



Report to Council

30 JUNE 2010

LEADER

*Councillor Stephen
Greenhalgh*

PETITIONS SCHEME

WARDS

All

SYNOPSIS

The Local Democracy, Economic Development and Construction Act 2009 requires every local authority, from 15 June 2010, to adopt a “Petitions Scheme” which sets out how it will handle petitions, and by 15 December 2010 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 outlines how the Council intends to meet the requirements of the legislation and requests the approval of its Petitions scheme.

CONTRIBUTORS

DFCS
ADLDS

RECOMMENDATION:;

That the Petitions Scheme as set out in Appendix 1, be adopted

That approval be given to amend the Constitution to accommodate the scheme as set out in Appendix 2.

1. Background

The Council is required under the Local Democracy, Economic Development and Construction Act 2009 from 15 June 2010 to adopt a "Petition Scheme" which sets out how it will handle petitions, and by 15 December 2010 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 sets out the Petitions Scheme in compliance with the legislation and seeks authority to amend the Constitution to accommodate the Petitions Scheme.

2. Current Practice

The number of petitions received by the Council is relatively small - mostly relating to Housing and Environment issues. These are dealt with through Cabinet Member Decision reports. Petitions received through the planning process are incorporated into the officer report for submission to the Planning Applications Committee. Petitioners, as members of the public, are welcome to attend Planning Applications Committee meetings but are not permitted to speak. They can however be represented by their Ward Councillor, who may address the Committee. The number of signatories to petitions currently ranges from 10 to 200. On the other hand, petitions submitted to Cabinet currently require only 10 signatories. They are allowed to address the meeting for 5 minutes. The new Scheme will introduce a uniform approach across the Council to dealing with petitions in the future.

3. What is a Petition?

The 2009 Act defines different categories of petitions, and allows the authority to define the number of signatures required for each category –

- "Petitions for Debate" must be reported to and debated at full Council.
- "Petitions to hold an Officer to account" trigger an open meeting of an Overview and Scrutiny Committee at which the relevant Chief Officer will report and be questioned on his/her actions. The Overview and Scrutiny Board/Select Committee could request another officer to attend the meeting if the Chairman feels they are more appropriate to respond to the issues raised.
- "Exempted Petitions" – Petitions received in response to statutory consultation such as planning applications will continue to be reported to Planning Applications Committees. Other statutory petitions such as a request for a referendum on a Mayoral form of Executive would be dealt with under the prescribed legislation.
- "Ordinary Petitions", where the authority can determine how they will be handled.

4. Petition Signature Thresholds

The Department for Communities and Local Government has issued statutory guidance on Petitions Schemes which 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. It also encourages authorities to respond to all of the petitions it receives.

The Local Authorities (Petitions) England Order stipulates that the maximum threshold which can be set is 5% of the local population. Using the 2007 census figure of 172,500, the highest permissible number of signatures required to trigger a Council debate would be 8,625

Summary of Petition Types, Requirements and Decision Maker.

Type of Petition	Proposed Threshold (Number of Signatories)	Maximum Threshold (Signatories)	Decision Maker
Council Debate	5000	8,625	Full Council
Call an Officer to give evidence	2000	4,300	Select Committee or Scrutiny Board
Petitions to Cabinet	250	1,720	Cabinet
Petitions to Cabinet Members	100	172	Relevant Cabinet Member(s)

The limits have been set at a level to encourage residents and other interested parties to access the democratic process. The threshold limits only relate to the decision making routes referred to above, all petitions received by the Council which falls below these thresholds will continued to be considered by officers in consultation with the appropriate Cabinet Member. The scheme would not preclude residents and other interested parties from meeting with their elected representatives and officers to discuss issues of concern. Residents can also bring their concerns to the attention of the Council through the Scrutiny function, deputation process and public questions at Council meetings.

5. Other Issues

The Council will receive an annual report detailing the subject matter of all petitions received during the year, the number of signatures to each petition and a summary of the Council's response to each. Changes to the Scheme will be recommended, as necessary, in the light of experience with its operation particularly if the threshold figures are found to encourage frivolous or vexatious petitions which clog up the decision making process or waste officers' time or if they act as an impediment to people wanting to make petitions.

The Council is required by 15 December 2010 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. The online facility will be introduced in the Autumn on a trial basis leading up to the December 2010 deadline.

The Petitions Scheme would only apply to petitions which relate to matters for which the authority has responsibility or about which it is able to influence via its partner authorities.

6. Comments of the Assistant Director of Legal and Democratic Services

The comments of the Assistant Director (Legal and Democratic Services) are contained within the report.

7. Comments of the Director of Finance and Corporate Services

There are no financial implications of implementing the Petitions Scheme but it may generate additional work in departments responding to issues being raised.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1	Sections 10 to 22, Local Democracy, Economic Development and Construction Act 2010	Kayode Adewumi	2 nd Floor, Town Hall, King Street, W6
2	DCLG Statutory Guidance on Handling Petitions	Kayode Adewumi	2 nd Floor, Town Hall, King Street, W6
CONTACT OFFICER: Kayode Adewumi		EXT : 020 8753 2499	

APPENDIX 1

LONDON BOROUGH OF HAMMERSMITH AND FULHAM

PETITIONS SCHEME

1. INTRODUCTION

- 1.1 This Petitions Scheme was approved by the Council under the provisions of Section 11 (1) of the Local Democracy, Economic Development and Construction Act 2009 (the Act). It incorporates procedures to comply with the requirement under the Act for the Council to set up an E- petitions Scheme.
- 1.2 This Scheme, which is available on the Council's website, will be updated periodically in response to experience with the Scheme, guidance from the Government or changes in legislation. The Scheme will be reviewed annually as set out in Section 14 below.
- 1.3 The Council has appointed a Petitions Officer, who will receive petitions and from whom further information and advice can be obtained. You can contact the petitions Officer by e-mail - petitions.officer@lbhf.gov.uk, or by post at: the Petitions Officer, Room 203, Hammersmith Town Hall, King Street, London, W6 9JU (tel. 020 8753 2499).

2. PRINCIPLES

- 2.1 The Council welcomes petitions, either in paper form (see the form at the end of this document) or submitted via e-mail or through our E-petitions online facility. We accept petitions as a way in which people can let us know of their concerns and the degree of local support for what we do. We have agreed special procedures to ensure that all valid petitions are reported to an appropriate body within the Council.
- 2.2 We 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. Valid petitions, whether received by post, by hand, by e-mail or submitted in person or via our E-petitions online facility, will be accepted in accordance with this Scheme.
- 2.3 A petition can be open for signature up to a maximum of 90 days, unless an extension is agreed with the petition organiser; most will be responded to much sooner.

3. WHO CAN SUBMIT A PETITION?

- 3.1 Anybody who lives, works or studies in the borough may organise, submit or sign a petition.

4. WHAT ARE THE GUIDELINES FOR SUBMITTING A PETITION?

4.1 A valid petition submitted to the Council must:

- Relate to something which is the Council's responsibility, or which the Council has some influence over – the Council has close working relationships and, often, partnership agreements, with a wide range of public organisations operating in the borough and across London. These organisations include the Hammersmith and Fulham Primary Care Trust, the local emergency services, the West London Waste Authority, and Transport for London as it operates in the borough.
- Be a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.
- Have the names, addresses and signatures of the people who support the petition (name, address and valid e-mail address if the petition is submitted via e-mail or via the E-petition facility). The address might be a residential, work place or study location within the borough, with a valid postcode.
- Meet defined thresholds for numbers of signatures of people who live, work or study in the borough. (See section 9 below).
- Contain contact details, including an address, of 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. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.
- Not, in the Council's opinion, be vexatious, abusive or otherwise inappropriate.
- Not relate to planning or licensing decisions or to any other matter where people have a statutory right to make comments, or to request a review or to appeal.

5. HOW TO SUBMIT A PETITION

5.1 Petitions may be submitted by e-mail, post, in person at the Town Hall, or created, signed and submitted online through our E-petitions facility link. All petitions currently available for signature will be shown on our website. We reserve the right to check the validity of the addresses of anyone who signs a petition to ensure that they have a real interest in the borough.

5.2 The organisers of petitions are advised to use the form attached as an Appendix to this Scheme if they want to send their petitions by post, by hand or by e-mail; there is a specific format for petitions on our E-petitions facility. The form can be sent to the Petitions Officer by e-mail (petitions.officer@lbhf.gov.uk), or by post, or hand delivered to the Petitions Officer, Room 203, Hammersmith Town Hall, King Street, London, W6 9JU. You can contact the Petitions Officer on 020 8753 2499.

- 5.3 We welcome E-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. On receipt of details from a person wanting to sign an E-petition, we will send an e-mail to the e-mail address provided. This e-mail will include a link which must be clicked in order to confirm the e-mail address is valid. Once this step is complete, the 'signature' will be added to the E-petition. People visiting the E-petition on our website will be able to see the names of everyone who has 'signed' it but not their contact details.
- 5.4 All petitions currently available for signature will be posted on the Council's website. The website shows what is happening to a petition as it goes through the various stages of the process set out in this Scheme. It will take five working days before a petition is available on our website. This is because the content of the petition needs to be checked as to whether it is suitable, and the petitioners' names verified to ensure they have a genuine interest in the borough. It will then be made available on the website for further signatures.
- 5.5 Elected Members of the London Borough of Hammersmith and Fulham may sign a petition but will need to follow the Council's rules about declaring an interest if they are involved in decision making in response to the petition.

6. WHAT IS EXCLUDED FROM THE SCHEME?

- 6.1 The following petitions will be excluded from the Scheme:-
- Where a petition is considered to be vexatious, abusive or otherwise inappropriate.
 - The petition applies to a planning or licensing application, where there are already procedures to make representations.
 - The petition is a statutory petition (for example requesting a referendum on having an elected Mayor).
 - The petition concerns a matter where there is already an existing right of appeal, such as Council Tax banding and non-domestic rates, where other procedures apply.
 - The petition concerns a matter which the Council has no ability to influence (see section 11 below)
- 6.2 Invalid petitions will not be published. An explanation with the reasons for this will be sent out to the petition organiser.
- 6.3 In the period immediately before an election or referendum, the Council may need to deal with petitions differently. This is because the law requires local authorities during the period before an election or referendum to act in a way which does not appear to favour or discriminate any political party.
- 6.4 Where the petition is valid but the Council cannot publish it for some reason, we will contact the petition organiser with an explanation, and advise on how to change the petition in order to overcome the problem. If the petition is not resubmitted 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.

7. WHAT WILL THE COUNCIL DO WHEN IT RECEIVES A PETITION?

- 7.1 The Petitions Officer will send a valid petition to a Responding Officer in the relevant Council department. The Responding Officer will be responsible for investigating the issue and advising on the action to be taken by the Council. An acknowledgement of receipt will be sent to the person organising the petition within 10 working days of the petition having been made. Where the petition has been submitted via the E-petitions facility, the acknowledgment will also be sent to everyone who provides a valid e-mail address. The acknowledgement will say what we have done or intend to do in response to the petition. It will also be published on our website, except in cases where this would be inappropriate. The petition will be copied to the relevant Ward Councillor(s).
- 7.2 We want to ensure that petitions are clearly and effectively worded. We will therefore offer help to petition organisers to enable them to make their petitions as focused as possible, in the interests of getting a response from the Council which addresses petitioners' concerns. If we feel there are other ways of getting a quicker and more satisfactory response to the subject of the petition, we will suggest them. We may therefore contact the petition organiser about these issues before the acknowledgment is sent or afterwards.
- 7.3 If the Council can do what the petition asks for, the acknowledgement may confirm that the requested action has been taken (or will be taken by a specified date) and the petition organiser will be asked to agree to the closure of the petition, either immediately or after the specified date.
- 7.4 If the petition has enough signatures to trigger a Council debate (see paragraph 9.1 below), or the petitioners want a senior officer to give evidence (see paragraph 9.3 below), then the acknowledgement will confirm this and state when and where the meeting will take place. If the subject of the petition needs more investigation, the petition organiser will be informed of the steps the Council plans to take.

8. HOW WILL THE COUNCIL RESPOND TO PETITIONS?

- 8.1 The response to a petition will depend on what the 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 consultation
 - holding a meeting with petitioners

- referring the petition for consideration by one of the Council's Scrutiny Committees*
- writing to the petition organiser setting out our views about the request in the petition

*Scrutiny Committees (also called Select Committees) are committees of Councillors who are responsible for scrutinising the work of the Council - in other words, the Scrutiny Committee has the power to hold the Council's decision-makers to account. The Scrutiny Committees are overseen by the Scrutiny Board.

9. TYPES OF PETITION

a. Petitions for debate at Council

9.1 If a petition attracts a minimum of **5,000 valid signatures** (unless it is a petition asking for a senior Council officer to give evidence at a public meeting) this will automatically trigger a debate at a full Council meeting. The full Council, a meeting which all Councillors attend to discuss major issues, will decide to take or not take the action requested in the petition, or to commission further investigation into the subject of the petition. The Council will try to consider the petition at its next scheduled meeting, although on some occasions this may not be possible; the discussion will then take place at the following meeting.

9.2 The petition organiser (or someone he/she nominates) may address the Council for no longer than five minutes on the subject of the petition. The Petitions Officer will contact the petition organiser in advance of the meeting to arrange this. Councillors will question all parties on the subject of the petition.

b. Petitions to call an officer to give evidence

9.3 The petition may ask for the Chief Executive or a Director to give evidence at a relevant Scrutiny Committee meeting about something for which the officer is responsible as part of his/her job. A minimum of **2,000 valid signatures** will be required to trigger this action. For example, the petition may ask a Chief Officer to explain progress on an issue, or to explain the advice given to elected Members to enable them to make a particular decision. The Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of the senior officer named in the petition. The Committee may also decide to call a Cabinet Member or other Councillor to attend the meeting.

9.4 The petition organiser (or someone he/she nominates) may address the Scrutiny Committee for no longer than five minutes on the subject of the petition. The Petition Officer will contact the petition organiser in advance of the meeting to arrange this. Scrutiny Committee members will question all parties on the subject of the petition.

c. Petitions to Cabinet

9.5 A petition with a minimum of **250 valid signatures** will be considered at a meeting of the Cabinet (the Council's top decision-making body). Cabinet meets monthly (except in August). The Cabinet will try to consider the petition at

its next scheduled meeting, although on some occasions this may not be possible and the petition may have to be deferred to the following meeting.

- 9.6 The petition organiser (or someone he/she nominates) may address the Cabinet for no longer than five minutes on the subject of the petition. The Petition Officer will contact the petition organiser in advance of the meeting to arrange this. Cabinet members will question all parties on the subject of the petition.

d. Petitions to a Cabinet Member

- 9.7 Petitions with a minimum of **100 signatures** will be considered by the relevant Cabinet Member(s). Each member of the Council’s Cabinet holds Executive responsibility for a specific portfolio of Council functions. A Cabinet Member may refer a petition to the full Cabinet for consideration if he/she is of the view that the matters raised are sufficiently significant.

- 9.8 The Cabinet Member may request a meeting with the petition organiser (or someone he/she nominates) to discuss the subject of the petition. The Petitions Officer will contact the petition organiser in advance to arrange this.

9.9 Summary of Petition Types, Requirements and Decision Maker.

Type of Petition	Threshold (minimum number of Signatories)	Decision Maker
Council Debate	5,000	Full Council
Call an Officer to give evidence	2,000	Scrutiny Committee or Scrutiny Board
Petitions to Cabinet	250	Cabinet
Petitions to Cabinet Members	100	Relevant Cabinet Member(s)

10. NOTIFYING THE DECISION TAKEN IN RESPONSE TO A PETITION

- 10.1 All petition organisers will be notified of the decision taken (with reasons if the decision is to take no action) within 5 working days of the decision being made. This notification will be published on our website, unless it is considered inappropriate to do so.
- 10.2 The Council accepts that it will not normally be sufficient for a decision maker to merely “note” a petition. The response to a petition will normally provide information on the steps the Council intends to take to address the concerns of the petitioners or reasons why their concerns cannot be addressed in the way they wish.

11. WHAT WILL THE COUNCIL DO IF THE PETITION IS NOT DIRECTLY RELATED TO SERVICES PROVIDED BY IT?

- 11.1 If the petition is about something which the Council has no power to influence, we will consider making representations on behalf of the community to the relevant body. In such cases, the Petitions Officer will ask the petition organiser whether he/she wishes the Council to send the petition to the relevant authority if this is possible.
- 11.2 However, in many cases where the Council is not directly responsible for the matter which is the subject of the petition, it may work closely (or have formal partnership arrangements) with the body that is responsible (see para. 4.1 above). In this case, the decision maker may refer the matter to a Scrutiny Committee which will invite representatives of the relevant body to attend while the petition is considered.
- 11.3 If the petition is about something that a different Council is responsible for, the Council 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 the Council will notify the petition organiser of the action taken.

12. WHAT CAN PETITIONERS DO IF THEY ARE NOT SATISFIED WITH THE RESPONSE TO A PETITION?

- 12.1 If the petitioners are not satisfied with the Council's decision in response to a petition, the petition organiser can request the Council's Scrutiny Board¹ to review whether the Council's decision is adequate, by e-mailing or writing to the Petitions Officer. This should be done within 28 days of the Council's response being received by the petition organiser, who should provide a short explanation of the reasons why the Council's response to the petition was not considered to be adequate.
- 12.2 The Scrutiny Board will call for a report from officers on the request for a review of the Council's decision, and will endeavour to consider the request at its next scheduled meeting; on some occasions this may not be possible and consideration will be deferred to the following meeting. Should the Scrutiny Board determine the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Cabinet and arranging for the matter to be considered at a meeting of the full Council.
- 12.3 The petition organiser (or someone he/she nominates) may address the Scrutiny Board for no longer than five minutes on the subject of the petition. The Petitions Officer will contact the petition organiser in advance of the meeting to arrange this. Scrutiny Board members will question all parties on the subject of the petition.

¹ If the Scrutiny Board was responsible for taking the original decision in relation to the decision, the appeal will be referred to another Scrutiny Committee (one of the Select Committees).

- 12.4 The petition organiser will be informed of the results of the Scrutiny Board's review of the Council's decision on the petition, with reasons as to why no action or any further action is recommended, within 5 working days of the Scrutiny Board's meeting. This notification will be published on our website, unless it is considered inappropriate to do so.

13. ATTENDING A MEETING WHERE A PETITION IS BEING CONSIDERED

- 13.1 A petition may be considered at a formal meeting of the full Council, Cabinet or Scrutiny Committee.

13.2 Receiving of petitioners at a formal meeting

- (i) People who have signed a petition may attend a meeting where the petition is being considered. The petition organiser will be given adequate notice of the date and time of the meeting.
- (ii) The petition organiser (or one person nominated by him/her) may address the meeting for a period not exceeding 5 minutes.
- (iii) Members may during a period not exceeding 10 minutes ask questions of a petition organiser (or nominee) if required.
- (iv) Members may then invite officers of the Council and/or representatives of other relevant authorities to comment on the subject of the petition.
- (v) The Committee will then debate the subject of the petition for a maximum of 30 minutes, taking into account the issues raised by the petitioners, officers and representatives of other relevant authorities. Petitioners may remain for the duration of the debate if they so wish.

13.3 Limitation on the number of petitioners attending a formal meeting

The Chairman of the meeting reserves the right to limit the number of petitioners present at a meeting to maintain order and/or to allow sufficient time for other business specified on the agenda.

14. ANNUAL REPORT ON THE OPERATION OF THE SCHEME

- 14.1 The Council will receive an annual report detailing the subject matter of all petitions received during the year, the number of signatures to each petition and a summary of the Council's response to each. Changes to the Scheme will be recommended as necessary in the light of experience with its operation.



APPENDIX

PETITION FORM

PLEASE PRINT THE NAME AND CONTACT DETAILS OF THE ORGANISER OF THE PETITION (who must live, work or study in the borough)

Name:	
Address:	
Postcode:	
Telephone:	E-mail:

PETITIONERS WHO LIVE, WORK OR STUDY IN THIS BOROUGH SHOULD GIVE THEIR NAMES AND ADDRESSES BELOW

Name	Address in Hammersmith and Fulham: <ul style="list-style-type: none"> • Where you live in the borough, <u>or</u> • The name and address of your employer in the borough, <u>or</u> • The name and address of where you study in the borough <p>NB. Postcode is mandatory</p>	E-mail address <u>or</u> signature (if posted or hand delivered)

Carry on with a separate sheet if you wish.

WHAT IS THE SUBJECT OF THE PETITION?

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IF THE PETITION INVOLVES ANY OTHER PUBLIC AUTHORITY OPERATING IN THE BOROUGH, PLEASE STATE WHICH AUTHORITY IS/ARE INVOLVED

WE HEREBY PETITION LBHF AS FOLLOWS: (This is an opportunity for you to state the purpose of your petition – you can attach additional pages if necessary).

Please state the date when you want your petition to be made to LBHF. This should be no earlier than the date on which you have obtained (or expect to have obtained) the minimum required number of signatures. Please send the petition by e-mail as soon as possible after this date.

Date of making the e- petition:

If a petition is posted or hand delivered, the date of making the petition will be the date it is received by the Petitions Officer.

Please send your form to the Petitions Officer by e-mail (petitions.officer@lbhf.gov.uk) or by post/by hand at Room 203, Hammersmith Town Hall, King Street, London W6 9JU. You can get further information from this officer, tel. 020 8753 2499.

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