

**BABERGH DISTRICT COUNCIL**

**FROM:** Director of Corporate Services

**REPORT NUMBER:** **J74**

**TO:** OVERVIEW AND SCRUTINY  
(STEWARDSHIP) COMMITTEE

**DATE OF MEETING:** 11 August 2009

**PROCEDURES FOR DEALING WITH PETITIONS**

1. **PURPOSE OF REPORT**

To describe the current arrangements for dealing with petitions submitted to the Council and the new legal duties that will be placed on the Council in the event that proposals in the Local Democracy, Economic Development and Construction Bill are enacted.

2. **RECOMMENDATION TO STRATEGY COMMITTEE**

- 2.1 That, in view of the impending changes included in the Local Democracy, Economic Development and Construction Bill, no action be taken at this time to amend the Council's procedures for dealing with petitions but that additional information be provided for petitioners in the form of the guidance attached as an Appendix to this report.

The Committee is able to resolve this matter.

3. **FINANCIAL IMPLICATIONS**

- 3.1 None directly arising from this report.

4. **RISK MANAGEMENT**

- 4.1 This report is most closely linked with the Council's Significant Business Risk No. 4 (*Governance*). Key risks are set out below:

<b>Risk Description</b>	<b>Likelihood</b>	<b>Seriousness or Impact</b>	<b>Mitigation Measures</b>
The Committee fails to deal with petitions in accordance with an agreed procedure	Very low	Marginal	Ensure clear guidance is available for both public and staff

## 5. **KEY INFORMATION**

5.1 On 12 February 2009, the Director of Corporate Services reported to the Strategy Committee the receipt of a petition concerning the North Street car park in Sudbury. Following discussion, the Committee requested a report on the operational matters raised and asked that a further report be made to this Committee on the process by which petitions, and the matters raised in them, are dealt with by the Council and the availability of information for the public about those processes.

5.2 The petition in question was reported to the Strategy Committee in accordance with Procedure Rule No. 13, which states: -

“If any petition is submitted to the Chief Executive, either directly or indirectly, relating to the exercise or non-exercise of duties or powers of the Council and signed by at least twenty residents of the District it shall be referred to the next meeting of the Committee or Sub-Committee responsible for the administration of the powers in connection with the subject matter of the petition. In addition the Chief Executive shall report the receipt of such a petition to the next meeting of the Council where there shall be no debate or comment thereon.”

5.3 It will be seen that there is a good deal of clarity in this procedure about how and to whom the receipt of the petition should be reported. On the other hand, the procedure is not prescriptive about how matters raised in a petition should be dealt with. It does not, for example, require that matters so raised shall be the subject of a Committee report. That must be correct, since a report to Committee may not always be the most appropriate or speedy response and the general principle for dealing with petitions should be that issues are best dealt with as close as possible to the point of service delivery. Although the procedure ought not to be too prescriptive therefore, it is nevertheless clear that members of the public should know what to expect if they submit, or are considering submitting, a petition.

5.4 It is considered that this can be achieved through better publicity. The temptation to tinker with the existing arrangements has been resisted owing to the provisions that are included in the Local Democracy, Economic Development and Construction Bill, which has now reached the Committee stage in the House of Commons in its passage through Parliament. When enacted, some major changes will no doubt be required to the way that this and other Councils handle petitions. The Bill seeks to place a duty on local authorities to –

- Provide a facility for making petitions in electronic form
- Publish a scheme for handling petitions and comply with it
- Take one or more steps in response to the submission of a petition, such steps to include the following –
  - (a) Giving effect to the request in the petition
  - (b) Considering the petition at a meeting of the authority
  - (c) Holding an inquiry
  - (d) Holding a public meeting

- (e) Commissioning research
- (f) Giving a written response to the petition organiser setting out the authority's views about the request
- (g) Referring the petition to an overview and scrutiny committee.

The local authority will also have to notify the petition organiser of the steps taken (and the reasons therefore) and publish that notification on its website.

- 5.5 In the majority of cases therefore it is quite possible that petitions meeting the minimum requirements will end up being debated. Nevertheless, guidance will be issued on the content of petition schemes and, rather than attempt to pre-empt such guidance, it is suggested at this stage that the Council await further developments but, in the meantime, publish more prominently how petitions are dealt with under the current procedures. This will include a statement on the website, the availability of a leaflet at the Council offices and a clear description of the procedures in the acknowledgement of any petition that is submitted. An example is attached as an Appendix to this report.

6. **APPENDICES**

Appendix 1 – Draft Guidance – How We Deal With Petitions

7. **BACKGROUND PAPERS REFERRED TO**

None.

**CONTACT:** Ray Amesbury      **EMAIL:** ray.amesbury@babergh.gov.uk

## **HOW WE DEAL WITH PETITIONS**

### **What is a petition?**

For these purposes, a document requesting action (or a cessation of action) by the Council may be defined as a petition if it is –

- (a) In writing
- (b) Signed by twenty or more residents of the District who have also included their full postal addresses; and
- (c) Identifies the name and address of the organiser of the petition.

### **How do I submit a petition?**

If a member of the public wishes to submit a petition to the Council, it should be sent to the Chief Executive of Babergh District Council at Corks Lane, Hadleigh, IP7 6SJ

### **What will happen after the Petition is submitted?**

The receipt of a petition will be reported to the next available meeting of the full Council for information only – there can be no debate on it.

The petition itself will be referred to the appropriate service department head who will report it to the next meeting of the Committee or Sub-Committee that is responsible for the administration of the powers relating to the subject matter of the petition. In our letter acknowledging receipt of the petition the appropriate Head of Service will tell you when it will be presented to the relevant Committee or Sub-Committee's meeting and whether its content is likely to be the subject of a separate report to the meeting.

Petitions relating solely to planning applications will be acknowledged to the petition organiser by the Chief Planning Control Officer, who will inform the petitioner how the petition (and the planning application) will be dealt with. This might include the date of the meeting at which the application would be considered, in which case the contents of the petition will be reported at the same time. However, the receipt of a petition may not necessarily cause an application to be considered by the Development Committee if it concerns a matter that falls within the delegated powers of the Chief Planning Control Officer to determine, e.g. where the application concerns an existing development or the erection of a single dwelling (or a development of a similar scale) and the request contained in the petition does not raise material planning considerations or is not significantly at variance with the Chief Planning Control Officer's recommendation.

### **How will I find out the results of my petition?**

Within five working days of a petition being presented to a meeting of the relevant Committee or Sub-Committee, the appropriate officer responsible for the administration of the powers in connection with the subject matter of the petition will notify the petition organiser of the Committee or Sub-Committee's decision. Where a petition does not relate to any item included on the agenda for the meeting, the Committee or Sub-Committee could defer consideration to a later meeting in order to receive an appropriate report, in which case you will also be notified when the matter is due to be re-submitted.

### **Can the Council refuse to accept a petition?**

A petition will be rejected if –

- It is not about a matter for which the Council has responsibility or which affects the District
- It is in the judgement of the Director of Corporate Services defamatory, vexatious, frivolous, discriminatory or otherwise offensive
- It is substantially similar to any petition put before a Council, Committee or Sub-Committee meeting within the previous 6 months
- It requires the disclosure of confidential or exempt information
- It relates to terms and conditions of employment, the conduct of individual members or officers, alleges breaches of the law or codes of practice or seeks to pursue or further a complaint against the Council where other channels exist for the determination of complaints.