

Petition Scheme for Ashford Borough Council

A INTRODUCTION

A1 This is the Petitions Scheme for Ashford Borough Council made under Section 11 (1) of the Local Democracy, Economic Development and Construction Act 2009. ('The Act')

A2i The Scheme was approved at the full meeting of the Ashford Borough Council on 21st October 2010 and is available on the Authority's website:- (www.ashford.gov.uk)

A3 The purpose of the Scheme is to establish a clear process for petitions submitted to the Council to be handled in accordance with the legislation (Sections 10 – 22 of the Act).

It covers,

- how people who live, work or study in the Authority's area can organise or sign a petition and secure a statutory response
- how specific responses can be triggered by achieving prescribed levels of signatory support
- who will do what and to what performance standards
- how petition organisers can seek a review of the Council's response

A4 The officer responsible for this Petitions Scheme, and its operation is Keith Fearon, Member Services & Scrutiny Manager whose contact details are as follows:-

Mr K Fearon, Member Services & Scrutiny Manager, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL
Tel – 01233 330564
E-mail keith.fearon@ashford.gov.uk

A5 The Council will promote the Scheme, both within the public sector organisations responsible for delivering local services and also beyond in the wider community.

B ABOUT PETITIONS in ASHFORD

B1 The Council and its Partners recognise the need to help citizens communicate their needs and concerns about issues in the local area. Petitions have a long tradition, and can be useful in suggesting levels of support for various propositions, so the Council will encourage their use in appropriate circumstances, and will offer advice to interested persons as to how best to make use of this Scheme in order to achieve their aims.

Such advice may be forthcoming from different departments of the Council, but enquiries should, in the first instance be directed to Keith Fearon.

The Council will also publish *Guidelines for Petition Organisers* – this should include a list of ‘Council and Partner Functions’ to assist in avoiding unnecessary submissions

- B2 The Council places importance on the opportunity offered by petitions, to seek solutions and agreements to issues identified by Petition Organisers. If this can be accomplished before the period set aside for the petition, then the Council may seek agreement with the Petition Organiser to withdraw the relevant petition.
- B3i Petitions to this Authority should be about matters relating to one of its functions. However, the Kent County Council will consider Petitions relating to improvements *‘in the economic, social or environmental well-being of the area to which any of its partner authorities could contribute’* and its Scheme will specify which organisations can be regarded as Partner Authorities for these purposes.
- B3ii Potential Petition organisers who need advice as to whether it would be appropriate to address a Petition to the County Council will be offered guidance. At first instance, the relevant contact point should be the person specified in Paragraph A4

C Submission of Petitions

C1 Petitions may be submitted to the Authority in the following ways:-

- On paper
- In person
- Electronically, through the Council’s own ePetition facility (after 15th December 2010)

In every case, a Petitions Organiser must identify his or her self and provide such details as will assist the Council or other service providers to make contact to discuss the petition.

If the lead signatory wishes to relinquish their role then another signatory can, and must, be elected as lead signatory

C2i The Council will formally acknowledge and respond to such Petitions as meet the criteria shown in Paragraph 3 of this Section.

C2ii For ePetitions, the Council will issue a formal acknowledgement within **5 working days** of its initial submission. Note that during this period, the ePetitions Facility Administrator will act as a ‘moderator’ and establish that there are no problems that might prevent the system from hosting the Petition. If there are difficulties, the Administrator will contact the Petition Organiser and use their best endeavours to resolve matters so that the Petition can be open for signatures. Where such a dialogue occurs, the formal acknowledgement will be sent within **5 working days** of the resolution of the difficulty.

- C2iii For all other Petitions, the Council will issue a formal acknowledgement within **10 working days** of its receipt.
- C2iv In all cases, formal acknowledgements will indicate how the Council proposes to handle the issue, and where appropriate, to outline what it may be possible for the Authority to do in response
- C3 To be a valid Petition, and trigger the provisions of the statutory 'duty to respond', a Petition must:-
- Be initiated by Petition Organiser whose details have been supplied to the Council
 - Relates to the Council's functions or to wider issues applicable to the areas served by the County Council
 - Not be vexatious or abusive
 - Not related to matters excluded from the Scheme. These include any matter relating to individual planning or licensing decisions, for which other established processes exist.
 - Obtain a minimum of 50 valid signatories, including verifiable details that they live, work or study in the Council area.
 - Not be a duplicate or near-duplicate of a similar petition received or submitted under 12 months ago
- C4i To ensure the Council understands the level of local support for a Petition, it reserves the right to seek to verify each signature appended to a Petition. This can be significant when establishing whether a Petition has obtained the requisite number of signatures to trigger specific processes.
- C4ii In the case of ePetitions, the Council requires signatories to append their email addresses and their postcodes; failure to provide this information may lead to the signature not being counted.
- C4iii Unless otherwise agreed following discussions with the Petition Organiser, an ePetition will remain open for signatures for 90 days.
- C5 As each Petition is received or created online, the Council will log each one, and publish details on its website. For any Petition relating specifically to a Council Ward or Wards, the relevant Elected Member will be formally notified and asked for comments.

D Responding to Petitions

D1 Upon receipt or submission, the Council will assign the Petition to a Responding Officer, who will take responsibility for investigating the issue and advise on the action to be taken by the Authority.

The name of the Responding Officer will be notified to the Petitions Organiser at the time of the acknowledgement.

D2 Among the actions the Council may undertake are one or more of the following:-

- Taking the action requested in the Petition
- Considering the Petition at a Council Meeting
- Holding an Inquiry
- Commissioning relevant research
- Organising a public meeting
- Mounting a wider public consultation
- Meeting with the Petition Organiser or representatives of signatories
- Providing a written response outlining the Council's views on the subject
- Referring the issue to the Council's Overview & Scrutiny Committee **OR**
- Referring the issue to the relevant Committee
- Consulting statutory partners and local service providers
- Instigating discussions with the voluntary and community sectors
- Make representations to Commercial or other Interests

D3 Under normal circumstances, the Council will expect to provide the Petition organiser with a response detailing which of the actions specified in D2 or other initiatives it intends within 28 days of receipt of a paper Petition. In the case of ePetitions which will be expected to remain open for some time, the response will be within 28 days of the closing date for signatures, or a date requested by the Petition Organiser, whichever is the earlier

D4i If a Petition has, or acquires 1500 valid signatures, the issue will be debated at a full Council Meeting to which all elected members are invited

D4ii At such a meeting, the Petition Organiser or someone nominated on his or her behalf will have the right to speak about the petition, normally for up to 10 minutes; reasonable advance notice will be provided to ensure that any preparation can be undertaken in time

D4iii The Chairman of the Meeting will decide upon the amount of time to allow for the debate on the Petition, and will take account of the degree of public interest in the issue, the level of support given to the Petition and the number of elected members wishing to express their views on the subject.

D4iv The Council accepts that it will not normally be sufficient for such a meeting merely to 'take note' of the Petition and that there should be a decision taken

as to what other steps (including but not restricted to the actions specified in Paragraph D2) should also be taken as a response.

- D4v The Petitions Organiser will be formally notified of the decision taken at the Council meeting. This will take place within 5 working days.
- D5i Petitions may request that a senior Council Officer be required to appear and give evidence on an issue for which he or she is responsible. If such a Petition has, or acquires 750 valid signatures, the Council will organise such a meeting, though it reserves the right to substitute a more appropriate person for the name referred to in the Petition.
- D5ii Those Officers who may be called to give evidence in this way as a result of a Petition consist of the Chief Executive, Deputy Chief Executive and Heads of Service.
- D5iii The Petition Organiser will be given reasonable notice of the meeting, and although able to attend, will not normally be able to participate in the meeting. The meeting Chairperson will normally be prepared to consider suggested lines of questioning from the Petition Organiser or signatories
- D5iv If in the opinion of the Council, an issue raised in a petition seeking to call a Senior Officer to account would be better considered through the attendance of relevant Senior Officers from a Partner Authority, the Council may, at its discretion request that such an individual be invited to give evidence to the Overview and Scrutiny Committee.
- D5v Following the meeting at which the Senior Officer appears and gives evidence, the Overview and Scrutiny Committee will prepare a Report and/or make recommendations. These will be sent to the Authority's Chief Executive and to the Leader of the Council, and a copy sent to the Petition Organiser. Unless the issue raises matters of confidentiality, the Council will normally publish this document on the Council's website.
- D5vi References to 'threshold' numbers of signatures in paragraphs C3, D4i and D5i confer a clear entitlement under the provisions of this Scheme. However, the Council accepts that there are situations where issues may be of considerable significance to a small number of stakeholders, but where the absolute number of signatures for a petition may be less appropriate a measure of relevant support.

In these circumstances the Scheme Administrator is authorised to substitute for the thresholds in the paragraphs referred to above, revised numbers that take account of the specifics of the case. When this occurs, the entitlements operate as for the rest of this Scheme

- D6i At the end of the process of considering the Petition, a relevant Chief Officer will formally write to the Petition Organiser with a formal response. This communication will normally outline the steps taken by the Council to consider

the issue and will refer to the involvement (where applicable) of the Authority's elected members.

In the case of an ePetition the response will be distributed by email to all of the petition signees.

A copy of the response to all petitions will be posted to the publicly accessible website and available to view for a period of 6 months from closing the petition. For ePetitions this will include the names of signees.

The letter will also identify the Responding Officer who handled the issue and highlight his or her involvement where appropriate.

This Formal Response will be despatched within 90 days of receipt or submission of a Petition, and a copy will be published both on the Council website and easily accessible from the relevant pages of the ePetitions facility

E Reviewing the Results

E1 If a Petitions Organiser is not satisfied with the Council's response to the Petition, he or she may request a Review

Such a request should be made in writing within 28 days of the despatch of the Formal Response to the Petitions Organiser.

E2 Upon receipt of such a Request the Scheme Administrator will identify a Reviewing Officer from among Senior Officers at the Council. This Officer will be given wide scope to reconsider whether the Authority should, in all the circumstances take additional steps to respond to the Petition. This will normally include reference to the Overview & Scrutiny Committee which will itself consider the adequacy of the initial response.

On some occasions, such as where the initial response took the form of the Overview & Scrutiny Committee's taking evidence from a Senior Officer, it may be inappropriate for the same Committee to review the issue. In consultation with the Scheme Administrator, the Reviewing Officer will ensure that a suitable alternative process is followed to engage elected members in reviewing the Petition.

E3 At the end of the process of reviewing the Petition, the Council's Monitoring Officer will formally write to the Petition Organiser to inform him or her of the results of the Review. This communication will normally outline the process followed to establish whether the initial response had been adequate and outline any additional steps taken by the Council as part of the Review. It will also refer to the involvement (where applicable) of the Authority's elected members.

The letter will also identify the Reviewing Officer who handled the issue and highlight his or her involvement where appropriate.

This Review Response will be despatched within 28 days of receipt or the request for Review, and a copy will be published both on the Council website and easily accessible from the relevant pages of the ePetitions facility