

# CONSTITUTION COMMITTEE AGENDA



**Thursday 14 June 2012**

**at 9.30 am**

**in Committee Room C, Civic Centre, Hartlepool**

**MEMBERS: CONSTITUTION COMMITTEE:**

The Mayor, Stuart Drummond

Councillors C Akers-Belcher, S Akers-Belcher, Cook, Cranney, James, G Lilley, Simmons and Wells.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
  - 3.1 Minutes of the meeting held on 29 March 2012.
- 4. ITEMS REQUIRING DECISION**
  - 4.1 Petition Scheme – *Chief Solicitor*
- 5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

# CONSTITUTION COMMITTEE

## MINUTES AND DECISION RECORD

29 March 2012

The meeting commenced at 4.00 pm in the Civic Centre, Hartlepool

### **Present:**

Councillor Carl Richardson (In the Chair)

Councillors: Martyn Aiken, Christopher Akers-Belcher, Rob Cook, Marjorie James, and Ray Wells

In accordance with Council Procedure Rule 4.2 (ii), Councillor Ann Marshall was in attendance as substitute for Councillor John W Marshall

Officers: Peter Devlin, Chief Solicitor  
Chris Little, Chief Finance Officer  
Denise Ogden, Assistant Director, Neighbourhood Services  
Amanda Whitaker, Democratic Services Team Manager  
Angela Armstrong, Principal Democratic Services Officer

### **34. Apologies for Absence**

Apologies for absence were received from The Mayor, Stuart Drummond, Councillors Stephen Akers-Belcher, Mick Fenwick and Arthur Preece.

### **35. Declarations of interest by Members**

None.

### **36. Confirmation of the following minutes**

To be considered at the next meeting of the Committee.

### **37. Financial Procedure Rules** (*Corporate Management Team*)

The report included information to enable the Constitution Committee to consider the referral from Council on 23 February 2012 that “the current Financial Procedure rules are to be considered by the Constitution Committee as part of their ongoing review of the Constitution”.

The Constitution Task and Finish Group held immediately prior to the Committee had given detailed consideration to the report. The task and finish group had suggested that Directors retain the flexibility to transfer up

to £100k within their departmental revenue budgets with a cumulative limit of £200k in any one financial year. Any revenue budget transfers required over the cumulative £200k limit, would require Council approval.

In addition to the above, any revenue budget transfers and transfers between “directorates” over £100k to require Council approval.

### **Decision**

That the following be submitted to Council for approval:

1. That Directors may approve revenue budget transfers up to £100,000 (cumulatively up to £200,000 over the financial year) and that formal Council approval be sought for transfers over this limit.
2. There be no other revenue budget transfers outside of the above limits and no transfers between “directorates” without former Council approval.

## **38. Constitution Review – Proposed Policy Framework** *(Joint Report of Chief Solicitor and Assistant Chief Executive)*

The Constitution Task and Finish Group held immediately prior to the Committee considered the report which included proposals for a revised Policy Framework to form part of a revised Constitution, Article 4. Members’ attention was drawn to the Food Law Enforcement Plan and clarification was sought on whether this should be reported to the relevant Portfolio Holder or be retained within the policy framework.

### **Decision**

That the following be submitted to Council for approval:

1. That the policy framework be revised as indicated within paragraph 3.1 of the appended report (Appendix 2 refers) subject to the Food Law Enforcement Service Plan being incorporated within the Health and Wellbeing Strategy.
2. There be a further review of the policy framework during the forthcoming municipal year.

### 39. Budget and Policy Framework Procedure Rules – Framework Development *(Chief Solicitor)*

The Constitution Task and Finish Group held immediately prior to the Committee considered a report which included proposals to address several anomalies within the Council's Constitution to ensure there was a proper and correct interpretation of the Budget and Policy Framework Procedure Rules. A number of changes had been proposed and these were detailed within Appendix 1 and 2 of the report by way of tracked changes.

#### Decision

That the changes to the Budget and Policy Framework Procedure Rules as set out within Appendix 1 and 2 of the report be submitted to Council for approval.

### 40. Delivery of Member Support and Community Engagement *(Chief Solicitor)*

The Constitution Task and Finish Group held immediately prior to the Committee considered a report which incorporated the views of both the Executive, Constitution/General Purposes Working Group and the Scrutiny Co-ordinating Committee in relation to the review of community involvement and engagement and the delivery of support to the Council generally and had made recommendations summarised as follows:

Meeting Name	Council Membership	Quorum	Frequency	Notes
Council	All Members	9	6 Weekly	
Audit Committee	6	3	Quarterly	Arrangements for a sub-Committee to open tenders to be confirmed at the first meeting of the Audit Committee.
<del>Contract Scrutiny Committee</del>				Removed from Structure
General Purposes Committee	9	3	6 Weekly	
General Purposes (Appeals and Staffing) Committee	5 (Comprising of Chair, appropriate Cabinet Member plus 3 Members selected from rota)	3	Ad Hoc	
Licensing Committee	15	3	Quarterly	
Planning Committee	16	7	4 Weekly	
Constitution Committee	9 (including Chair – Chair of Council,	3	6 Weekly	

	Mayor or substitute, Vice Chair of Council, Chair and 1 other Member of SCC plus 4 other Members)			
Civic Honours Committee	6 (Including The Mayor, Chair of Council, Chair of SCC)	6	Ad Hoc	
Neighbourhood Forum - North Coastal	Self Selecting	6	Quarterly	Both Neighbourhood Forums to be held on the same day in the Civic Centre
Neighbourhood Forum - South Central	Self Selecting	6	Quarterly	Both Neighbourhood Forums to be held on the same day in the Civic Centre
Standards Committee	7	4	6 Monthly	
Scrutiny Co-ordinating Committee	16 (Including Chair and Vice Chair of each Scrutiny Forum with the Chair appointed by Council)	6 (drawn from at least two political groups)	4 Weekly	
Children's Services Scrutiny Forum	6	3 (drawn from at least two political groups) plus 1 voting co-opted Member (subject to clarification of statutory regulations)	4 Weekly	
Regeneration and Planning Services Scrutiny Forum	6	3 (drawn from at least two political groups)	4 Weekly	
Adult and Community Services Scrutiny Forum	6	3 (drawn from at least two political groups)	4 Weekly	
Health Scrutiny Forum	6	3 (drawn from at least two political groups)	4 Weekly	
Neighbourhood Services Scrutiny Forum	6	3 (drawn from at least two political groups)	4 Weekly	
Corporate Parent Forum	13 (Children's Services Portfolio Holder, Adult and Public Health Services Portfolio	3	Quarterly	

	Holder, The Mayor, Chair of Children's Services Scrutiny Forum plus 3 non executive Members			
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### Decision

1. That the recommendations as contained in Appendix A be submitted to Council for approval. This recommendation comprised the formation of two Neighbourhood Forums termed "North and Coastal" and "South and Central" and such meetings should be held quarterly within the Civic Centre and the quorum for each Forum should be six Elected Members. Further, that a review as to the operation of these Forums be instigated after the period of six months from the commencement of the municipal with a report to the Council's Cabinet and to Scrutiny. Furthermore, the Chair and Vice-Chairs of the Forums, be Members of the "in principle" Strategic Partners Group with membership onto the four themed partnerships, subject to statutory requirements. It was also agreed that there be "no neighbourhood voice" and that the Parish Liaison meetings do cease, with recognition that the Elected Mayor will hold such meetings at his entire discretion.
2. That the proposals following discussions between Cabinet and Scrutiny Co-ordinating Committee as discussed on 9th March, 2012 as recorded in Appendix B be approved for submission to Council. In addition, Council be requested to consider and adopt the recommendations as to the composition, frequency of meetings and quorum of those Committees and Forums as set out above.
3. That the Assistant Director, Neighbourhood Services provide clarification on the election process for the Community and Voluntary Sector representative onto the Strategic Partners Group.
4. That the Assistant Director, Neighbourhood Services to write to all Parish Council Chairs and Secretaries encouraging participation in future Neighbourhood Forum meetings.

### 41. **Outside Bodies Review** (*Chief Solicitor and Assistant Chief Executive*)

The Chief Solicitor presented a report which included information to assist Members' consideration of a review of representation on outside bodies to reflect the reduction in council size with effect from May 2012. Members discussed the schedules in detail and included the following:

Cleveland Police Authority – the Chief Solicitor clarified that should the Elected Mayor have the support of Council, he would be entitled to a seat on the CPA.

Hartlepool Power Station – the Chief Solicitor to seek clarification and a view from the Mayor on the automatic appointment of the Chair of Planning Committee in relation to the requirements of the Localism Act.

Housing Hartlepool – Members had concerns at the reduction in Council representation to 1 as proposed by the Mayor. It was suggested that the minimum representation should be one Executive Member with responsibility for Housing, plus two back bench Members, one from each Neighbourhood Forum Area. The Chief Solicitor to explore further subject to the governance arrangements of Housing Hartlepool.

HMS Trincomalee – remove Council representation.

North East Purchasing Organisation – One Executive Member and one Non Executive Member.

Hartlepool Credit Union – Two Executive Members, including the Executive Member with responsibility for Finance.

### **Decision**

- (i) That Part 7 – Appointments to Outside Organisations and Other Bodies as detailed in Appendix 1, incorporating the above amendments, be submitted to Council for approval.
- (ii) That the Chief Solicitor provide further clarification as noted above.

## **42. Any Other Items which the Chairman Considers are Urgent – Changes to Remit of Scrutiny Forums**

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

Members considered a number of minor amendments to the remit of the Scrutiny Forums to be forwarded to the Mayor for his approval. as the same will form part of the description of 'executive arrangements' as contained within Schedule 2 of Part 2 of the Council's Constitution with additional reference to Article 6 (Overview and Scrutiny) and the Overview and Scrutiny Procedure Rules.

Adult and Community Services Scrutiny Forum – to include the responsibility for Allotments in line with departmental responsibility.

Children's Services Scrutiny Forum – to include the Youth Justice Plan in line with departmental responsibility.

Regeneration and Planning Services Scrutiny Forum – to include all housing issues, including strategic housing, as opposed to the current division of this area between the Regeneration and Planning Services Scrutiny Forum and Neighbourhood Services Scrutiny Forum.

Crime and Disorder Committee – responsibility with the Scrutiny Co-ordinating Committee.

### **Decision**

That subject to the Mayor's consent, the following be submitted to Council for approval:

- (i) Allotments – to move from Adult and Community Services Scrutiny Forum to Neighbourhood Scrutiny Forum (to reflect departmental responsibility).
- (ii) Youth Justice Plan – moved from Regeneration and Planning Services Scrutiny Forum to Children's Services Scrutiny Forum (to reflect departmental responsibility).
- (iii) Housing (all housing issues including strategic housing) – to be referred to the Regeneration and Planning Services Scrutiny Forum, as opposed to the current division of this area of Council functionality between the Regeneration and Planning Services Scrutiny Forum and the Neighbourhood Services Scrutiny Forum.
- (iv) Crime and Disorder Committee – responsibility with the Scrutiny Co-ordinating Committee

The meeting concluded at 4.47 pm

CHAIR



# CONSTITUTION COMMITTEE

14 June 2012



**Report of:** Chief Solicitor

**Subject:** PETITION SCHEME

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## 1. PURPOSE OF REPORT

- 1.1 At a meeting of the Task and Finish Group of the Constitution Committee held on 2<sup>nd</sup> February, 2012, Members gave consideration to the current operation of the Council's Petition Scheme (Article 3 'Local People and the Council' sub para 3.01 (a) (ii) refers). This scheme allows for individuals to petition the authority under the duties that related to the promotion of local democracy as introduced under the Local Democracy, Economic Development and Construction Act, 2009. The Localism Act, 2011, which received Royal Assent on 15th November, 2011, through Sections 45 and 46, revoked the duty relating to the promotion of local democracy and also that relating to petitions to local authorities. In relation to petitions, since 1<sup>st</sup> April, 2012, local authorities are not statutorily required to operate a petition scheme, although they may of their own volition, continue to do so.

## 2. FORMER DUTY TO RESPOND TO PETITIONS

- 2.1 Through the provisions of the Local Democracy, Economic Development and Construction Act, 2009 it was a requirement for 'principal local authorities' to adopt a petition scheme from 15th June, 2010, with the operation of an "e-petition scheme" from the 15th December, 2010. Accordingly, at an extraordinary meeting of Council on 10th June, 2010, the authority formally adopted its petition scheme based upon the model provided through the Department of Communities and Local Government with some modifications. Through a further report from the Constitution Committee, to Council on 28th October, 2010, a "Guidance Note – Duty to Respond to Petitions" was also adopted, to facilitate and promote the operation of the petition scheme. Both the petition scheme and the Guidance Note are appended herewith for the information of Members (**Appendices 1 and 2**). There has also been further consideration of such issues by the Council's Scrutiny Co-ordinating Committee who presently act as a review mechanism in relation to such petitions (see further below).
- 2.2 Under the petition scheme anybody who lives, works or studies in the Borough (including under 18s) can sign or organise a petition which is intended to

trigger a response from the Council. Among the steps which the Council may choose to take in relation to a petition are the following measures;

- Taking the action requested
- Considering the petition through debate at full Council
- Holding an inquiry
- Holding a public meeting
- Commissioning research
- A written response setting out the Council's view on the issue
- Reference of the matter for the purposes of overview and scrutiny

- 2.3 In accordance with the Local Authorities (Petitions) (England) Order, 2010, the Council's petition scheme reflects that a petition must relate to a relevant matter, namely a Council function or an improvement in the economic, social or environmental wellbeing of the area. Planning and licensing decisions, by way of their regulatory nature, are excluded from the scheme, as other avenues of appeal exist. However, such matters would not be excluded if a petition related to a systematic failure, in the discharge of those regulatory functions. Council further determined that there should be no prescribed number in respect of the receipt of an "ordinary" petition and that such a petition would be considered solely on its own merits. However, where there were in excess of 1,500 signatories, that would ordinarily trigger a debate in Council and where more than 750 signatures had been secured, this would provide for Senior Officers being called to give evidence through the overview and scrutiny process. In determining whether to allow a petition, the Council can take into account data protection issues and such matters as equality law, libel and whether the petition is vexatious, abusive or otherwise inappropriate. In a determination as to whether a petition is vexatious, or abusive, the test should be *"is the request likely to cause distress, disruption or irritation without any proper or justified call"*. A petition organiser who is dissatisfied with the Council's response has the right to request a review. This review is conducted through the authority's scrutiny process. This is to review whether the steps taken and the action proposed were adequate. Details of the outcome of the Council's response and any subsequent reviews are published upon the Council's website. Of note, such a review, does not fetter the power of an authority to conduct a scrutiny review on an issue under the Local Government Act, 2000.

### 3. LOCALISM ACT, 2011

- 3.1 As indicated, the Localism Act, 2011, repeals the duties relating to the promotion of local democracy and for authorities to operate a petition scheme. In the explanatory notes to this legislation it is stated;

*"(this) removes the requirement for principal local authorities in England and Wales to make, publish and comply with a scheme for the handling of petitions made to the authority and to provide a facility for making petitions...to the local authority. It also removes*

*the powers of the Secretary of State...to make provision by Order in relation to petition schemes.”*

- 3.2 In an earlier consultation document entitled “Localism Bill: Local Referendums (January 2011)” there was an assessment on the likely impact of giving electors the power to instigate non binding local referendums and abolishing the wider petition duty. The reasons that were provided for such measures were as follows;

- Unnecessarily cumbersome and bureaucratic for local authorities to operate petition schemes
- Local Government Association’s indication that petitions are one of the top five burdens that should be removed to “achieve cost savings with little or no impact on front line services”.

It was the intention that the petition scheme be repealed and in its place would be non binding local referendums which it was envisaged would give residents ‘greater influence, increase participation and make Council’s more accountable and therefore leading to better outcomes’. At the same time, there was also recognition of the important role of elected representatives in decision making. However, the legislation as implemented through the Localism Act, 2011, only provides for such referendums where a Council sought approval for an excessive Council Tax increase and also in relation to neighbourhood planning issues. The Coalition Government’s intention therefore to have more wide ranging local referendums, has not come to fruition. Members may therefore consider it desirable to continue the operation of a petition scheme, as the same has not been wholly replaced through non binding local referendums.

- 3.3 For the information of Members, there are other mechanisms available which allow for public participation and involvement, including a petition to seek a change of governance through a referendum with seven Councils in 2000 seeking such a change through the promotion of the Elected Mayor and Cabinet system and five authorities subsequently considering petitions from this date up to 2010. There is also the “local poll” as introduced through Section 116 of the Local Government Act, 2003, to hold a referendum on any matter relating to;

- services provided in pursuance of the authority’s functions, or
- the authority’s expenditure on such services, or any of its powers under Section 2 of the Local Government Act, 2000 (Wellbeing Powers).

For completeness, the Local Government Act, 1972, has the provision for a “parish poll” wherein a Parish Council or Parish Meeting can request the Borough Council to organise a referendum on its behalf on a local issue. However, both under the 1972 and 2003 Acts, such referendums/polls are non binding and will have only persuasive authority.

Incidentally in the consultation document it is mentioned that although it is the intention to abolish the duty to promote local democracy and the petition

schemes, *“it is of course up to local authorities whether they retain elements of the petition scheme, however they no longer have a duty to do so”*.

#### 4. SUMMARY

4.1 On the basis that Members agree to retention of a petition scheme the following matters become pertinent;

- Whether there should be prescribed number attached to the receipt of an “ordinary” petition. Some local authorities have required 50/100 signatories as a threshold for consideration of a petition.
- Whether a debate in Council should be triggered by a number in excess of 1,500 signatories. Members are also requested to consider whether or not there should be the provision for an Officer being called to give evidence, as this provision already exists under the powers relating to the operation of overview and scrutiny committees under Section 21 of the Local Government Act, 2000.
- Members also need to consider whether the signatories to a petition should be “anybody who lives, works or studies in the Borough (including under 18s)” or whether such a petition should relate only to registered electors, as in the case of public questions to Council under existing Council Procedure Rules and in the case of petitions seeking to trigger a referendum. However, it would also need to be considered the administration involved in the “validation” of such a petition.
- Members will also need to consider what matters should be considered by such a petition and in this respect, a “relevant matter” as set out within the 2010 Order (see above) may still have relevance.
- It will need to be considered whether the local authority should have the wide ranging “steps” which can be taken in relation to a petition. Members may consider that matters such as the holding of an Inquiry, and commissioning research may have cost ramifications which might militate against the operation of such a scheme.
- Again, reflection should be given to inappropriate petitions in the context of the same being vexatious, abusive or otherwise unsuitable and again, the ‘Guidance’ which is to be read in unison with the Council’s own petition scheme, is material to this particular issue.
- It also needs to be considered as to whether or not there should be a review process in relation to a petition through the Council’s overview and scrutiny process as a possible step is that Council could refer a matter arising from a petition to overview and scrutiny in any event.
- Consideration will also need to be given as to whether or not ‘paper based’ and/or ‘e-petitions’ should be accepted by the Council and the procedures and publication requirements behind the Council’s response.

**5. RECOMMENDATIONS**

For Members to note and discuss.

**APPENDIX 1**

# **GUIDANCE NOTE – DUTY TO RESPOND TO PETITIONS**

## **Introduction**

There is a statutory requirement upon principal local authorities to adopt a petition scheme and a duty to respond to those petitions. This duty follows the commitment to ‘empower’ local communities in the White Paper “Communities in Control: Real People, Real Power”. The Borough Council have adopted a petition scheme effective from 15th June, 2010 with the operation of an “e-petition” scheme scheduled to commence from 15th December, 2010. In accordance with the provisions of the Local Democracy, Economic Development and Construction Act, 2009, Hartlepool Borough Council has published its petition scheme on its website ([www.hartlepool.gov.uk](http://www.hartlepool.gov.uk)) and copies are available from the Civic Centre and other Council locations in order to bring this petition scheme to the attention of persons who live, work or study in its area.

In the statutory guidance on the duty to respond to petitions it is stated;

*“Government believe that local authorities should approach their petition scheme from a starting point of responding to all the petitions they receive. Petitions are an important tool for local people to raise concerns with their locally elected representatives and we expect petitions to trigger action where appropriate”.*

It is also indicated within the statutory guidance certain “key principles”, as follows;

- In ensuring that local people know how to express their views
- Local authorities will take action to respond to petitions
- Local people know that their views have been listened to
- Keeping prescribed requirements on Councils to a minimum, and
- Building on local authority best practice

## **The Scheme**

Anyone who lives, works or studies in a local authority area including under 18s, can organise a petition and trigger a response. All petitions sent to the Council will receive an acknowledgement **within 14 days of receipt**.

Petitions submitted to the Council must include;

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

The petition should be accompanied by contact details, including an address for the petition organiser. This will be the person the Council will contact as to how the Council will respond to the petition.

An “active petition” must relate to a “relevant matter” that is not in the opinion of the authority, vexatious, abusive or otherwise inappropriate to be dealt with.

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A “relevant matter” means;

- a matter which relates to the functions of the authority, or
- relates to an improvement in the economic, social or environmental wellbeing of the authority's area to which any of its partner authorities could contribute.

The Local Authorities (Petitions) (England) Order 2010 prescribes that the following are to be ‘excluded’ from the definition of a ‘relevant matter’, namely;

- Any matter relating to a planning decision;
- Any matter relating to a licensing decision;
- Any other 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.

However, a matter will not be excluded if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis, notwithstanding that the allegation particularly refers to a planning decision, a licensing decision or any other matter to which that individual would have recourse to a review or an appeal.

This Order also specifies the maximum number of signatures that authorities may include in their petition schemes as being required to trigger a debate with full Council, being 5% of the local population as estimated by the Office of National Statistics. The Borough Council has prescribed that a petition must contain **more than 1,500 signatures** before it will be debated by full Council. The Council has also prescribed a figure of **at least 750 signatures** for a Senior Officer of the Council to give evidence at a public meeting of an Overview and Scrutiny Committee about something for which the Officer is responsible as a part of their employment.

Among the many possible steps that a principal local authority may choose to take in response to a petition the following are required to be included within a petition scheme;

- 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 to the petition organiser setting out the authority's views on the request in the petition
- Referring the petition to an Overview and Scrutiny Committee

Local authorities may choose to verify the signatures given on a petition at their discretion. Authorities are required to take into account signatures of people who provide valid addresses where they live, work or study within the



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local authority area, but authorities may also take account of those signatories who do not supply such information.

### **Vexatious, Abusive or Otherwise Inappropriate Petitions**

The Council will approach the petitions they receive in a positive manner. However, petitions which are in the opinion of the Council vexatious, abusive or otherwise inappropriate do not qualify for the authority to take the 'required steps' as indicated above. In making their response to a petition organiser the authority will provide reasons of why they consider that they will not be taking action through a petition being vexatious, abusive or otherwise inappropriate.

**The Council's Monitoring Officer (or in his/her absence the Deputy Monitoring Officer), in consultation with the Chair of Council (or in his/her absence, the Vice Chair of the Council.) will consider whether or not a petition is vexatious, abusive or otherwise inappropriate. However, should both the Chair and Vice Chair be unavailable, then the petition will be submitted to a meeting of the Overview and Scrutiny Committee to ascertain whether the petition was vexatious, abusive or otherwise inappropriate.**

As a starting point, guidance as to whether a petition is vexatious indicates;

*"...it is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause".*

Petitions made under any other enactments, for example, those relating to the Local Government Act, 2000 concerning executive arrangements of local authorities should be dealt with according to the procedure set out in those enactments.

### **Petition Debates**

If a petition contains more than **1,500 signatures** it will be debated by the full Council unless it is a petition asking for a Senior Officer to give evidence at a public meeting through the Council's scrutiny process. At the discretion of the Chair of the Council this debate may be added to the agenda of a normal meeting of the full Council. Where a petition triggers a Council debate the Council should also consider what other steps they should take in order to ensure their response is adequate. The petition organiser will be informed in writing when the debate will be held with sufficient notice to enable their attendance. The Council will also publish details of a Council meeting on the Council's website.

The petition organiser will be given 5 minutes to present their petition and at the discretion of the Chair of the Council answer questions put by Councillors. The petition will be discussed by the Councillors for a maximum of 15

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minutes, although, the Chair of the Council will have a discretion to extend this period of discussion. The debate will conclude with a decision being taken by Council in line with the best possible steps the Council may take in response to the petition. The petition organiser will receive written notification of this decision which will also be published on the Council's website.

At the discretion of the Chair, a maximum of 2 petitions triggering a Council debate will be dealt with at any one Council meeting.

### **Officer Giving Evidence**

Local people have the right to petition a Senior Council Officer to attend a public meeting of a Council's Overview and Scrutiny Committee. The Council have decided that if a petition contains **at least 750 signatures**, a Senior Officer would have to attend the meeting, answer questions and explain how they are delivering public services. This builds upon the already existing powers of Overview and Scrutiny Committees to call before them both Members and Officers to give evidence and therefore allows members of the local community to influence the way that this particular scrutiny takes place. A list of senior staff that can be called to give evidence can be found - HBC Constitution/Constitution 2009-2010/Sections of Constitution/Man Structure Flow Chart.

Local authorities will determine which of their Officers should be called to account in this way and in order for petitions to have a meaningful impact, the more Senior Council Officers will be required to attend the meetings and give evidence. Overview and Scrutiny Committees can decide that for the purpose of addressing the concerns raised in a petition that it is more appropriate for another Officer to be called, at their absolute discretion.

Officers will not be exposed to inappropriate public scrutiny of their private lives, nor to any form of harassment or bullying. The "grounds" given in the petition must relate to their specific post and their overall responsibility to the Council and its community. An Officer will not be required to attend a meeting of Overview and Scrutiny if the person calling for attendance is deemed to be vexatious, abusive or otherwise is inappropriate.

The Council will inform the petition organiser when the Overview and Scrutiny meeting will take place with sufficient notice to allow for attendance. Should the subject of a petition be likely to lead to exposure of confidential information, a resolution under the provisions of the Local Government Act, 1972, as amended, to hold any part of the meeting in private, must be justifiable, with reasons that are made clear in notification to the petition organiser. Overview and Scrutiny Committee will thereafter make a report containing recommendations to the authority and send a copy to the petition organiser and if appropriate, the report will also be published on the Council's website.

Both in relation to a petition which triggers a full Council debate and also which calls an Officer to give evidence, if the matter specifically relates to a

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particular ward within the Borough, initial notification will also be given to the applicable ward Councillors.

### **Petition Reviews**

Petitioners will be able to appeal to the Council's Overview and Scrutiny Committee if they feel the response from the Council is not adequate. The Overview and Scrutiny Committee will decide whether the steps taken in response to the petition were appropriate, having regard to the possible steps which can be taken in response to a petition. If the Committee has reason to be concerned about the adequacy of the Council's response it can decide to carry out a full review of the issues raised using its powers under the Local Government Act, 2000. This can include, Overview and Scrutiny arranging for the authority's response to be discussed at a meeting of full Council. **If the Overview and Scrutiny Committee took part in the original decision/response of the authority, then the appeal would be referred to full Council.**

The Council will again inform the petition organiser of the results of the review, following initial consideration within 30 days of the receipt of the request for a review. The petition organiser will be informed of the outcome of the review within 7 days and the same will also be published on the Council's website.

A flow chart is appended herewith (**Appendix 1**) which details how a petition would be dealt with by the Council under various options relating to the consideration of a petition under the Council's adopted scheme.

## Petition Received By Democratic Services

*Monitoring Officer in conjunction with Members ) to assess if it is a valid petition (if 'yes' is it vexatious or otherwise inappropriate - in accordance with the agreed criteria) or can be dealt with by other procedures, i.e. complaints procedure (14 days for Dem Services to acknowledge – outlining the way in which the petition is to be dealt with or reasons for refecction)*

### Petition **accepted**

- i) Where the petition is about an issue over which the Council **has no direct control** representations will be made on behalf of the community to the relevant body.*
- ii) Where the petition is about an issue over which the Council **has direct control** there are three options to deal with petitions.*

Petition **not accepted** – More appropriate to be dealt with by other procedure route

**Option 2 - Referred to appropriate department for consideration / action**  
(in accordance with the agreed procedure)

Action requested in petition taken / implemented –  
**No further action required**

### Option 1 - Public / Full Council Debate

- i) At least 1500 signatures are required to trigger this.*
- ii) The petition will be considered at the next Full Council meeting or the meeting after that.*
- iii) There are four options for a Council decision in dealing with a petition.*

Council – agrees to takes the action asked for in the petition

Council – commissions further investigation of the issue by a relevant Committee

Council – agrees to take no further action

Council - makes recommendations to inform the decision where the issue requires an Executive Decision

**Option 3 - Referral to Overview and Scrutiny** - petitioners can request that Senior Members of Council Staff to attend a meeting of the Scrutiny Co-ordinating Committee to explain how they are delivering public services.

*(At least 750 signatures required for this to occur)*

If petitioners are unhappy with action taken in relation to the petition - indicate to the Monitoring Officer that they wish to appeal.

### Appeal to Overview and Scrutiny

*Scrutiny Co-ordinating Cttee to:*

- have the option to refer the issue to a Forum for consideration.
- have 30 days to consider the appeal.
- be required to inform petitioners of the outcome of the appeal within 7 days.)

*There are two possible options for the outcome of an appeal*

Scrutiny support or reject the views / actions requested within the petition

Instigate a more detailed Scrutiny investigation

Scrutiny to report to be presented to Cabinet, Portfolio Holder or Council (as appropriate) – Copy of report also to petitioners

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# **HARTLEPOOL BOROUGH COUNCIL**

## **Draft 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 14 days of receipt. This acknowledgement will set out what we plan to do with the petition.

Paper petitions can be sent to Democratic Services Team, Civic Centre, Victoria Road, Hartlepool TS24 8AY

Or be created, signed and submitted online by following this link [*link to be inserted following development of system – system to be in place December 2010*]

Petitions can also be presented to a meeting of the full Council. These meetings take place on dates and times that can be found here [*link to be inserted following approval of Council meeting dates*]. If you would like to present your petition to the Council, or would like your local Councillor to present it on your behalf, please contact Democratic Services Team on 01429 523013 at least 10 working days before the meeting and they will assist you through that process.

### **What are the guidelines for submitting a petition?**

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.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. 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 14 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.

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 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). 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 full 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 Scrutiny Co-ordinating Committee who have responsibility for scrutinising the work of the Council in conjunction with the five Scrutiny Forums:

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- Children's Services Scrutiny Forum
- Regeneration Planning Services Forum
- Adult & Community Services Scrutiny Forum
- Health Scrutiny Forum
- Neighbourhood Services Scrutiny Forum
- 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. The table below gives some examples.

Petition subject	Appropriate steps
Alcohol related crime and disorder	If your petition is about crime or disorder linked to alcohol consumption, the Council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. 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)	<p>As the elected representatives of your local area, and licensing authority, the Council plays a significant role to play in tackling anti-social behaviour. The Council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards <a href="#">here [insert link]</a>.</p> <p>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 as licensing authority. For example, we will work with the partner agencies in the affected area to identify what action might be taken, consider identifying a dedicated contact within the Council to liaise on issues of ASB in the area in question.</p>

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Petition subject	Appropriate steps
Under-performing schools	We will consider, in consultation with local partners, all the options available to us when working with schools to secure their improvement. For example, on our behalf, the school improvement partner (SIP) will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing we will 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 us, 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 including; 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.
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).

If your petition is about something over which the Council has no direct control we will aim to make representations on behalf of the community to the relevant body. The Council works with a large number of local partners [link list of LAA 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 [[Hartlepool Borough Council Homepage](#)].

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. It 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 1,500 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 petition organiser will be given five 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 our 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 750 signatures**, the relevant senior officer will give evidence at a public meeting of the Council's Scrutiny Committee. A list of the senior staff that can be called to give evidence can be found here [HBC constitution\Constitution 2009-2010\Sections of Constitution\Man Structure Flow Chart.doc](#). You should be aware that the 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. 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 Democratic Services Team on Ext 3013 up to three working days before the meeting.

## **E-petitions (under development)**

The Council welcomes e-petitions which will be created and submitted through our website [*link to be inserted following development of system*]. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. 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 to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 14 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 Democratic Services Team. In the same way as a paper petition, you will receive an acknowledgement within 14 days. If you would like to present your e-petition to a meeting of the Council, please contact Democratic Services Team within ten days of the petition closing.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

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

You can see all the e-petitions currently available for signature here [*link to be inserted following development of system*].

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. 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. The e-petition signature process will also include a mechanism to prevent robot signatures.

### **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 Scrutiny Co-ordinating Committee review the steps that the Council has taken in response to your petition.

The committee will consider your request within 30 days of receiving it. 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 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 seven days. The results of the review will also be published on our website.