

CABINET

8 JUNE 2010

PETITIONS AND E-PETITIONS

Portfolio Holder: Councillor Rodney Chambers, Leader

Report from: Richard Hicks, Assistant Director Customer First, Leisure, Culture, Democracy and Governance

Author: Julie Keith, Head of Democratic Services

Summary

Every local authority is now required to respond to petitions and inform local people what action is going to be taken to address their concerns. This report provides information about the new duty and proposes a new petitions scheme for inclusion in the Council's Constitution. The Cabinet is invited to consider the proposed scheme and forward comments for inclusion in the report to be considered by full Council at its meeting on 17 June 2010.

1. Budget and Policy Framework

- 1.1 Sections 10 to 22 of the Local Democracy, Economic Development and Construction Act 2009 introduce a duty for Councils to establish a scheme for handling petitions and to inform local people what action is going to be taken to address their concerns.
- 1.2 The 2009 Act requires petition schemes to meet some minimum standards in order to ensure minimum entitlements which all citizens can expect and this includes a duty to provide a facility for electronic petitions (e-petitions).
- 1.3 The requirement to have a scheme for responding to petitions comes into force on 15 June 2010. The requirement for local authorities to provide a facility for making petitions in electronic form comes into effect on 15 December 2010.
- 1.4 The scheme must be approved by Full Council before it becomes effective and then must be published on the Council's website and by any other method appropriate for bringing it to the attention of those who live, work or study in the area.
- 1.5 The new scheme will be incorporated into the Council's Constitution and is expected to contribute to the achievement of NI 4 in Medway's Local Area Agreement– the percentage of people who feel they can influence decisions in their locality.

2. Background and new requirements

- 2.1 The Department for Local Communities and Local Government (DCLG) has published statutory guidance, which says that local authorities should approach their petition scheme from the starting point of responding to all the petitions they receive. The DCLG guidance says that signing a petition is one way for citizens to express their concerns and priorities to their local authority and that a recent Citizenship Survey in 2007 showed that petitions are the most popular and recognised form of civic action. However in a 2008 survey of all local authorities the DCLG found that only one in five Councils make details about how to submit a petition publicly available.
- 2.2 Medway is well positioned to respond to the new statutory requirement to introduce a petitions scheme. In June 2007 the Council adopted a clear and effective procedure for handling petitions presented by Councillors at Council meetings and this is included in the Council's constitution. In 2008 the DCLG identified Medway as an expert practitioner in the area of petitioning. Subsequently the Council was invited by the De Montfort University to participate in a workshop on the practical implications of petitioning as part of a systematic review of evidence on community empowerment commissioned by the DCLG.
- 2.3 The Council will have to adopt a new scheme for handling petitions which meets the minimum requirements in the 2009 Act as follows:
- anyone who lives, works or studies in Medway, including under 18's, must be able to sign or organise a petition and trigger a response
 - a facility for making electronic petitions must be provided
 - petitions must be acknowledged within a time period specified by the local authority
 - among the possible steps that the local authority may choose to take in response to a petition, the following steps must be included 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 (this level is set by each local authority and a proposal for Medway is set out at paragraph 6.5)
 - 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 relevant overview and scrutiny committee

- petition organisers can prompt a review of the local authority's response if the response is felt to be inadequate (similar to an appeal facility and this Council's current procedure).

- 2.4 The requirements listed above are the minimum set in the 2009 Act. The statutory guidance, to which the Council must have regard, encourages local authorities to consider designing a scheme which is wider than these requirements, for example, responding to petitions from those who do not live, work or study in the local area or e-petitions which are not made through the authority's own e-petition facility.
- 2.5 Once published the Council must comply with its petition scheme but can revise it at any time.

3. Designing a new petition scheme

3.1 When designing a scheme, local authorities are expected to

- take into account local circumstances to ensure that the scheme is locally appropriate
- ensure that the scheme is accessible to all
- ensure that the process is easy for citizens to use
- introduce thresholds that are low and achievable. They can be reviewed after a period of activity and amended if necessary. The Secretary of State has the power to direct the Council to amend its petition scheme if unachievable requirements are included in the scheme.

4. Responding to petitions

- 4.1 The statutory guidance says that as community leaders and place shapers, local authorities have a key interest in issues which, although wider than their functions, affect the local area. In view of this, and their role in the Local Area Agreement process, the Act requires top tier authorities (of which Medway is one) to respond to petitions which relate to an improvement in the economic, social or environmental well-being of the authority's area to which any partner authorities could contribute.
- 4.2 This means that the Council must deal with petitions which relate to the functions of partner authorities as well as petitions which relate to its own functions, including petitions which are sub-regional and cross-authority.
- 4.3 In practice, this may mean acting as an advocate for the local community, working with partners to resolve issues, lobbying a partner organisation on behalf of the community or instigating an overview and scrutiny review of the issue.
- 4.4 The legislation does not define what constitutes a petition. The guidance says in virtually all cases it should be immediately obvious whether something is or is not a petition and it is important that authorities make sensible judgements about whether to deal with an item of correspondence under its petition scheme or under another procedure, such as the internal complaints procedure. The general view is that authorities should treat as petitions for the

purpose of their scheme anything which identifies itself as a petition, or which a reasonable person would regard as a petition.

- 4.5 Should a petition call for something which goes against council policy, the authority may choose to say 'no' to the request. However, to ensure the step taken in response to the petition is substantive the guidance says the council must clearly explain its position in its response.
- 4.6 Local authorities may also choose to verify the signatures on a petition should they wish. In the case of e-petitions, the council must decide what counts as an authentic signature. It is proposed that in Medway this should include a valid e-mail address and a valid postcode as suggested in the Government guidance.
- 4.7 The guidance also says local authorities should approach the petitions they receive positively and not assume that the motivation is one which is vexatious, abusive or inappropriate. However, petitions, which are in the opinion of the authority vexatious, abusive or otherwise inappropriate, do not qualify under the requirement to take steps in response to the petition. These petitions must be acknowledged with an explanation of why the authority will not be taking action.
- 4.8 The types of petitions which may be considered inappropriate include those relating to matters which are part of ongoing legal proceedings or those which target individual members of the community. However, the decision is ultimately for the Council to decide considering the circumstances of the individual case. In addition, it may be inappropriate for councils to deal with certain petitions during periods when they are subject to restrictions immediately before elections or referendums. A description of what may happen in these circumstances should be set out in the petition scheme. For example, the organiser might be informed of the date when the petition will be considered, or when material relating to it will be published on the council's website.
- 4.9 Petitions under other enactments should be dealt with according to the procedures set out in those enactments. For example petitions under the Local Government Act 2000 asking for a referendum on whether the area should have an elected Mayor. In order not to duplicate procedures where established processes exist, the following matters are also excluded from the scope of the petitions duty:
- Any matter relating to a planning decision, including about a development plan document or the community infrastructure levy (i.e. the Council Tax)
 - Any matter relating to an alcohol, gambling or sex establishment licensing decision
 - Any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

However, failure on a systematic basis to deliver services in these areas remains within the scope of the petitions scheme.

5. New provision for electronic petitions (e-petitions)

- 5.1 The 2009 Act applies the same requirements to electronic petitions as to paper petitions, except for the following:
- authorities are only required to respond to e-petitions made through their e-petition facility
 - the council must decide, when a request to host an e-petition is received, whether the petition is appropriate for publishing on its website
 - the council must decide what equates to a signature on an e-petition (see paragraph 4.6 above).
 - the council will also be required to provide a facility for people to create and submit petitions electronically on-line which are also available to others for electronic signature. The published scheme should also set out how the council will respond and deal with online petitions.
- 5.2 The statutory guidance says that guidelines agreed about vexatious, abusive and otherwise inappropriate petitions will also be followed for e-petitions.
- 5.3 Medway has just introduced new decision management software for all formal member-level meetings and this includes a facility for e-petitioning which it is expected will meet the requirements of the 2009 Act. This report recommends a delegation to the Assistant Director Customer First, Leisure, Culture, Democracy and Governance to amend the petitions scheme as necessary to accurately reflect the functionality of the e-petitions facility once in place.

6. New provision for petitions to call a full Council debate

- 6.1 Under the new scheme petitioners who get the number of signatures specified in the Council's petition scheme will be guaranteed a public debate in full Council of their concerns.
- 6.2 The stated principle behind a petition debate is the increased transparency of the local decision making process. Notification of the debate should be published on the authority's website and the guidance says that petitioners should be offered the option of presenting their petition to the council at the beginning of the debate. Members could also consider what other contribution the petitioners might make to the discussion, for example, answering questions put by councillors.
- 6.3 The debate should conclude with a decision being taken by Full Council. This could be to take the action the petition requests, not to take action 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 Cabinet is required to make the final decision, the Council should decide whether to make recommendations to inform that decision. The petition organiser should then receive written notification of this decision and it should also be published on the council's website.
- 6.4 An authority is not required to hold a debate in response to any petition which falls outside the scheme, for example because it is vexatious, or relates to a licensing or planning decision. Petitions calling for evidence from an officer are also excluded from the requirement to hold a debate.

6.5 The law specifies that 5% of the total population (as estimated by the Office of National Statistics) is the maximum number of signatures that the Council may stipulate as required to trigger a debate at full Council. This would equate to 12 675 signatures in Medway. However following discussion at the Business Support Overview and Scrutiny Committee on 25 May 2010 it is proposed that for the Medway petition scheme the threshold to initiate a debate at Full Council should be set at 2% of the population (currently 5070 signatures). This is higher than thresholds suggested in the model scheme issued with statutory guidance but sets a threshold that would generally be achievable for a ward specific issue. The view of the Overview and Scrutiny Committee was that a very low threshold could generate minor and possibly frivolous matters being referred to Full Council.

7. New provision for petitions calling officers to account

- 7.1 Local people will also have the right to petition for a senior member of council staff to attend a public meeting of an Overview and Scrutiny committee. If enough people sign the petition, a senior officer will have to attend the meeting, answer the committee's questions and explain how they are delivering public services.
- 7.2 This builds on existing powers of overview and scrutiny committees who can already require Members and officers to attend a meeting and give evidence. In Medway each Overview and Scrutiny Committee may require any Member of the Cabinet, the Chief Executive, and/or any Director, Assistant Director and Service Manager to attend before it for purposes specified in the Councils Overview and Scrutiny rules.
- 7.3 Guidance under the Local Government Act 2000 is already in place to cover the way in which overview and scrutiny committees should conduct themselves when questioning an officer of the local authority – including, for example, considering the appropriate seniority of witnesses to ensure that junior officers are not put under undue pressure, and restricting questions to matters of fact and explanation. The guidance says a petitions scheme must determine which officers are able to be called to account in this way and include the names and job titles of the officers in question. The 2009 Act requires that, as a minimum, it should include the head of paid service (Chief Executive) of the authority and the most senior officers responsible for the delivery of services.
- 7.4 The final decisions on which officer should attend, and the questions to be asked, rest with the overview and scrutiny committee. The Act allows that for the purposes of addressing the concerns raised in the petition, an overview and scrutiny committee can decide it is more appropriate for another officer to be called to attend instead. The committee may also consider it appropriate to call the relevant elected Member with responsibility for the service area in question, in addition to the appropriate senior officer.
- 7.5 The guidance also says it is essential that the scrutiny prompted by petitions is appropriate and fair to the officer involved. They must not be exposed to inappropriate public scrutiny of their private lives, nor to harassment or bullying. To safeguard officers, the Act stipulates that 'grounds' given in the petition for attendance at a meeting must relate to their job – it cannot relate to personal circumstances or character.

- 7.6 An officer is not required to attend a meeting of the overview and scrutiny committee to give evidence if the petition calling for the attendance is deemed to be vexatious, abusive or otherwise inappropriate by the local authority.
- 7.7 Again, following discussion at the Business Support Overview and Scrutiny Committee on 25 May 2010, it is proposed that for the Medway petition scheme the threshold for calling an officer to account should be set at 1% of the population (currently equating to 2,535 signatures) Again this would be achievable for a ward specific issue.

8. Petition reviews

- 8.1 The petitions scheme must give petitioners the opportunity to appeal to an overview and scrutiny committee if they feel the Council's final response is not adequate.
- 8.2 This is essentially an appeal provision giving the petition organiser the power to ask an overview and scrutiny committee to review the Council's final response to the petition. The overview and scrutiny committee will be able to decide whether the steps taken by the authority in response to the petition were adequate.
- 8.3 The guidance acknowledges that one of the steps the authority might take in response to a petition is to refer it to an overview and scrutiny committee for consideration. Should the petition organiser subsequently be dissatisfied with the response to the petition, and request a review by the overview and scrutiny committee, the committee might feel that this could give rise to a conflict of interest. Paragraph 9.4 (ix) below suggests how this Council might deal with that scenario.
- 8.4 If an Overview and Scrutiny Committee has reason to be concerned about the adequacy of the Council's final response to a petition it may decide to carry out a full review of the issues raised in the petition using their powers under the Local Government Act 2000.

9. Proposed petitions scheme for Medway Council

- 9.1 Currently the Council's procedure for handling petitions covers petitions presented by Councillors at Council meetings. The existing procedure is attached at Appendix A to this report for ease of reference.
- 9.2 It was agreed to change the Council's petitions procedure in 2007 because in 2006/07 the Regeneration and Development Overview and Scrutiny Committee had 63 petitions referred to it by the Council generating a significant impact on the capacity of the Committee to deal with other business. Special meetings were required to deal with petitions.
- 9.3 It was therefore agreed that procedures for handling petitions at all Overview and Scrutiny Committees should be changed so that as a general rule the relevant Director responds to any petition handed in at Council with the petitioners having a right of review at the relevant Overview and Scrutiny Committee if they remain dissatisfied. This procedure has been effective in streamlining and speeding up the time it takes to provide a response to petitions. At the same time the procedure recognises the importance of petitions in providing access by the public to a dialogue with elected Members

and an opportunity for direct community engagement by Overview and Scrutiny Committee Members. Since July 2007 151 petitions have been presented at full Council with only 15 being debated subsequently in an Overview and Scrutiny Committee due to dissatisfaction by petitioners. As stated in paragraph 2.2 of this report, after the introduction of this procedure, the DCLG identified Medway Council as an expert practitioner in the area of petitions.

- 9.4 A proposed petitions scheme for Medway under the 2009 Act is attached at Appendix B to this report. Appendix C sets out other consequential changes required to the Constitution. The proposed procedures are based substantially on the model scheme issued by the DCLG with the statutory guidance. Full details are set out in the proposed scheme but the key provisions can be summarised as follows. The Council will:
- (i) respond to **all** petitions presented by members of the public or Councillors at Council meetings or delivered directly to officers (including e-petitions with effect from 15 December) irrespective of how many signatures are included in the petition (but with the exception of those excluded from the scheme)
 - (ii) log all petitions within Democratic Services. The Head of Democratic Services will acknowledge petitions usually within five working days of receipt by the Council
 - (iii) stipulate in its scheme that the Council may take any of the steps set out in section paragraph 2.3 of this report (as required by 14 (6) of the 2009 Act) but that as a general rule the relevant Director will respond in writing, usually within ten working days of receipt of the petition by the Council and will explain the proposed action and timescales for implementation. The Director may have to explain the reasons why the Council cannot take the action requested by the petitioners. For example, it would conflict with Council policy or is a matter outside of the control of the Council
 - (iv) set a threshold of 2% of the population as the number of signatures required to trigger a debate at full Council (currently 5070 signatures). Petitioners would have five minutes to present their petition and there would be twenty minutes for the Council to debate the matter.
 - (v) set a threshold of 1% of the population as the number of signatures required to trigger an officer being called to account (currently 2535 signatures) at an overview and scrutiny committee.
 - (vi) have an e-petitioning facility in place by no later than 15 December 2010
 - (vii) provide that petitioners will have a right to ask the appropriate Overview and Scrutiny to review the adequacy of the steps taken or proposed in the Council's final response or as a consequence of action proposed following a full Council debate or an officer being called to account
 - (viii) require petitioners to notify the Head of Democratic Services within ten working days of the date of the Council's final response if he/she is not

satisfied with reasons which would then trigger a review by the relevant Overview and Scrutiny Committee

- (ix) provide that where petitioners call for a review of action taken/proposed following discussion of a petition or an officer being held to account at an Overview and Scrutiny Committee this will be undertaken by Business Support Overview and Scrutiny Committee. Where that Committee has dealt with the petition in the first instance it may decide to refer the review to Full Council if there is scope for a conflict of interest.

10. Business Support Overview and Scrutiny Committee

- 10.1 The Business Support Overview and Scrutiny Committee considered this report on 25 May 2010 and Members expressed a view that the introduction of e-petitions could significantly increase the number of petitions received and also discussed the scope for residents to use multiple email addresses to register their name more than once for a petition.
- 10.2 Members were concerned that thresholds should be set at a level which would ensure there was a focus on substantial issues rather than minor or possibly frivolous issues at Full Council and Overview and Scrutiny Committee meetings.
- 10.3 The Committee recommended that the thresholds should be 2% and 1% of the population for triggering a debate at Full Council and an officer being held to account respectively, noting that these thresholds could be reviewed at a later date in the light of experience. This recommendation has been reflected in this report.

11. Risk Management

- 11.1 The proposed scheme at Appendix B should minimise the risk of intervention by the Secretary of State by setting low and achievable signature thresholds and using the government's model scheme as a basis for the Medway petition scheme.
- 11.2 As the Council will receive an additional Government grant to meet costs associated with the new petitions duty in 2010/11 it is expected that the new scheme can be introduced and administered within available resources this year. Whilst a recent survey of all Service Managers suggests very few petitions come in directly to officers, the position will have to be kept under review because the publication of the petitions scheme and the introduction of e-petitioning could generate a significant increase in the workload associated with petitions for both members and officers.

12. Financial and legal implications

- 12.1 It is expected that the national cost to the public sector of responding to local petitions will be approximately £4.7 million per year, decreasing over time. These costs arise from increased work for council officers, time at council meetings and Overview and Scrutiny Committees and set up costs for e-petitions.

- 12.2 Local authorities will each receive a grant for 2010/11. This amount will vary by local authority dependent on the local population. It is expected that funding for future years will be incorporated into the revenue support grant.
- 12.3 Sections 10 to 22 of the Local Democracy, Economic Development and Construction Act 2009 place a statutory duty on Local Authorities to respond to all petitions and to set in place the facility (including an electronic facility) to trigger a full debate at a Council meeting, or call a senior officer of the authority to account at an overview and scrutiny committee meeting. The Council must have regard to associated statutory guidance.

13. Recommendations

13.1 The Cabinet is asked to:

- (a) recommend the petitions scheme attached at Appendix B to Full Council for adoption and inclusion in the Council's Constitution (as Appendix A to the Council rules in Chapter 4)
- (b) recommend to Full Council that authority be delegated to the Monitoring Officer to determine when it would not be appropriate for a petition to be handled under the petitions scheme because it is deemed to be vexatious, abusive, otherwise inappropriate or excluded from the scheme, taking into account relevant law and statutory guidance.
- (c) recommend to Full Council that authority be delegated to the Assistant Director Customer First, Leisure, Culture, Democracy and Governance to make minor amendments to the provisions in the scheme relating to e-petitioning if required once the system is in place to ensure the scheme accurately reflects the technical aspects of the IT arrangements.
- (d) recommend to full Council the changes required to the Constitution as a consequence of introduction of a petitions scheme as set out in Appendix C.

14. Suggested Reasons for Decision

14.1 The Local Democracy, Economic Development and Construction Act 2009 places a statutory duty on Local Authorities to adopt a scheme for handling petitions and to set in place a facility for e-petitioning. The proposed petitions scheme has been developed using the model scheme and will be included within the Council's Constitution.

Lead officer contact

Julie Keith, Head of Democratic Services

Tel. No: 01634 33 E-mail: julie.keith@medway.gov.uk

Background papers

The Local Democracy, Economic Development and Construction Act 2009

http://www.opsi.gov.uk/si/si2010/uksi_20100881_en_1

Statutory guidance to support the petitions duty

<http://www.communities.gov.uk/publications/communities/dutyrespondpetitionguidance>

**MEDWAY COUNCIL – CURRENT PROCEDURE FOR HANDLING PETITIONS
PRESENTED AT COUNCIL**

Procedure for handling petitions at Overview and Scrutiny Committees

- 19.1 Any petition presented at Council meetings relating to matters within the remit of an Overview and Scrutiny Committee will be referred immediately to the relevant Director for consideration at officer level within five working days of the Council meeting.
- 19.2 Where the Director is able to fully meet the request of the petitioners a response will be sent within ten working days of the Council meeting advising the petition organiser of the proposed action and timescales for implementation. The petition organiser may request to refer the matter to the relevant Overview and Scrutiny Committee by way of notice to the Head of Democratic Services within ten working days of the date of the response if s/he is not satisfied with the answer and has given reasons for their dissatisfaction. The Councillor who presented the petition at full Council will be provided with copies of correspondence with the petitioners.
- 19.3 For petitions where the Director is unable to meet the request of petitioners or where there are a range of alternative responses the petition will be referred to the next relevant Overview and Scrutiny Committee for discussion. The petition organiser, the member who presented the petition, the ward Councillors and relevant portfolio holder will be invited to attend the meeting.
- 19.4 At any meeting of the Overview and Scrutiny Committee where petitions are considered the petition organiser will be invited to address the meeting. A maximum of 10 minutes may be given but this may need to be shared with other petitioners.
- 19.5 A summary of all petitions presented to the Council will be presented to each meeting of the relevant Overview and Scrutiny Committees summarising the Director's response where petitions have been dealt with at officer level and providing a recommended response or range of options for the Committees to consider where the petition is referred to the Committees for consideration as set out in paragraph 3 above.
- 19.6 The Committees will not consider a petition which raises substantially the same issues as any other petition referred to the Committee in the past 12 months.

MEDWAY COUNCIL

DRAFT PETITION SCHEME

Petitions

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 usually receive an acknowledgement from the council within 5 working days of receipt.

We will treat something as a petition if it is identified as being a petition, or if it seems to us that it intended to be a petition and a reasonable person would regard it as such. The Council reserves the right to make this judgement and may decide to determine a matter under another procedure such as the internal complaints procedure.

Paper petitions can be sent to:

Head of Democratic Services
Medway Council
Gun Wharf
Dock Road
CHATHAM
Kent ME4 4TR
Telephone 01634 332760
Email: julie.keith@medway.gov.uk

or, from 15 December 2010, be created, signed and submitted online via the Council's website.

You can also present a petition at a meeting of the full Council or ask a Councillor to present a petition on your behalf at these meetings. Council meetings take place on a 6 weekly basis. Dates and times can be found on the Council's website [\[link\]](#). If you would like advice about this option please contact the Head of Democratic Services at least 10 working days before the meeting and she will explain the process. Alternatively contact details for all Medway Councillors can be found on the Council's website ([link](#)). If your petition has received 5070 signatures or more it will automatically be referred to a meeting of the full Council for debate and if this is the case we will let you know the date of the meeting in good time. (Note: the debate will not take place at the Council meeting where a petition is presented but will normally be the next ordinary meeting).

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, address and signature of any person supporting the petition which the Council may choose to verify. For e –petitions you must provide a valid email address and postcode.

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 council's website. If the petition does not identify a petition organiser, we will contact the first signatory to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or 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 the 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.

The Council will not consider a petition which raises substantially the same issues as any other petition submitted in the past twelve months.

What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser usually within 5 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. The subject of the petition will be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example, seeking a referendum on whether the area should have 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. Please contact the Head of Democratic Services for further advice if you are uncertain.

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.

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

correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us. You can do this by emailing the Council: add email address]

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 and other partners– in other words, the overview and scrutiny committee has the power to hold decision makers to account. (Link to Overview and Scrutiny web pages)

As a general rule in the first instance the lead petitioner will receive a response from the relevant Director usually within ten working days of receipt of the petition by the Council which will explain the action the Council proposes to take on the issues highlighted in a petition. The table below gives some examples of actions the Council can potentially take on particular issues:

Petition subject	Appropriate steps
Alcohol related crime and disorder	If your petition is about crime or disorder linked to alcohol consumption, the council may, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The council’s response to your petition will set out the steps we intend to take and the reasons for taking this approach.

Petition subject	Appropriate steps
Anti-social behaviour (ASB)	<p>As the elected representatives of your local area, as social landlord and licensing authority, the council plays a significant role in tackling anti-social behaviour. The council, along with other partners is part of the Community Safety Partnership which has identified tackling anti-social behaviour as a priority. You can find out more about action the Partnership is proposing to deal with anti-social behaviour here (insert link to community safety plan)</p> <p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we may work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the Community Safety Partnership and crime and disorder overview and scrutiny committee to the issues highlighted in the petition.</p>
Under-performing schools	<p>We will consider, in consultation with local partners, all the options available to us when working with schools to secure their improvement. Initially this will involve dialogue with the school and its governing body and the provision of support and challenge with a view to driving up performance. Where these measures fail further action may be possible. For example, on our behalf, the school improvement partner will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing we will consider whether it is appropriate in the circumstances to issue a warning notice outlining expectations and a timeframe for the school to improve its performance standards. Other measures available to us, where schools fail to comply with a warning notice or are in an Ofsted category of notice to improve (requiring significant improvement) or special measures including; appointing additional governors, establishing an interim executive board, removal of the school's delegated budgets, requiring the school to enter into a formal contract or partnership or, only if the school is in special measures, closure.</p>

Petition subject	Appropriate steps
Under-performing health services	We will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LINK) might have in reviewing and feeding back on the issue (the LINK is run by local individuals and community groups and independently supported – their role to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account). Petitioners will have a right to ask the Health and Adult Social Care overview and scrutiny committee to review the response from the Council if they remain dissatisfied with the outcome.

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 [link to web pages about the LSP and LAA] 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 here [link to A-Z of services].

If your petition is about something that a different council is responsible for 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.

Full council debates

If a petition contains at least the number of signatures equating to 2% of Medway's population (currently 5070 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. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors usually for a maximum of 20 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Cabinet is 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.

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 councillors to enable them to make a particular decision.

If your petition contains at least the number of signatures equating to 1% of Medway's population (currently 2535 signatures), the relevant senior officer will give evidence at a public meeting of the relevant overview and scrutiny committee. You may ask for the Chief Executive, any Director, Assistant Director or Service Manager to be called to give evidence. The Head of Democratic Services can help you identify the most appropriate officer to call to give evidence in your petition. You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant Cabinet Member to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chairman of the committee by contacting the Head of Democratic Services up to three working days before the meeting. The Overview and Scrutiny Committee may also allow you to speak at the meeting.

E-petitions

From no later than 15 December 2010 the council will welcome e-petitions which are created and submitted through our website [link]. E-petitions must follow the same guidelines as paper petitions [link to guidelines]. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to the Head of Democratic Services. In the same way as a paper petition, you will receive an acknowledgement usually within 5 working days. If you would like to present your e-petition to a meeting of the council or ask a Councillor to do so on your behalf, please contact the Head of Democratic Services within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. A summary of the response will also be published on this website.

How do I 'sign' an e-petition?

You will be able to see all the e-petitions currently available for signature on the Council's website (Insert link).

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly the petition organiser has the right to request that one of the Council's Overview and Scrutiny Committee's review the steps that the council has taken in response to your petition. 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 final response is not considered to be adequate. You should notify the Head of Democratic Services within 10 working days of receiving a final response if you wish to request a review with reasons.

The relevant Overview and Scrutiny committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Cabinet and arranging for the matter to be considered at a meeting of the full council.

Once the review has been completed the petition organiser will be informed of the results usually within 5 working days. The results of the review will also be published on our website.

**MEDWAY COUNCIL – PETITIONS SCHEME
PROPOSED CHANGES TO THE CONSITUTION**

Section of the Constitution	Proposed change
Chapter 1 : Summary and Explanation	<p>Page 1.3 Add bullet point to paragraph 7 – Local people’s rights: “ submit a petition to the council and receive a response under the council petitions scheme”</p>
Chapter 4 Rules: Part 1 –Council rules	<p>Page 4.4 delete 6th bullet point and substitute: “Receive and debate petitions in accordance with the Council’s petitions scheme – see appendix A to these rules“</p> <p>Page 4.5 Add new Rule 7 as follows and renumber all subsequent paragraphs of the Council rules accordingly:</p> <p>“RULE – PETITIONS</p> <p>Petitions will be dealt with at full Council in accordance with the Councils petition scheme at Appendix A to these rules. The lead petitioner or their nominated representative and Councillors may present petitions to the meeting. Where a full Council debate is triggered by a petition with the specified number of signatures or the Council considers a petition or undertakes a review of the response provided to a petition the lead petitioner (or their nominated representative) may address the meeting for up to 5 minutes and 20 minutes will usually be allowed for the Council to debate the matter.”</p>

Section of the Constitution	Proposed change
<p>Chapter 4 Rules – Part 5 – Overview and Scrutiny rules</p>	<p>Page 4.49 Delete all of paragraph 19 and substitute:</p> <p>“ 19 Procedure for handling petitions at Overview and Scrutiny Committees</p> <p>Overview and Scrutiny Committees have an important role in relation to petitions submitted to the Council. Petitions must be handled in accordance with the Councils petition scheme which is attached as Appendix 1 to the Council Rules in Part one of Chapter Four of the constitution.</p> <p>Page 4.51 Add additional point to paragraph 22.1 General Terms of Reference of Overview and Scrutiny Committees as follows:</p> <p>“ (xv) to deal with petitions referred to the Committee under and in accordance with the Council’s petition scheme</p>