

# APPENDIX C

## THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

### ADMINISTRATION COMMITTEE - 3 JUNE 2010

#### SCHEME FOR PETITION HANDLING

#### REPORT OF THE TOWN CLERK AND CHIEF EXECUTIVE

Part 1, Chapter 2, of the Local Democracy, Economic Development and Construction Act 2009, which was brought into effect on 15 June 2010, requires every local authority, (i) to have adopted a 'Petition Scheme' which sets out how it will handle petitions, and by 15 December 2010 (ii) to have an on-line petition facility, under which anyone may set up a petition on the Authority's website, and other petitioners may sign up to the petition on-line. This report recommends how this Council might respond to these new requirements.

**FOR DECISION**

## 1. WHAT IS A PETITION?

1.1 The Act defines different categories of petitions, and allows the Authority to define the number of signatures required for each category:

- (i) 'Ordinary Petitions', the handling of which is determined by the Authority;
- (ii) 'Petitions for Debate', which must be reported to and debated at full Council;
- (iii) 'Petitions to hold an Officer to Account', which trigger an open meeting of an Overview and Scrutiny Committee at which the named officer will report and be questioned on their actions;
- (iv) 'Exempted Petitions', i.e. petitions received in response to statutory consultation on planning and licensing applications, which will continue to be reported to Planning and Licensing Committees.

- 1.2 The Government has issued statutory guidance on Petition Schemes, to which the Council must have regard. The guidance includes a model petition scheme and also suggests that authorities should set the number of signatures required for each category of petition at levels which encourage rather than discourage petitions, and should set a lower threshold for petitions on local rather than authority-wide matters.
- 1.3 The Petition Scheme would only apply to petitions which relate to matters for which the Authority has responsibility or which it is able to influence.

## **2. PROPOSED ACTION**

- 2.1 The Council already has a 'Petition Handling Protocol' which was agreed at full Council on 23 April 2008, but this is not as wide-ranging or prescriptive as the type of scheme now required. However, arrangements for handling 'ordinary petitions' (which are likely to remain the greatest number of petitions received) need not change, so similar provisions to our existing Protocol have been incorporated into the proposed new Petition Scheme.
- 2.2 Officers have now, therefore, drafted a new Petition Scheme (attached at Appendix A), which takes fully into account the recent statutory guidance. Attention is drawn to the following key features of this Scheme:
- (i) An appropriate officer must be designated as the Petitions Officer, responsible for recording all petitions received, responding to petition organisers, ensuring that petitions are reported to Council or to Cabinet Members as required, updating a Petitions Site on the authority's website, inviting petition organisers to attend meetings. I suggest that this work is best handled by the Governance Services Team, and that the Head of Governance Services be designated as Petitions Officer for this purpose.
  - (ii) The Council needs to decide the threshold number of signatures required for the different types of petitions. It is suggested that:
    - there be no minimum threshold for ordinary petitions;
    - 750 signatories be required for a petition to hold an officer to account; and
    - 1,500 signatories be required for a Petition for Debate.

These are at the lower end of the spectrum of thresholds so far agreed by London authorities (see table below) and below those suggested in the Government's model scheme.

However they can be revised at any time by full Council if they are found to act as a deterrent to petitions, or to encourage frivolous or vexatious petitions.

**Table**

<b>Borough etc.</b>	<b>Agreed/proposed threshold . . .</b>	
	<b>. . . for Council debate</b>	<b>. . . to call an officer to account</b>
Kingston	500	500
Richmond	1,000	750
<i>RBK&amp;C (proposed)</i>	<i>1,500</i>	<i>750</i>
<i>Government model scheme</i>	<i>1,500</i>	<i>750</i>
Southwark	2,500	500
Lambeth	3,000	1,500
Lewisham	8,000	4,000
Wandsworth	10,000	1,000
Westminster	10,000	5,000

- (iii) The Council needs to decide to whom Ordinary Petitions will be reported for decision. I propose that, as now, this would ordinarily be the relevant Cabinet Member.
- (iv) The Council needs to decide who will be provided with copies of petitions. I have suggested that, as now, no Member other than the relevant Cabinet Member (i.e. the decision maker) be *automatically* provided with a copy of a petition as this will contain personal contact details: however if a Ward Councillor requests a copy and can demonstrate 'a need to know', they will be provided with a copy of the petition in question.
- (v) The Council needs to commence the procurement of an e-petition facility, to be available from 15 December 2010. This is in hand, and there are a number of potential providers including Astech, who currently provide the Council's Committee Report Library software. Group Leaders and the Computer and Communications Advisory Group will be kept abreast of developments in this regard.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 The costs of dealing with petitions under the draft Petition Scheme, if adopted, cannot be ascertained in advance, as they will depend on the number of petitions received. Currently the majority of petitions received relate to statutory consultations, for example on planning applications, which will continue to be handled as at present. There will be some officer costs associated with setting-up the Petitions website.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 The new rules on petitions are intended to enable public access to the decision-making processes of the Authority and as such contribute towards open and inclusive governance.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Section 12 of the Local Democracy, Economic Development and Construction Act 2009 requires the Council to have a scheme for the handing of petitions. The Scheme must be approved by full Council before it comes into effect. It must be published on the Council's website and given publicity in such other ways as to bring the scheme to the attention of those who live, work or study in the Royal Borough. The Local Authorities (Petitions)(England) Order 2010 provides that the number of signatories specified in the petition scheme for a petition to require debate must be no greater than 5% of the total population of the Borough (the figure estimated by the ONS), which currently equates to 8,555.

#### **6. RECOMMENDATIONS**

- 6.1 The Administration Committee is accordingly invited to recommend full Council on 23 June 2010 to:
- (i) approve the draft Petition Scheme at Appendix A for inclusion within the Council Constitution;
  - (ii) designate the Head of Governance Services as the Petitions Officer, charged *inter alia* with reporting annually to Council on the operation of the Scheme.
  - (iii) note that officers will take steps to procure an on-line petition facility to be operational by the 15 December 2010 deadline.

**FOR DECISION**

Derek Myers  
**Town Clerk and Chief Executive**

**Background papers used in the preparation of this report:** None other than previously published documents

**Contact officer:** Robert Sheppard, Head of Governance Services, at [robert.sheppard@rbkc.gov.uk](mailto:robert.sheppard@rbkc.gov.uk) or on 020 7361 2265.



# Petitions Scheme

## Introduction

1. The Council welcomes petitions and recognises that petitions are one way in which people can voice their concerns. It will address with equal care and attention petitions from residents, from those who work or study in the Borough or from visitors or any other group of people who use Council services in one way or another.

## Types of petitions

2. There are five main categories of petition:
  - (i) **Ordinary petitions** are petitions which do not come within any of the following specific types.
  - (ii) **Consultation petitions** are petitions in response to an invitation from the Council for representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions. Consultation petitions which are received by the response date in the consultation invitation will be reported, along with other responses, to the forum or Cabinet Member taking the decision on the application or proposal concerned.
  - (iii) **Statutory petitions** - particular Acts of Parliament require the Council to consider petitions, for example a petition for a directly-elected Mayor. Where a petition is submitted under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.
  - (iv) **Petitions for debate** - see paragraphs 17-20 below.
  - (v) **Petitions to hold an officer to account** - see paragraphs 21-22 below.

## Contact point for petitions

3. All hardcopy/paper petitions should be sent to:

The Head of Governance Services  
Kensington Town Hall  
London W8 7NX

4. Alternatively petitions can be presented to a meeting of the Council. These meetings are published in the Council Meetings Calendar at [www.rbkc.gov.uk/councilanddemocracy.aspx](http://www.rbkc.gov.uk/councilanddemocracy.aspx). If you would like to present your petition to the Council, or would like your local Councillor to present it on your behalf, please contact Martyn Carver at [committees@rbkc.gov.uk](mailto:committees@rbkc.gov.uk) or on 020 7361 2477 at least 10 working days before the meeting and they will talk you through the process. If your petition has received 1,500 signatures or more and you have so requested, it will also be scheduled for a Council debate: if this is the case we will let you know the meeting of the Council at which this will happen.
5. From 15 December 2010, it will be possible to create, sign and submit petitions online via the Council's website at [www.rbkc.gov.uk/tobedetermined](http://www.rbkc.gov.uk/tobedetermined)

### **What are the guidelines for submitting a petition?**

6. All petitions submitted to the Council must:
  - (i) include at the top of each separate page a clear and concise statement ('the prayer') covering the subject of the petition and stating clearly what action the petitioners wish the Council to take;
  - (ii) include the name, postal address and signature of any person supporting the petition;
  - (iii) be accompanied by contact details, including an address, for the petition organiser or 'lead petitioner'\*. This is the person we will contact to explain how we will respond to the petition. In the absence of a clear contact point, the first decipherable name and address on the petition will be used.

*\* **Note:** the Council will not display on its website any personal contact details for the petition organiser.*
7. The Council will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
8. We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate, but will explain the reasons for this in our acknowledgement of the petition. Furthermore, 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.

9. 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.

**What will the Council do when it receives a petition?**

10. In the case of ordinary petitions the following procedures will apply:
- (i) An acknowledgement will be sent to the petition organiser as soon as possible - but no later than 7 working days after receiving the petition. It will let him know what the Council plans to do with the petition - in particular the name and contact details of the executive director to whom the petition has been referred and the six week timescale within which a response will be sent. In normal circumstances the consideration of, and response to, a petition will be a matter for the relevant executive director in liaison with the Cabinet Member into whose portfolio the matter falls.
  - (ii) If the Council can take the action that your petition seeks, the acknowledgement may confirm that we have taken that action requested and the petition will be closed. If the petition so requests and 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.
  - (iii) The executive director to whom the petition has been forwarded for handling will, as soon as practicable, e-mail the relevant Cabinet Member, all members of the relevant Scrutiny Committee and relevant Ward Councillors, reporting receipt of the petition and giving brief details on the prayer to, and level of support for, the petition - together with the timescale for a response and such other information or comments as may be relevant or helpful.
  - (iv) The relevant executive director will then consider the issues and draft a response in liaison with the relevant Cabinet Member. Once the draft response has been prepared this shall be circulated for information (usually by e-mail), with brief details on the prayer to and level of support for the petition, to all members of the relevant Scrutiny Committee and relevant Ward Councillors and no less than three working days will be allowed for them to comment on the draft response.
  - (v) The executive director and Cabinet Member will take into account if and as they see fit any views expressed by Scrutiny Committee Members and Ward Councillors and issue a final

response to the petition organiser. A copy of this response will be sent simultaneously to the Head of Governance Services.

(vi) All responses to petitions will be sent within six weeks of the petition being logged unless there is good reason why this cannot or should not be done, in which case the executive director will send a letter to the lead petitioner explaining the reason for a delayed response (e.g. the need for a full traffic study, further consultation etc.).

(vii) It may be that issues raised in a petition are of wider interest to the Scrutiny Committee in question, in which case that Committee is at liberty to include these within its work programme. Also, if the subject matter of a petition so merits it, the Chairman of the relevant Scrutiny Committee may request that the formal response to the lead petitioner be deferred to enable full consideration of the issue at a meeting of that Committee. Scrutiny Committees have no formal 'call in' powers in this regard however, and accession to any such request is entirely a matter for the Cabinet Member concerned.

11. So as to ensure a high degree of transparency in the way the Council handles the petitions it receives, information on petitions submitted will in normal circumstances be published on our website (as from 15 December 2010 when the e-petition website will be 'live').

### **How will the Council respond to petitions?**

12. 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 full 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 relevant Council Scrutiny Committee\*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

\* **Note:** *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.*

13. In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.
14. If your petition is about something over which the Council has no direct control (for example local underground stations 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 partner organisations and, where appropriate and 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.
15. If your petition is about something which is the responsibility of a different council, we will consider 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.

### **Statutory or consultation-related petitions**

16. If your petition:
  - is in response to a Council consultation exercise (see 2(ii) above);
  - applies to a planning or licensing application;
  - 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 and non-domestic rates;

other procedures apply. Initial questions in this regard should be directed to Martyn Carver at [committees@rbkc.gov.uk](mailto:committees@rbkc.gov.uk) or on 020 7361 2477.

### **Petitions for debate at a full Council meeting**

17. If a petition contains more than 1,500 signatures and you have so requested, it will be debated at a meeting of full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting (see below). This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend.
18. If a petition is presented at a full Council meeting, the Council will not debate the petition at that same meeting; however it will

endeavour to consider the petition at its next ordinary meeting, or if this is not possible then at the earliest possible meeting thereafter.

19. The Council's consideration of any petition will be based upon a written report from the relevant Council officer, published with the Council agenda. In addition, the petition organiser will, at the Council meeting at which the petition is to be considered, be given up to five minutes to present the petition. After any such presentation by the petition organiser, the petition will then be discussed by Council for a maximum of 15 minutes: the Council will then agree how to respond.
20. Full Council 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 Cabinet (or an individual Cabinet Member) 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.

### **Petitions to call an officer to account**

21. 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.
22. If your petition contains at least 750 signatures and so requests, the relevant senior officer (an Executive Director or Director) will give evidence at a public meeting of the Council's relevant Scrutiny Committee. You should be aware that the 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 any relevant Councillor (such as the Cabinet Member concerned) 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 [committees@rbkc.gov.uk](mailto:committees@rbkc.gov.uk) no later than three working days before the meeting.

### **Electronic petitions ('e-petitions')**

23. The Council welcomes e-petitions which are created and submitted through our website at [www.rbkc.gov.uk/tobedetermined](http://www.rbkc.gov.uk/tobedetermined). E-petitions must follow the same guidelines as paper petitions. 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.

24. 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.
25. When an e-petition has closed for signature, it will automatically be submitted to the Council's Head of Governance Services. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact Martyn Carver at [committees@rbkc.gov.uk](mailto:committees@rbkc.gov.uk) or on 020 7361 2477 within 10 working days of receipt of the acknowledgement.
26. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.
27. You can see all the e-petitions currently available for signature on the website. 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.

### **Duplicate and repeat petitions**

28. Where more than one petition with the same or very similar prayer is received in time for a particular meeting, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition received will be invited to address the meeting.

29. A petition will not normally be considered where it is received within six months of another petition being considered by the Authority on the same matter.

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

30. If you feel that we have not dealt with your petition properly, the petition organiser can ask the Chairman of the relevant Council Scrutiny Committee to 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 response is not considered to be adequate.
31. If the Chairman accepts that the issue merits a review, it will normally be included on the agenda for the next meeting of that Scrutiny Committee, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee consider that the Council has not dealt with your petition adequately, it may decide to undertake its own review or investigation of the subject matter of the petition or make its own recommendations to full Cabinet or the relevant Cabinet Member.
32. Once the appeal has been considered the petition organiser will, within 5 working days, be informed of the outcome.