

Date of Meeting: 8 July 2010

Subject: Local Government Petition Scheme

Responsible Officer: Hugh Peart, Director of Legal and Governance Services

Portfolio Holder: Councillor Graham Henson

Exempt: No

Enclosures: Appendix A – Petition Scheme  
Appendix B – Consequential Constitutional amendments.

## Section 1 – Summary and Recommendations

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The Local Democracy, Economic Development and Construction Act 2009 (The Act) imposes a duty on principal local authorities in England and Wales to implement a scheme for handling petitions made to the authority by people who live, work or study in the authority's area.

The Act provides that the petition scheme must be approved by a meeting of the full Council before it comes into force.

**Recommendations:**

That the Council:

1. approves the Petition Scheme attached at Appendix A and
2. approves the consequential amendments to the Constitution attached at Appendix B

## SECTION 2 - REPORT

### 1. Background

- 1.1 Petitions are a long-established way for members of the public to express their concerns and priorities to their local authority. The Council has a

history of using petitions to inform its discussions and decisions and already allows the presentation of petitions at Council, Cabinet and Committee meetings.

- 1.2 The Local Democracy, Economic Development and Construction Act 2009 (The Act) which is taking effect in stages during the course of 2010 includes some statutory obligations concerning local authority petitions and obliges the Council to implement a written petition scheme.
- 1.3 The mandatory requirements of the Act include: referring petitions that meet certain criteria to Council for discussion; a provision for calling senior officers to attend an Overview and Scrutiny Committee meeting; and a right of review by the Overview and Scrutiny Committee of the action taken in response to a petition.
- 1.3 The Act also requires the Council to develop a facility for submission of electronic petitions on the Council's website. This particular requirement does not take effect until later in 2010, which will allow time for development of the facility following approval of the Scheme.
- 1.4 Some minor consequential amendments to the Constitution must be made in order to reconcile the current provisions with the requirements of the Act.

## 2. Legal Implications

- 2.1 The Local Democracy, Economic Development and Construction Act 2009 imposes a legal duty on local authorities to implement a petition scheme setting out how petitions will be handled.

## 3. Financial Implications

- 3.1 The costs of dealing with petitions under the Petition Scheme, if adopted, cannot be ascertained in advance, as they will depend upon the number of petitions received. However, given that the Council already takes appropriate action in relation to the petitions it receives, it is not envisaged that the new obligations will create any significant additional cost. There is a small officer cost in setting up the petitions website. The costs will be contained within existing budgets.

## Section 3 - Statutory Officer Clearance

**Name: Steve Tingle**

**on behalf of the  
Chief Financial Officer**

**Date: 21 June 2010**

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**on behalf of the**

Name: George Curran

Monitoring Officer

Date: 21 June 2010

## Section 4 - Contact Details and Background Papers

**Contact: Louise Humphreys Assistant Lawyer - Administrative Law**

Email: LouiseA.Humphreys@Harrow.gov.uk

Tel: 0208 4209 414 ; Extension: 5414

### **Background Papers:**

Local Democracy, Economic Development and Construction Act 2009

Listening to Communities – Statutory Guidance on the duty to respond to petitions

If appropriate, does the report include the following considerations?

1.	<b>Consultation</b>	<b>NO</b>
2.	<b>Corporate Priorities</b>	<b>NO</b>

## London Borough of Harrow Petition Scheme

### 1. Petitions

- 1.1 Harrow Council recognises that petitions can be a good way to highlight issues that people feel strongly about. A petition may be used by people who live, work or study in the borough to formally register a collective request or concern about the Council or its services. We have a duty to consider and respond to all petitions we receive.
- 1.2 All petitions submitted to the Council will be acknowledged within 15 working days of receipt by the Legal and Governance Services Department, setting out what will happen to the petition. We will treat as a petition anything that is identified as a petition or seems to us intended to be a petition.
- 1.3 Paper petitions can be sent to:
- The Monitoring Officer  
Legal and Governance Services Department  
Harrow Council  
PO Box 2  
Civic Centre  
Station Road  
Harrow HA1 2UH
- 1.4 E-petitions can be created, signed and submitted online by following [\*\*this link\*\*](#).
- 1.5 Alternatively, petitions may be presented at a meeting of the Council, Executive or a committee. Please follow [\*\*this link\*\*](#) to the Council's Constitution which contains Procedure Rules for the Council, the Executive and the committees. These rules explain the procedure for presenting petitions at meetings of the different bodies.

### 2. What must a petition include?

- 2.1 Petitions submitted to the Council must include
- a clear and concise statement covering the subject of the petition, including the action the petitioners wish to take; and
  - the names addresses and signatures of people who support the petition and who live, work or study in the Borough of Harrow. The address given must be a home, work or study address in the Borough.
- 2.2 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 our website.
- 2.3 Petitions which are considered by the Monitoring Officer to be vexatious, abusive or otherwise inappropriate will not be accepted or published and no further action will be taken.
- 2.4 If a petition does not follow the guidelines set out above we may decide not to do anything further with it. In that case we will write to you to explain this.

2.5 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 any revised timescale which will apply.

### **3. What will the Council do when it received my petition?**

#### **3.1 Acknowledgement**

3.1.1 We will send an acknowledgement to the petition organiser within 15 working days of receiving the petition. The acknowledgement will explain what will happen next and when they can expect to hear from us again.

3.1.2 If we think it is appropriate to take the action requested immediately, the acknowledgement will explain this, and the petition will be closed.

3.1.3 If another procedure is more suitable for dealing with the petition (for example, if the petition applies to a planning or licensing application, or if the matter is already in the process of being dealt with under another procedure) we will inform the petition organiser of this. We will not take any action on a petition which the Monitoring Officer considers is vexatious, abusive or otherwise inappropriate, and will explain the reasons for this in our acknowledgement of the petition.

#### **3.2 Publication**

3.2.1 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 where this would be inappropriate. We will also publish correspondence relating to a petition as appropriate (all personal details will be removed). When a person signs an e-petition they can elect to receive this information by email. We will not send anything which is not relevant to the e-petition, unless the signatory chooses to receive other emails from us.

### **4. What will happen next?**

4.1 The next steps will depend on what a petition asks for and how many people have signed it. An officer of the Council will consider the petition initially and decide how to deal with it most effectively. For example, this might involve the officer writing to the petition organiser; undertaking research or an inquiry; or organising a meeting with the petitioners or other interested parties.

4.2 If the petition concerns a particular area of Council business, it will usually be referred to the committee or sub-committee or other body that deals with that area and may be considered at a meeting. Committee meetings are usually held in public, so people who are interested in the petition will be able to observe any discussion that takes place.

### **5. Petitions involving partners / other authorities**

5.1 If the petition is about something over which we have no direct control (for example the local railway or hospital) we will consider referring the matter to the Executive to take up the matter on behalf of the community with the relevant body. We work with a large number of official partners and where possible will work with these partners to

respond to your petition. If we are unable to do this then we will explain why. You can find out more about the services for which we are responsible by following [this link](#).

- 5.2 If the petition is about something that is the responsibility of a different Council we will forward the petition to the other Council, or take other appropriate action, and will notify the petition organiser about what we have done.

## **6. Petitions with over 2000 signatures**

- 6.1 If a petition contains more than 2000 signatures of people who live, work or study in the Borough (the address in the Borough at which they live, work or study must be provided), it will be considered / debated by the full Council, unless it is a petition asking for a senior Council officer to give evidence at a public meeting (see section 7 below). 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 in some circumstances this may not be possible - for example, when the petition is submitted too close to the meeting date, in which case consideration will take place at the following meeting. The petition organiser will be invited to the meeting to present the petition and the petition will then be discussed by Councillors. The presentation must last no longer than one minute and the discussion will last a maximum of 10 minutes.
- 6.2 Following consideration / discussion the Council may refer the petition to the Cabinet, a committee or a Corporate Director to determine the matter, taking into account the views expressed by the Council.
- 6.3 The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

## **7. Officer evidence**

- 7.1 A petition may ask for a senior Council officer to give evidence at a meeting about something for which the officer is responsible as part of their job. The petition must relate solely to the officer's job and not their personal circumstances or character. For example, your petition may ask a senior official to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.
- 7.2 Only staff in the following senior posts may be called to give evidence:
- Head of Paid Service (Chief Executive)
  - Assistant Chief Executive
  - Director of Legal and Governance Services
  - Corporate Director, Finance
  - Corporate Director, Children's Services
  - Corporate Director, Community and Environment
  - Corporate Director, Adults and Housing
  - Corporate Director, Place Shaping
- 7.3 If a petition contains at least 1000 signatures of people who live, work or study in the Borough the relevant senior officer will be called to give evidence in public at a meeting of our overview and scrutiny committee. The 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 a relevant Councillor or invite relevant officers from one or more partner agencies to attend the meeting. Committee members will ask the questions at this meeting, but the petition organiser will be able to suggest questions to the chair of the committee up to three working days before the meeting.

## **8. E-petitions**

- 8.1 We welcome e-petitions which are created and submitted through our website ([www.harrow.gov.uk](http://www.harrow.gov.uk)). E-petitions must follow the same guidelines as paper petitions set out above. The petition organiser will need to provide us with their name, postal address and email address. They must also decide how long the petition will be open for signature. Most petitions run for 6 months but you can choose for a shorter or longer timeframe, up to a maximum of 12 months.
- 8.2 When you create an e-petition, it may take up to 10 working days before it is published online and made available for signature.
- 8.3 If we cannot publish your petition, we will contact you to explain why. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 days of us contacting you, a summary of the petition and the reasons why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 8.4 When an e-petition has closed, the petition organiser will be sent an acknowledgement within 15 working days.
- 8.5 A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement and response will also be published on the website. The petition will then be dealt with in the same way as paper petitions.

## **9. How to 'sign' an e-petition**

- 9.1 When you sign an e-petition you will be asked to provide your name, postcode and a valid email address. When you have submitted this information you will be sent an email to the 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.

## **10. Reviewing the Council's response to a petition**

- 10.1 If you feel that we have not dealt with your petition adequately, the petition organiser has the right to request that the Council's overview and scrutiny committee reviews the steps taken in response to the petition. The petition organiser should provide a short explanation of the reasons why our response is not considered to be adequate.
- 10.2 The committee will endeavour to consider the 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 that we have not dealt with your petition adequately, it may make recommendations on how to put this right.

10.3 Once the review has taken place the petition organiser will be informed of the outcome within 5 working days. The outcome of the review will also be published on our website.

## **11. Alternatives to a petition**

11.1 There are other ways in which you can let us know what you think about our actions and decisions that may be more appropriate than a petition. Follow [\*\*this link\*\*](#) to see how else you can have your say.



## Annex B

### Petition Scheme Consequential Constitutional Amendments

#### 1. Council Procedure Rules

The following minor amendments are required:

#### **Petitions**

##### **10.1 Presentation of Petitions**

10.1.1 All petitions received shall normally be dealt with in accordance with the Council's Petition Scheme (at Appendix A to these Rules) and will be referred to the appropriate Council Committee or sub-committee, or to the Executive, Portfolio Holder, Advisory Panel or Consultative Forum of the Executive. If the petitioners request that the petition be presented at a meeting of Council this can be done in the following ways:

10.1.1.1 a representative of the petitioners may attend at the time stated for the start of the Council meeting and request to read the petition to the meeting;

10.1.1.2 the petitioners may approach a Councillor and ask the Councillor to read the petition on their behalf;

10.1.1.3 the petitioners may send the petition to the Monitoring Officer and request for the Mayor to read the petition.

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10.1.2 The person presenting the petition may only read the terms of the petition and may not make any further comments. That person will have one minute to read the terms of the petition unless the Mayor determines that this time limit should be extended or reduced.

##### **10.2 Notice and Consideration of Petitions**

10.2.1 There is no need for any advance notice to be given of the wish to present a petition to Council but if 7 clear working days notice is given to the Monitoring Officer a note of the petition will appear on the summons for the meeting.

10.2.2 After all petitions have been read they shall stand to be dealt with in accordance with the Petition Scheme and will usually be referred to the appropriate Council Committee, sub-committee or Executive, Advisory Panel, Consultative Forum or

Portfolio Holder. [Subject to 10.2.3](#) Unless the Mayor decides otherwise, no discussion shall take place on any petition.

- 10.2.3 [Petitions that meet the criteria set out in Section 6 of the Petition Scheme will be considered by the Council in accordance with the provisions of that Section.](#)

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## **2. Executive Procedure Rules**

The following minor amendments are required:

### **Petitions**

#### **15.1 Presentation of petitions**

15.1.1 All petitions received relating to Executive functions shall [be dealt with in accordance with the Council's Petition Scheme \(at Appendix A to the Council Procedure Rules\) and will](#) normally be referred to the Executive or appropriate Portfolio Holder, Advisory Panel or Consultative Forum. If the petitioners request that the petition be presented at a meeting of the Executive this can be done in the following ways:

15.1.2 a representative of the petitioners may attend at the time stated for the start of the Executive meeting, or prior to an individual Executive member making a decision, and request to read the petition to the meeting;

15.1.3 the petitioners may send the petition to the Monitoring Officer [and request](#) for the Leader, Deputy Leader or an Executive Member to read the petition.

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15.2 The person presenting the petition may only read the terms of the petition and may not make any further comments. That person will have one minute to read the terms of the petition unless the Chair determines that this time limit should be extended or reduced.

#### **15.3 Notice and consideration of petitions**

15.3.1 Save as is mentioned in paragraph 15.1.3 above there is no need for any advance notice to be given of the wish to present a petition to the Executive but if 10 days notice is given to the Monitoring Officer a note of the petition will appear on the agenda for the meeting.

## **3. Committee Procedure Rules**

The following minor amendments are required:

### **Petitions**

## 15.1 Presentation of Petitions

15.1.1 Petitions relating to a function of a Committee or sub-committee shall be dealt with in accordance with the Council's Petition Scheme (at Appendix A to the Council Procedure Rules) and will usually be presented to the appropriate meeting of the Committee or sub-committee. If the petitioners request that the petition be presented at a meeting of a Council Committee or sub-committee this can be done in the following ways:

15.1.1.1 a representative of the petitioners may attend, at the time stated for the start of the Committee or sub-committee meeting, and request to read the petition to the meeting;

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15.1.1.2 the petitioners may approach a Councillor and ask the Councillor to read the petition on their behalf;

15.1.1.3 the petitioners may send the petition to the Monitoring Officer and request for the Chair to read the petition.

15.1.2 The person presenting the petition may only read the terms of the petition and may not make any further comments. That person will have one minute to read the terms of the petition unless the Chair determines that this time limit should be extended or reduced.

## 15.2 Notice and Consideration of Petitions

15.2.1 There is no need for any advance notice to be given of the wish to present a petition to a Committee or sub-committee but if seven clear working days notice is given to the Monitoring Officer a note of the petition will appear on the agenda for the meeting.

## 4. Overview and Scrutiny Terms of Reference

The additional of the following power of the Overview and Scrutiny Committee is required:

...

13. 'to call senior officers to give evidence in response to petitions and/or to review the actions taken by the Council in response to petitions in accordance with the Council's Petition Scheme'.