follow the same guidelines as paper petitions but specific guidance is attached to this Scheme. The petition organiser will need to provide us with their

name, postal address and e-mail address. You will also need to decide how long you would like your petition to be open for signatures. The maximum period is 6 months.

When you create an e-petition, it may take a few 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.

When an e-petition has closed for signature, it will automatically be submitted to the Chief Executive. In the same way as a paper petition, you will receive an acknowledgement within 10 working days.

8. HOW DO I “SIGN” AN E-PETITION?

When you sign an e-petition you will be asked to provide your name, your postcode and a valid e-mail address. When you have submitted this information you will be sent an e-mail to the e-mail address you have provided. This e-mail will include a link which you must click on in order to confirm the e-mail 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.

9. WHAT CAN I DO IF I FEEL MY PETITION HAS NOT BEEN DEALT WITH PROPERLY?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council’s Monitoring Officer undertakes a review of how your petition was handled. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council’s response is not considered to be adequate. This may result in a report to the appropriate Executive Member, Executive Cabinet or full Council Meeting depending on the outcome of the review. Once the appeal has been considered the petition organiser will be informed of the results within five working days.

ePetitions Guidance

What is an ePetition?

An ePetition is a web-based electronic petitioning tool which gives a petitioner the option to create an electronic petition instead of using a traditional paper copy petition. It is a quick and easy way to bring issues to the attention of the Council and to influence local decision making. This way, your petition can be made available to a potentially much wider audience, giving you the opportunity to gather more support for your petition.

Who can submit an ePetition?

An ePetition can be submitted by a person of any age who lives, works or has an interest in Chorley. To submit an ePetition you will need to be a registered user. Registration is a simple process that just requires you to provide us with a few details in case we need to contact you about the ePetition.

The Council could also submit an ePetition itself to gauge public feeling on a particular issue.

Who can sign an ePetition?

An ePetition can be signed by a person of any age who lives, works or has an interest in Chorley. You will need to provide a few basic details, including a valid email address, for verification purposes. You can only sign an ePetition once. The list of signatories will be checked by officers and any duplicate signatures or obviously frivolous responses will be removed.

What issues can my ePetition relate to?

Your ePetition should be relevant to some issue on which the Council has powers or duties or on which it has shared delivery responsibilities. It should also be submitted in good faith and be decent, honest and respectful.

Your ePetition may be rejected if it:

- Contains intemperate, inflammatory, abusive or provocative language.
- Is defamatory, frivolous, vexatious, discriminatory or otherwise offensive; or contains false statements.
- Is too similar to another petition submitted within the past six months.
- Discloses confidential or exempt information, including information protected by a court order or government department.
- Discloses material which is otherwise commercially sensitive or contains advertising statements.
- Names individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies, or makes criminal accusations.
- Refers to an issue which is currently the subject of a formal Council complaint, Local Ombudsman complaint or any legal proceedings.
- Relates to the Council's Planning or Licensing functions as there are separate statutory processes in place for dealing with these matters. Please contact Democratic Services by calling 01257 515196, or emailing committee.admin@chorley.gov.uk for more information.

During politically sensitive periods, such as prior to an election, politically controversial material may need to be restricted.

The Council accepts no liability for the petitions on its web pages. The views expressed in the petitions do not necessarily reflect those of the Council.

If your petition relates to an issue which is beyond the powers of the Council to address, it may be more appropriate to start an ePetition on the Number 10 website <http://petitions.number10.gov.uk/>

Common causes for rejection

Petitions that do not follow the criteria will not be accepted. In these cases, the lead Petitioner will be informed in writing of the reason(s) the petition has been refused. If this happens, the lead Petitioner will be given the option of altering and resubmitting the petition so it can be accepted.

What can ePetitions achieve?

When you submit an ePetition to the Council it can have positive outcomes that lead to change and inform debate. It can bring an issue to the attention of the Council and show strong public approval or disapproval for something which the Council is doing. As a consequence, the Council may decide to, for example, change or review a policy, hold a public meeting or run a public consultation to gather more views on the issue.

Can I still submit a paper petition?

You can still submit paper petitions in accordance with the Council's Petitions Scheme.

You can have a paper version and an online version, although repeat names will be removed. Both forms should run for the same period of time and must be submitted together. When submitting an ePetition request, please let us know if you are running a paper petition as well and this can be highlighted on the website.

What information should my ePetition contain?

Your ePetition will need to include:

- The subject of the ePetition.
- A statement setting out what action you would like the Council to take.
- Any information which you feel is relevant to the ePetition and reasons why you consider the action requested to be necessary.
- A date for when your ePetition will go live on the website. It may take Democratic Services a few days to check your ePetition request and discuss any issues with you so please ensure that you submit the request a few days before you want it to go live.
- A date for when your ePetition will stop collecting signatures. In order to achieve the maximum impact, you may want to set this date so that the ePetition will be submitted prior to a date on which a debate is to be held or a decision taken on the issue. We will host your ePetition for up to 6 months but would expect most to be shorter in length than this.
- A choice of options for signatories to choose from, i.e. will you simply be asking people to 'agree' with the petition or will you give them the option to 'agree' or 'disagree'?

As lead petitioner, your name will be displayed with your ePetition on the website.

Promoting your ePetition

Whilst the Council will host ePetitions on its website, it will not generally promote individual ePetitions. It is therefore down to the lead petitioner to get as many people as possible to sign up. If this is not done then your ePetition could receive no signatures. Raising awareness of it could be done in a number of ways such as promoting it on local community websites, discussion forums or newsletters. The Council accepts no responsibility for ePetitions submitted.

What happens when the ePetition is complete?

When the ePetition reaches its closing date, people will no longer be able to sign it online. The list of signatories will be collated by Democratic Services and the lead Petitioner will be contacted regarding the submission of the completed ePetition.

What will happen to the ePetition once it is submitted?

As long as there are more than ten names the ePetition will be checked and dealt with under the Council's Petitions Scheme – [click here](#) to see how the Council can respond to petitions.

The details you give us are needed to validate your support but will not be published on the website. On the completion of an ePetition, your details will be passed on to the principal petitioner. The Council may contact you in relation to any petitions you have signed, unless you have requested not to be contacted when signing the ePetition.

Contact Details

For more information and advice, or to discuss a potential ePetition, please contact:

Democratic Services Manager

Town Hall

Chorley

PR7 1DP

Tel: 01257 515196

Fax: 01257 515150

Email: committee.admin@chorley.gov.uk