

**RIBBLE VALLEY BOROUGH COUNCIL  
REPORT TO  
POLICY AND FINANCE COMMITTEE**

Agenda Item No.

meeting date: 16 November 2010  
 title: Withdrawal of statutory guidance on petitions  
 submitted by: Chief Executive  
 principal author: Michelle Haworth – Principal Policy and Performance Officer

## **1 PURPOSE**

1.1 To inform committee of the withdrawal of the statutory guidance on petitions.

## **2 RELEVANCE TO THE COUNCIL'S AMBITIONS AND PRIORITIES:**

- Council Ambitions: A Corporate Strategy Objective is:
- Community Objectives:
- Corporate Priorities: To increase participation in communities
- Other Considerations:

## **3 BACKGROUND**

- 3.1 Signing a petition is one way for citizens to express their concerns and priorities to their local authority and the Citizenship Survey shows that petitions are the most popular and recognised form of civic action.
- 3.2 The petitions duty in the Local Democracy, Economic Development and Construction Act 2009 means that for the first time councils are required to respond to petitions and tell local people what action is going to be taken to address their concerns. Petitions can no longer be ignored because they raise a difficult or challenging issue in the local area.
- 3.3 The new Duty to Respond to Petitions came into effect on 15<sup>th</sup> June 2010. This committee approved the Ribble Valley Petition Scheme on 8<sup>th</sup> June 2010 (attached at Appendix A).
- 3.4 The Ribble Valley Petition Scheme was based on the model scheme which was provided with the *'Listening to communities: Statutory guidance on the duty to respond to petitions'* document. We modified and tailored the model scheme to meet our needs.
- 3.5 The guidance set out the key principles and requirements of the petitions duty and gave guidance for local authorities for designing and complying with their petition scheme. The guidance did not replicate the provisions set out in the legislation.

## **4 THE EFFECT OF WITHDRAWING THE STATUTORY GUIDANCE**

- 4.1 On the 24<sup>th</sup> September 2010 the Chief Executive received a letter from the Department for Communities and Local Government informing us that the Coalition Government were withdrawing *'Listening to communities: Statutory guidance on the duty to respond to petitions'* with immediate effect.
- 4.2 The petitions requirements in Chapter 2, Part 1 of the Local Democracy, Economic Development and Construction Act 2009 remain in place (unless or until they are repealed by fresh primary legislation), but it means the Council will now have more discretion on how we approach petitions locally.
- 4.3 The requirement to provide a facility for people to make e-petitions still comes into effect on 15<sup>th</sup> December 2010. The Council has had a fully operational facility since the launch of the Feedback

website at the beginning of July 2010. It has recently been announced that local authorities will be receiving payments towards implementing this facility through the area based grants process this financial year. Ribble Valley BC has been awarded a sum of £4,457.

- 4.4 The e-petitions facility is integrated into the Feedback website, which cost the CRACS Partnership around £35,000 to develop. This money was found from within partnership reserves and contributions of around £1,500 from each of the 6 partners (£3,000 from East Lancs. PCT).
- 4.5 To date the Council hasn't received any e-petitions or paper petitions, for which we have had to utilise the Petitions Scheme. It is therefore suggested that a wholesale review of the existing approved Petition Scheme is not required at this time.

## **5 RISK ASSESSMENT**

- Resources: It has recently been confirmed that the Council will receive an amount of £4,457 in the area based grant mid-year changes to help provide the e-petitions facility.
- Technical, Environmental and Legal: None.
- Political: None.
- Reputation: None.

## **6 RECOMMENDATION**

- 6.1 It be a recommendation to committee that a review of the Council's Petitions Scheme is undertaken, in say 12 months time, subject to receiving any petitions in that time.

Michelle Haworth  
Principal Policy and Performance Officer

For further information please ask for Michelle Haworth, extension 4421

# Ribble Valley Borough Council's Petition Scheme

## Petitions

The 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:

*Committee Services  
Ribble Valley Borough Council  
Council Offices  
Church Walk  
Clitheroe  
Lancashire  
BB7 2RA*

Or be created, signed and submitted online by following this link [www.feedbackonline.org.uk](http://www.feedbackonline.org.uk)

A petition may gather signatures, names and addresses (postal or email) in both forms ie you can have a paper version and an online version running simultaneously, although repeat names will be removed. Both forms should run for the same period of time and must be submitted together. Please inform Committee Services on 01200 414408 if you are running a combined paper and electronic petition so that these can be submitted together.

Petitions, which have been signed by the requisite number of people, may be presented at Full Council during the public participation session by delegations of not more than 3 persons. Only one person from the delegation shall be permitted to speak for a maximum of 3 minutes.

These meetings take place on a 6 weekly basis, dates and times can be found at [http://www.ribblevalley.gov.uk/info/200216/council\\_meetings/299/meeting\\_cycle](http://www.ribblevalley.gov.uk/info/200216/council_meetings/299/meeting_cycle).

If you would like to present your petition to the Council, or would like your Councillor or someone else to present it on your behalf, please contact Committee Services on 01200 414408 at least 10 working days before the meeting and they will talk you through the process.

Petitions completed online, handed in or sent by post to the council offices, which are signed by at least ten residents of the borough (ie not meeting the threshold to be debated at Full Council), shall be referred to the next meeting of the committee which deals with the subject matter of the petition. These may be presented informally to the chairman of that committee. A report will be prepared for the committee addressing the subject matter of the petition. The receipt of the petition and the resolution taken shall be referred to in the minutes of that committee.

If your petition has received 600<sup>1</sup> signatures or more it will also be scheduled for a Full Council debate and if this is the case we will let you know whether this will happen at the same meeting that your petition has been presented to or a later meeting of the Council.

## Aims and Objectives

These are to:

- Allow communities to have direct influence in the democratic process;
- Provide direct access to elected members and other key policy makers;
- Allow citizens to raise awareness of a particular campaign and put issues on the agenda which might not otherwise be considered by the accountable body;
- Stimulate council debate;
- Result in policy changes; and
- Give accountable bodies more access to opinion and feedback on policy decisions.

## What are the guidelines for submitting a petition?

Your Petition should be relevant to some issue on which the Council has powers or duties or on which it has shared delivery responsibilities through a partnership arrangement. It should also be submitted in good faith and be decent, honest and respectful. An effective petition should contain a well thought out request i.e. what it is that the petitioner wants the Council to do, or stop doing.

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
- the name and address and signature of any person supporting the petition.

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 the 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.

Your Petition may be rejected if the Council considers it:

- Contains inflammatory, abusive or provocative language;
- Is defamatory, frivolous, vexatious, discriminatory or otherwise offensive; or contains a false statement;
- Is too similar to another petition submitted recently;
- Discloses confidential or exempt information, including information protected by a court order or government department;
- Discloses material which is otherwise commercially sensitive;
- Names individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies, or makes criminal accusations;

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<sup>1</sup> Rounded up from 585 – which is based on 1 per cent of the local population of RVBC 58,500 (ONS 2008 mid year population estimate)

- Contains advertising statements;
- Refers to an issue which is currently the subject of a formal council complaint, Local Ombudsman complaint or any legal proceedings; or
- Is otherwise inappropriate.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

## **What will the council do when it receives my petition?**

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

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, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

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 from Committee Services, Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA, 01200 414408.

Your Petition may be rejected if the Council considers it unacceptable (see above), for example, we will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and 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 the petitions submitted to us will be published on the feedbackonline website, except in cases where this would be inappropriate. When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

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

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a 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\*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*\*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the Council – in other words, the Overview and Scrutiny committee has the power to hold the Council's decision makers to account.*

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The paragraphs below gives some examples.

## **Alcohol related crime and disorder**

If your petition is about crime or disorder linked to alcohol consumption, there are a number of interventions which the Council can use including checking whether there is a contravention against an already existing designated public place order, talking to individual landlords through Pubwatch, working with the Police on Fixed Penalty Notices for alcohol related disorder and with Trading Standards targeting proxy sales of alcohol and test purchasing for under age sales. The Council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.

## **Anti-social behaviour (ASB)**

As the elected representatives of your local area and as the licensing authority, the Council plays a significant role to play in tackling anti-social behaviour. When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role. For example, we will work with the police in the affected area to identify what action might be taken including what role CCTV might play and, where appropriate, we will alert the community safety partnership to the issues highlighted in the petition.

## **Under-performing schools**

The petition will be passed to the education authority (Lancashire County Council) for them to consider, in consultation with partners, all the options available to them when working with schools to secure their improvement.

## **Under-performing health services**

We will 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 LINK is run by local individuals and community groups and independently supported – their role to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account). The Overview and Scrutiny committee will also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue will be referred to them to consider for review.

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 and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set

out the reasons for this to you. You can find more information on the services for which the Council is responsible here [www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk) .

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

## Full Council debates

If a petition contains more than 600<sup>2</sup> signatures it will be debated by the Full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting. 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 on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given three minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. 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. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the feedbackonline website.

## Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 300<sup>3</sup> signatures, the relevant senior officer will give evidence at a public meeting of the Council's Overview and Scrutiny committee. The following senior staff can be called to give evidence:

- The Chief Executive
- The Director of Resources
- The Director of Community Services
- The Director of Development.

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 a relevant councillor 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 Committee Services on 01200 414408 up to three working days before the meeting.

## E-petitions

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

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<sup>2</sup> Rounded up from 585 – which is based on 1 per cent of the local population of RVBC - 58,500 (ONS 2008 mid year population estimate)

<sup>3</sup> Rounded up from 293 – which is based on 0.5 per cent of the local population of RVBC - 58,500 (ONS 2008 mid year population estimate)

An ePetition is a petition posted online that can be signed electronically through a website. Members of the community will be able to create a petition on the site and other people can then add their details to the petition to sign it. The format makes it easy for signatures to be collected and responded to.

To submit an ePetition you will need to be a registered user of the feedbackonline website. On the ePetitions homepage, select 'Start a new petition' option. You will be prompted to enter:

- A title;
- An area (the area that the petition relates to);
- Interest (the topic that the petition relates to);
- Which local authority you would like to petition;
- When the petition is to begin;
- How long the petition is to run for; and
- Background information (this could be a statement explicitly setting out what action you would like the Council to take (a "call for action") or any other information which you feel is relevant to the ePetition and reasons why you consider the action requested to be necessary. You may include links to other relevant websites and/or forum topics).

You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time frame to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to Ribble Valley Borough Council. Following the close of an ePetition, a report is produced setting out the number of signatures, their reliability and summarising discussion comments for and against.

In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact Committee Services on 01200414408 within 10 working days of receipt of the acknowledgement.

Your local councillor will be notified when a petition is received which is relevant to his/her ward.

A petition acknowledgement and response will be published on the feedbackonline website.

The Council accepts no liability for the petitions on its web pages. The views expressed in petitions do not necessarily reflect those of the Council.

## **How do I 'sign' an e-petition?**

An ePetition can be signed by a person of any age who lives, works, or studies in the borough. To submit or sign an e-petition you have to be a registered user of the feedbackonline website.

Registration is a simple process that just requires you to provide us with a few details in case we need to contact you about the ePetition. You will be asked to supply your full name, year of birth, postcode, borough and a valid email address, for verification purposes.

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. (i.e. email address, postcode etc...)

You can only sign an ePetition once. Officers will check the list of signatories and any obviously frivolous responses will be removed.

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

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 and 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 results within 5 working days. The results of the review will also be published on our website.