

Committee/Meeting: Cabinet	Date: 7 th July 2010	Classification: Unrestricted	Report No:
Report of: Isabella Freeman (Assistant Chief Executive, Legal) Originating officer(s) John Williams, Service Head Democratic Services		Title: Petition Scheme Wards Affected: All	

Lead Member	Councillor Joshua Peck, Deputy Leader of the Council
Community Plan Theme	One Tower Hamlets
Strategic Priority	<ul style="list-style-type: none"> • Reduce inequalities & foster strong community cohesion • Work efficiently and effectively as One Council • Develop and deliver the Citizen Engagement Strategy

1. **SUMMARY**

- 1.1 The Local Democracy, Economic Development & Construction Act 2009 ('the 2009 Act') places a duty on principal authorities to respond to petitions. Each authority must adopt and publish a 'Petition Scheme', informing local people of how to submit petitions and how the authority will respond. The scheme must include a number of specific provisions.
- 1.2 The duty applies from 15 June 2010. The Council must therefore review urgently its arrangements for receiving and responding to petitions, and adopt a Petition Scheme at the next Council meeting.
- 1.3 The Council has an established procedure for petitions to Council, Cabinet and committee meetings or directorates and this is well used by residents. However, some of the specific requirements of the 2009 Act are not included in the existing procedure and must now be introduced, including:-
- Provision for a petition exceeding a stated number of signatures (to be determined by the Council) to either:-
 - trigger a debate at the Council meeting (as opposed to merely presenting the petition for Members questions and response); or
 - require a senior officer to appear before the Overview & Scrutiny Committee to answer questions on the matter
 - A right of 'review' by the Overview & Scrutiny Committee if the petition organiser feels the authority's response to the petition was inadequate.
 - An 'e-petitions' facility (from 15 December 2010)

2. **DECISIONS REQUIRED**

Cabinet is recommended to:-

- 2.1 Note the duty to respond to petitions included in the Local Democracy, Economic Development & Construction Act 2009 and the consequent requirement on the Council to agree a Petition Scheme at the next Council Meeting on 14 July 2010; and
- 2.2 Comment on the draft petition scheme at Appendix 'C' to this report and in particular on the proposed thresholds for the number of signatures required to trigger a Council meeting debate or attendance by a senior officer at the Overview and Scrutiny Committee.

3. **REASONS FOR THE DECISIONS**

TOWER HAMLETS' EXISTING PROCEDURE/ACTION REQUIRED

- 3.1 The Council has a well established petition procedure (see Appendix A) that provides for a written response to all petitions by the relevant Chief Officer within 28 days and for petitions that include over 30 signatures to be presented on request to the Council meeting or (if the petition relates to an agenda item) to a meeting of the Cabinet, O&S or other committee.
- 3.2 It is proposed that these provisions should be retained. In addition, the Council's Petition Scheme will need to include further provisions to meet the requirements of the new duty as follows:-
 - Petition to trigger a Council debate. In order to force the allocation of time for a debate at Council, a petition should provide evidence of widespread concern or support and the number of signatures required should reflect this. The maximum threshold that can be set is 5% of the borough's population or approximately 10,000. However, 2,000 signatures is proposed as a more realistic and potentially achievable level, and indeed this is consistent with the notional 1% figure included in the Government's model scheme (1,500 for a hypothetical authority with a population of 150,000).
 - Petition to trigger O&S Committee evidence: Similarly, to justify the allocation of O&S Committee time and officer resources to an issue, the petition should provide evidence of widespread concern. A threshold of 1,000 signatures is suggested for this purpose (again, this is proportionate to the figure included in the model scheme) .
 - It will no longer be possible to stipulate that signatories are on the electoral register as the scheme must enable under 18's to participate in petitions.
 - A review provision ('appeal' to the Overview and Scrutiny Committee) will be required.
- 3.3 A draft Petition Scheme for Tower Hamlets, based on the model scheme and incorporating where possible the Council's existing practice and the above provisions, is attached at Appendix C for comment. Subject to any necessary

amendment the draft scheme will then be submitted to the Council for adoption.

- 3.4 Following the adoption of the Petition Scheme it will be necessary to issue a revised procedure and guidance to directorates on its implementation and logging of petitions under the scheme.

4. ALTERNATIVE OPTIONS

- 4.1 The Council is required to have a Petition Scheme that complies with the requirements of the 2009 Act. Within these requirements there are matters that the Council may determine, such as the specified time periods in which the Council will take action and the numbers of signatures required to trigger a debate before full Council or the calling to account of a senior officer. Provided the requirements of the 2009 Act are met, the Council may also include such additional provisions as it considers appropriate. The options considered in preparing the Petition Scheme proposed in Appendix C are set out within the body of the report. As set out above, the proposed Scheme is based on the model scheme, retaining the Council's existing practice where possible.

5. BACKGROUND

- 5.1 The 2009 Act contained a range of provisions to take forward the community empowerment agenda of the 'Communities in Control' white paper and related legislation. A stated aim was to put local authorities at the forefront of the drive to reconnect people with public and political decision-making.
- 5.2 The Government recognises that signing a petition is one way for citizens to express their concerns and priorities, and research suggests that petitions are amongst the most popular and recognised forms of civic action. The 2009 Act therefore placed a duty on principal local authorities to take certain steps in response to petitions on local matters. Each authority must adopt a Petition Scheme which sets out clearly what local people should do to make their feelings known on local issues, and how the council will respond.
- 5.3 Following a consultation period the Government has issued statutory guidance on the new duty and has directed that the duty will come into force on 15 June 2010. Recognising that a longer preparation time will be required for the 'e-petitions' element of the duty, the requirement to provide this facility will come into force later, on 15 December 2010.
- 5.4 The statutory guidance includes a model Petition Scheme that authorities may wish to adopt, amended (within the requirements of the Act) to meet the needs of their own locality.
- 5.5 At Tower Hamlets, the recent Scrutiny Review on Strengthening Local Community Leadership has also recommended that the Council review the way that petitions are managed and develop a more comprehensive system for receiving and responding to petitions.

6. **THE DUTY TO RESPOND TO PETITIONS**

- 6.1 The 2009 Act introduces a legal requirement for all councils to respond to petitions and tell local people what action is going to be taken to address their concerns. Petitions cannot be ignored, for example because they raise a difficult issue in the local area.
- 6.2 The Act requires all principal authorities in England to establish a scheme for handling petitions made to the authority. The scheme:
- must be approved by a meeting of the council before it comes into force;
 - must be published on the authority's website and by any other method appropriate for bringing it to the attention of those who live, work or study in its area;
 - can be revised at any time but the revised scheme must be approved and publicised as above; and
 - the authority must comply with its petition scheme.
- 6.3 Councils have some flexibility around how they fulfil the duty but the Act sets out some minimum standards that Petition Schemes must meet:-
- anyone who lives, works or studies in the local authority area, including under 18's, can sign or organise a petition and trigger a response;
 - a facility for electronic petitions must be provided by the local authority;
 - petitions must be acknowledged within the time period specified in the scheme;
 - the scheme must list possible options for the steps that the Council may choose to take in response to a petition, including:
 - 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 setting out the authority's views on the request
 - referring the petition to an overview and scrutiny committee
 - the scheme must secure that: (a) the petition organiser is notified within a period specified in the scheme of the steps taken or proposed to be taken by the Council and the Council's reasons for that action; and (b) the notification is published on the Council's web site;
 - petitions with a significant level of support trigger a debate of the full Council (Councils will determine this threshold locally but it must be no higher than 5 per cent of the local population);
 - petitions with a requisite level of support, set by the local authority, which seek to hold a senior officer to account for a function for which the officer is responsible trigger at least the attendance by the senior officer to give evidence to the overview and scrutiny committee;
 - petition organisers can prompt a review of the local authority's response if they feel it is inadequate

6.4 Statutory guidance encourages authorities to adopt schemes wider than these requirements, e.g. responding to petitions from those who do not live, work or study in the area or e-petitions on non-council sites. Councils may include other information such as details of how they handle petitions which do not qualify under the scheme or which apply to the functions of another authority.

7.0 **THE PETITION SCHEME**

7.1 Government believes that petitions are an important tool for local people to raise concerns and that councils should approach their scheme from the starting point of responding in some way to all the petitions they receive – including those on very local issues - regardless of the number of signatures providing they follow the guidelines set out in the scheme i.e. the petition is not discriminatory or about an excluded matter such as a planning decision. Tower Hamlets' existing petitions procedure (see Appendix A) does provide for a response in all cases. In designing their scheme, councils are expected to:

- take into account local circumstances to ensure the scheme is appropriate e.g. in relation to the thresholds set to trigger different types of response;
- ensure that the scheme is accessible to all; and
- ensure that the process is easy for citizens to use.

7.2 Thresholds may be reviewed periodically and amended if necessary. Should it become apparent that authorities are setting unachievable requirements, the Secretary of State has power to direct them to amend their petition schemes.

8.0 **THE DETAILED REQUIREMENTS**

(a) Items covered by the petitions duty

8.1 As a minimum, a council's petition scheme must apply if a petition meets all of the following criteria:

- it calls for the authority to take action or to cease to take action;
- it is signed by the requisite number of people who live, work or study in the local area (this number must be specified in the Scheme);
- if made under another enactment, it does not qualify under that enactment (for example a mayoral petition under the Local Government Act 2000 which does not contain enough signatures to trigger a referendum); and
- if made electronically, it is made through the authority's e-petition facility

8.2 The legislation does not define a petition – in most cases this will be obvious but authorities sometimes have to decide whether to deal with an item of correspondence under its petition scheme or in another way, e.g. via the complaints procedure. Government guidance is that authorities should treat as a petition anything which identifies itself as a petition, or which a reasonable person would regard as a petition.

(b) Verification of signatures and acknowledgement

- 8.3 Authorities can choose to verify the signatures given on a petition if they wish, and it is suggested that such a provision should be included in the Tower Hamlets scheme. Under the provisions of the 2009 Act, a hard copy signature only counts if the petition gives the signatory's name and an address where the signatory lives, works or studies. In the case of e-petitions the authority must decide what counts as an authentic signature, for example a valid email address, a valid postcode or both. All petitions which meet the scheme criteria must be acknowledged within the period specified in the scheme.

(c) Relevant matters

- 8.4 Recognising councils' wider community leadership role, the Act requires an authority to respond to any petition relating to one of the Council's functions, but also one relating to other matters that are not within the Council's functions but which relate to the economic, social or environmental well-being of the area and to which any of the Council's partners could contribute. This could mean acting as an advocate for the local community, working with partners to resolve the issue or instigating a scrutiny review. Should a petition of this sort call for something which goes against council policy the council may choose to say 'no' to the request but must explain their position in their response.

(d) Exclusions

- 8.5 Certain petitions are excluded from the duty to respond as follows:-
- Petitions which are vexatious, abusive or otherwise inappropriate – these must still be acknowledged and the acknowledgement should explain why the authority will not be taking action.
 - Certain petitions may be inappropriate to deal with during a pre-election period.
 - Petitions made under another enactment (if they meet the requirements of that enactment)
 - Matters excluded by order, where established processes already exist for communities to have their say:-
 - any matter relating to a planning decision, including about a development plan document or the community infrastructure levy;
 - 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

(e) Appropriate steps

- 8.6 Councils are required to take appropriate steps when responding to petitions received. The response should be proportionate to the seriousness of the issue and the level of support contained in the petition. The actions listed at

6.3 above must be among those considered but councils are encouraged to be innovative, including considering any courses of action open to them that are specific to the subject of the petition. The Statutory Guidance includes a number of examples of appropriate steps that local authorities should consider in response to specific subjects, as set out at Appendix B attached.

- 8.7 The authority must notify the petition organiser of the steps it intends to take and publish this notification on the authority's website.

(f) Petition Debates

- 8.8 The Act requires that petitions which receive a specified level of support should be debated at a meeting of the Council. Authorities must set out in their scheme the number of signatures needed to trigger a debate. The petition organiser should be informed when the debate will be held (normally the next meeting) with sufficient notice to attend and offered the option of presenting their petition at the beginning of the debate, and councils should also consider what other contribution the petitioners might make to the discussion, e.g. answering questions put by councillors.

- 8.9 The guidance states that a petition debate should conclude with a decision being taken by the Council. This could be to take the action the petition requests, not to take the action for reasons put forward in the debate, or to commission further investigation e.g. by a relevant committee. Where the issue is the responsibility of the Council's Executive, the Council should decide whether to make recommendations to inform that decision.

- 8.10 The Local Authorities (Petitions) (England) Order 2010 stipulates that the maximum number at which the threshold for triggering a council debate may be set is 5% of the local population, but the Government expects that in most cases a much lower figure will be considered locally appropriate.

(g) Requiring officer evidence to the Overview & Scrutiny Committee

- 8.11 The petition scheme must allow for petitions to trigger attendance by a senior officer at the Overview and Scrutiny Committee to answer questions about the issue raised. The scheme must specify how many signatures will be needed to require an officer to attend a public hearing. The scheme must also specify the officers who may be called to account in this way. The final decision on which officer (and/or member) should attend, and the questions to be asked, rest with the Overview and Scrutiny committee.

- 8.12 The Council must inform the petition organiser when the Overview and Scrutiny meeting will take place with sufficient notice to enable them to attend. After the relevant person has appeared before the overview and scrutiny committee, the committee must make a report or recommendations to the authority and send a copy of that report or recommendations to the petition organiser.

(h) Petition Reviews

- 8.13 The Act provides a review provision under which petitioners can appeal to the Overview and Scrutiny committee if they feel the Council's response to their petition is not adequate. The committee may decide to carry out a full review of the issues raised in the petition or, if it is very concerned – for instance if the committee thinks that the authority is seriously neglecting its responsibility to listen to local people – the committee can arrange for the authority's response to the petition to be discussed at a meeting of the full Council. The Council must inform the petition organiser of the results of the review and must publish the results on its website, unless the Council considers it would be inappropriate to do so in all the circumstances.

9.0 E-PETITIONS

- 9.1 The Act requires all authorities to provide an 'e-petition' facility for citizens to create a petition online to be made available to others for electronic signature. Mere acceptance of e-mailed petitions does not meet this requirement.
- 9.2 The e-petition facility must be included in the Petition Scheme and substantially the same requirements apply to electronic petitions as to paper petitions. Authorities must determine, for each e-petition received, whether the petition is appropriate for publishing on their facility; and will decide what equates to a signature on an e-petition. Although only required to respond to e-petitions made through their own e-petition facility, an authority may choose also to respond to e-petitions submitted by other means and the petition scheme should indicate how these types of petitions will be dealt with.
- 9.3 In order to allow time for preparation of the necessary systems, the Government has agreed that the provisions in relation to e-petitions will not come into effect until 15 December 2010. The Council's draft Petition Scheme therefore does not include provision for e-petitions at this stage.
- 9.4 However, the Council's existing committee management software (Modern.gov) includes provision for an e-petitions facility linked to the Council's website and development work is underway to bring this into use as soon as possible.

10. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 10.1 The administration of the Petition Scheme, and in a number of cases the Council's response to the petitions submitted under the scheme, will give rise to additional costs from increased work for directorates, time at council and committee meetings and set up costs for e-petitions. The Government has indicated that under the new burdens principles, it will meet the costs of the new burdens associated with the duty
- 10.2 The Government expects that the national cost of responding to local petitions will be approximately £4.7 million per year, decreasing over time. Local authorities will each receive a grant for 2010/11, although this needs to be

seen in the context of the authority's share of the £1.1bn in year grant reductions for local government announced in May. It is therefore highly likely that these changes will result in additional expenditure by the Council, although the extent of this will depend upon the number and nature of petitions received and will need to be contained within available budgets. This amount of grant 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.

- 10.3. In responding to petitions, it will be necessary for the Council to consider the financial implications of the matter in question.

11. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

11.1 The report proposes the adoption of a petition scheme to comply with the requirements of the 2009 Act. The report properly addresses the requirements of the Act, the Local Authorities (Petitions) (England) Order 2010 and statutory guidance given by the Secretary of State in March 2010 entitled "Listening to communities: Statutory guidance on the duty to respond to petitions".

11.2 The Act provides that the scheme must be adopted at a meeting "of the authority" and the statutory guidance emphasises that this should be at a meeting of full council. This is consistent, in any event, with the provisions of the Council's Constitution, which provide that only the full Council will adopt or change the Constitution.

12. ONE TOWER HAMLETS CONSIDERATIONS

12.1 The Petition Scheme and subsequent introduction of the e-petitions facility aim to promote access to the decision-making process for all local residents. This is consistent with the objective of One Tower Hamlets expressed in the Community Plan, as it tends to promote equality of opportunity and to encourage contributions to local government from persons who live, work or study in Tower Hamlets.

13. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

13.1 Not applicable.

14. RISK MANAGEMENT IMPLICATIONS

14.1 This paper identifies primarily legal risks which have been covered as part of the legal comments above. There are no other immediate risks in relation to the Scheme.

15. CRIME AND DISORDER REDUCTION IMPLICATIONS

15.1 Not applicable.

16. EFFICIENCY STATEMENT

- 16.1 The new Petitions Scheme will be one way in which people can inform the Council of their concerns with a robust procedure to be followed.

17. APPENDICES

Appendix A – The Council’s existing petitions procedure

Appendix B - Examples of steps that Councils should consider in response to specific subjects raised in petitions

Appendix C - Draft Petition Scheme

**Local Government Act, 1972 Section 100D (as amended)
List of “Background Papers” used in the preparation of this report**

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
None	N/A

APPENDIX A – THE COUNCIL’S EXISTING PETITIONS PROCEDURE

LONDON BOROUGH OF TOWER HAMLETS

PROCEDURE FOR RECEIVING AND RESPONDING TO PETITIONS

Petitions are an important way for local residents to inform the Council of their views or raise matters of concern. Petitions may be received in a number of ways including by post to the Chief Executive or a department, by hand at Mulberry Place or a local office or via a Member’s Enquiry or surgery.

This procedure is designed to ensure that petitions are tracked and responded to within the agreed timescales and should be followed in all cases.

1. RECEIPT AND LOGGING OF PETITIONS

- All petitions received by the Council, whether presented at a meeting or otherwise received from residents, Members or others, will be referred to the relevant Corporate Director for action.
- If the officer receiving a petition is unsure of the procedure or which is the appropriate department, they should pass the petition to the Service Head, Democratic Services who will log and forward it to the relevant Corporate Director.
- The Corporate Director should record the date of receipt of any petition received in his/her office.

2. ACKNOWLEDGEMENT

- On receipt of a petition, the Corporate Director should without delay send an acknowledgement to the lead contact or person co-ordinating the petition, or if this is not indicated, to the first named signatory.
- If the petition was passed to the Council by a Member, the acknowledgement should be copied to that Member.
- The acknowledgement should give the name of the Corporate Director responsible for responding to the issues raised, and should state that this response will be sent within 28 days.

3. PETITIONS RELATING TO MORE THAN ONE DIRECTORATE

- Where a petition relates to several services the Corporate Directors concerned should agree which of them will lead and co-ordinate the response. Normally this will be the Corporate Director to whose services most of the petition relates. If there is not agreement on this the lead director will be the one whose service is first named in the petition.
- The identity of the lead Corporate Director should be included in the acknowledgement letter at 2 above.

4. RESPONSE TO PETITIONS

- The Corporate Director should arrange for the relevant officer(s) to prepare a draft response to the issues raised in the petition including reference to any relevant Council policy, any action planned in relation to the matters raised and/or any other agency with relevant responsibilities.
- The Corporate Director is responsible for ensuring that a written response is provided within 28 days of receipt of the petition.
- The response should be sent to the lead contact/person co-ordinating the petition or, if this is not indicated, to the first named signatory.
- If the petition was passed to the Council by a Member, the response should be copied to that Member.
- If the petition was forwarded to the department by the Chief Executive or Service Head, Democratic Services they should receive a copy of the response.

5. RECORD KEEPING

- The Corporate Director should maintain a record of petitions received and replied to and any outstanding items referred to officers for a draft response.

6. KEEPING MEMBERS INFORMED

- Petitions and responses are not routinely reported to the Cabinet and Corporate Directors are responsible for responding to petitions received.
- However, in relation to petitions affecting particular wards or Lead Member portfolios the Corporate Director may wish to consult the relevant Lead Members(s) and/or ward councillors about the issues raised.
- Any relevant Lead Member(s), ward councillors and/or a Member who has presented a petition to the Council should be sent a copy of the written response to the petitioners.

7. PRESENTATION OF PETITIONS TO COUNCIL/OTHER MEETINGS

- Subject to certain conditions, petitions of more than 30 signatures can be presented to a meeting of the full Council (on any matter for which the Council has responsibility or which affects the borough); or the Cabinet, Overview & Scrutiny or other committee (on a matter that is on the agenda for the meeting).
- Such petitions will be sent to the Service Head, Democratic Services, who will notify the relevant Corporate Director of receipt and ask him/her to prepare a briefing for the Lead Member to respond orally to the petition at the meeting.
- After the meeting the petition is forwarded to the Corporate Director in the normal way for a written response on any outstanding matters within 28 days.

8. PETITIONS ON PLANNING AND LICENSING ISSUES

- Where a petition relates to planning or licensing and there is a current application the petition will be referred to the (Strategic) Development or Licensing Committee to be heard at the time of consideration of the application.
- In relation to development control, subject to certain conditions the (Strategic) Development Committee will consider an application where the officer recommendation is opposed by more than 20 individual representations or a petition of at least 20 local residents. The representations and petitions are summarised in the committee report and copies are available at the meeting.
- The Development Procedure Rules at Part 4.8 of the Constitution set out the arrangements for public speaking at Development/Strategic Development Committee meetings.

APPENDIX B

EXAMPLES OF STEPS THAT COUNCILS SHOULD CONSIDER IN RESPONSE TO SPECIFIC SUBJECTS RAISED IN PETITIONS

(Extract from DCLG Statutory Guidance on the duty to respond to petitions)

(i) Alcohol related crime and disorder:

If a local authority receives a petition about alcohol-related crime or disorder, Government expects them to fully consider with their partners the range of options available to them including considering the case for establishing a designated public place order or, as a last resort, establishing and imposing an alcohol disorder zone covering the relevant area.

(ii) Anti-social behaviour (ASB):

As the elected representatives of the local area, and often as social landlord and licensing authority, local councils have a significant role to play in tackling anti-social behaviour. Recently crime and disorder reduction partnerships, of which local authorities are a constituent member, have been challenged to set minimum service standards and publicise these to their local communities by March 2010. The police and many local authorities also have a target to increase public confidence that the police and council are working together to deal with crime and ASB issues that matter most locally. As such, when responding to petitions on ASB, local authorities are expected to consider, in consultation with local partners, all the options available to them including the wide range of powers and mechanisms they have to intervene as part of these roles. They should, for example, 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, Registered Social Landlords and other neighbourhood partners on issues of ASB in the area in question and, where appropriate, alert the crime and disorder reduction partnership and crime and disorder overview and scrutiny committee to the issues highlighted in the petition.

(iii) Under-performing schools:

Local authorities are expected to consider, in consultation with local partners, all the options available to them when working with schools to secure their improvement. For example, on behalf of the local authority, the school improvement partner will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing the local authority should 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 local authorities, 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 include; 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.

(iv) Under-performing health services:

Local authorities are expected to 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 health overview and scrutiny committee should also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue should be referred to them to consider for review.

APPENDIX C

LONDON BOROUGH OF TOWER HAMLETS

DRAFT PETITION SCHEME

1. SUBMITTING A PETITION TO THE COUNCIL

Tower Hamlets 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 receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. 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.

Paper petitions can be sent to:

The Service Head, Democratic Services,
1st Floor,
Town Hall,
Mulberry Place,
E14 2BG

Or can be scanned and e-mailed to petitions@towerhamlets.gov.uk

All petitions will receive a response from the relevant Council Directorate as set out at section 4 below within 28 days of receipt. This will usually be the quickest way of addressing the issue. If you wish to present your petition to a meeting of elected councillors, please see section 5 below for details of how this may be done.

The Council is currently developing a facility for residents to host or sign on-line petitions via our website. This facility will be available by December 2010.

2. GUIDELINES FOR SUBMITTING A PETITION

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. This should state what action the petitioners wish the Council to take
- the name, address and signature of each person supporting the petition
- 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 website.
- If the petition does not identify a petition organiser, we will contact the first listed signatory to the petition to agree who should act as the petition organiser.

The Council will seek to verify the authenticity of each entry on a petition by reference to existing information such as (where appropriate) the current electoral

register or other relevant records. Entries which cannot be verified may not be counted for the purposes of determining whether a petition has exceeded a threshold set out in this scheme.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted.

In the period immediately before an election or referendum, when certain legal restrictions apply, 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.

3. ACTION BY THE COUNCIL ON RECEIPT OF A PETITION

An acknowledgement will be sent to the petition organiser within 10 working days of us receiving the petition. This will let them know what we plan to do with the petition and when they can expect to hear from us again.

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 (see section 5 below), the acknowledgment will confirm this and tell you when and where the meeting will take place (if known at that stage). 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 requesting a referendum on having 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. Further information on all these procedures and how you can express your views is available on the Council's website *[insert link]*

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate. If this is the case, we 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 petitions submitted to the Council will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

4. THE COUNCIL'S RESPONSE TO YOUR PETITION

The Council's 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 (a cross-party committee of councillors which has the power to hold the Council's decision makers to account.)
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition, including potential use of any of the Council's statutory powers; and/or recommendations to, or action in conjunction with, our partner agencies or others.

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 Tower Hamlets Partnership website] and where possible will liaise 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 on our website *[insert link]*.

If your petition is about something that a different authority 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 authority, but could involve other steps. In any event we will notify you of the action we have taken.

In all cases we will provide the written response within 28 days of receiving your petition.

5. PRESENTATION OF A PETITION TO ELECTED COUNCILLORS

Subject to your petition containing sufficient signatures as set out below, you may request to present the petition to a meeting of elected councillors. There are a number of ways in which this can be done.

(a) Presentation to a meeting of the Council, Cabinet or relevant committee

If your petition includes the names, addresses and signatures of at least 30 persons who live, work or study in the borough, it may be presented to an ordinary meeting of the Council or (if it relates to a matter that is on the agenda for the meeting) to the Council's Cabinet or a Council Committee. A full calendar of meeting dates can be found on the Council's website *[insert link]*.

If you would like to present your petition to one of these meetings, please contact the Service Head, Democratic Services on 020 7364 4204 well in advance of the meeting for further information. The final deadline for receipt of petitions is noon, three clear working days before the meeting. However, please note that a maximum of three petitions will normally be taken at any meeting and these slots are allocated in order of receipt, so early submission is advised.

At the meeting, you will be invited to speak for up to three minutes in support of your petition and councillors may then ask you questions for a further three minutes before the relevant Lead Member or Committee Chair responds to the matter that you have raised.

(b) Debate at a Council Meeting

If your petition includes the names, addresses and signatures of at least 2,000 persons who live, work or study in the borough you may request that a debate be held about the petition at the full Council meeting. The Council will endeavour to consider your petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. We will tell you the date of the meeting at which the debate will take place once this is confirmed.

At the meeting, the petition organiser or another signatory to the petition will be given three minutes to present the petition. The person who presents the petition must live, work or study within the borough. The petition will then be debated by Councillors for a maximum of 15 minutes. Following the debate, 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 Council's Executive (Cabinet) are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. As the petition organiser, you will receive written confirmation of this decision, which will also be published on our website.

(c) Officer evidence to the Overview and Scrutiny Committee

As an alternative to a Council debate, your petition may ask for a senior Council officer to provide information in public about something for which the officer is responsible as part of their job – for example to explain progress on an issue, or the advice given to councillors to enable them to make a particular decision. The senior officers who may be called to give evidence under this procedure include the Head of the Paid Service (Chief Executive) and any of the Council's statutory or non-statutory Chief Officers (Corporate Directors).

If your petition includes the names, addresses and signatures of at least 1,000 persons who live, work or study in the borough, the relevant senior officer will give evidence at a public meeting of the Council's Overview and Scrutiny Committee.

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 Executive Councillor(s) to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the Committee by contacting the Service Head, Democratic Services up to three working days before the meeting.

5. IF YOU ARE NOT SATISFIED WITH THE COUNCIL'S RESPONSE

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Overview and Scrutiny committee 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.

The 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 Council's Executive or arranging for the matter to be considered at a meeting of the full Council.

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