



REPORT OF:	HEAD OF CORPORATE SERVICES
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TO:	EXECUTIVE
DATE:	30 MAY 2013
EXECUTIVE MEMBER:	COUNCILLOR J.M. ELLACOTT

KEY DECISION REQUIRED:	No
WARD (S) AFFECTED:	All

SUBJECT:	THE COUNCIL'S PETITION SCHEME: REVIEW
RECOMMENDATION: To endorse: (i) retention of a Petition Scheme and e-petitions facility; and (ii) the proposed changes to the current Petition Scheme as set out in Annex 1 to the report.	
REASONS FOR RECOMMENDATION: Petitions remain an important part of the democratic process and retention of a Scheme and e-petitions facility is recommended. The Scheme not only provides guidance to the general public on how to present a valid petition but is helpful to the officers in setting out clear criteria on how petitions should be dealt with.	
EXECUTIVE SUMMARY: The Council is no longer required by law to have a Petitions Scheme and e-petitions facility. However, since adoption, the Petition Scheme and e-petitions facility have operated without any significant problems. The original Petition Scheme was based on a National model and, in the light of experience, has now been the subject of local review. Certain sections have never been applied/required and, in these circumstances, officers consider that they could usefully be deleted, thus providing a simpler, more fit for purpose, Petition Scheme. The e-petition facility works well and no amendment to it is proposed.	

Executive has authority to adopt the above recommendation.

STATUTORY POWERS

1. Arising from requirements in the Local Democracy, Economic Development and Construction Act 2009 the Council has previously adopted a Petition Scheme. Again in accordance with provisions in the Act, the Council also introduced an e-petitions facility.
2. The provisions in the 2009 Act have since been repealed through the Localism Act 2011 and the Council is no longer required by law to have a Petition Scheme or the e-petitions facility. Retention of both is now at the discretion of the Council.

BACKGROUND

3. Since adoption, the Petition scheme and e-petitions facility has operated without any significant problems. In total 17 petitions have been submitted relating to a variety of issues. Of these 17, three were rejected (principally for referral to Surrey County Council) 8 were dealt with through a response by officers or an Executive Member, one has been referred to the Executive (see agenda item **), and five resulted in debate at Council followed, where appropriate, by consideration at the Executive. These five petitions related to:
 - Banstead Leisure Centre;
 - The hot meals service at community centres;
 - Lady Neville Recreation Ground, Banstead;
 - Tanyard Meadows, Horley; and
 - Green Belt Development
4. Petitions remain an important part of the democratic process and, notwithstanding the repeal of the 2009 legislation, retention of a Scheme and e-petitions facility is strongly recommended. The Scheme not only provides guidance to the general public on how to present a valid petition but is helpful to the officers in setting out clear criteria on how petitions should be dealt with.

REVIEW OF THE PETITION SCHEME

5. The original Petition Scheme was based on a National model and, in the light of experience, has now been the subject of local review. Certain sections have never been applied/required and, in these circumstances, officers consider that they could usefully be deleted, thus providing a simpler, more fit for purpose, Petition Scheme. The e-petition facility works well and no amendment to it is proposed. It was used in respect of 16 of the 17 petitions referred to above. It incorporates a number of safeguards to prevent abuse.
6. The current Petition Scheme with proposed tracked changes is accordingly set out as Annex 1 to this report. It should be noted that the various levels that trigger different action by the Council on receipt of a petition were set locally and are not

recommended for change – in particular, a petition with over 400 signatures will still result in debate at Council.

LEGAL IMPLICATIONS

7. None other than set out above.

OPTIONS

8. It is open to the Executive to:
- Accept the recommendation in the report
 - Retain or dispense with the current Petition Scheme and/or e-petition facility
 - In relation to the Petitions Scheme, adopt alternative revisions to those proposed

FINANCIAL IMPLICATIONS

9. The e-petitions facility was originally developed (and funded through grant) by Surrey County Council providing a County wide e-petitions facility for all Surrey Authorities. The facility is currently retained by Reigate and Banstead under license at a cost of £500 per annum.

EQUALITIES IMPLICATIONS

10. None specifically. The Petition Scheme and e-petitions facility are open to all to make use of and participate in the democratic process.

CONSULTATION

11. The Executive Member with responsibility for the Better Ways of Working Programme has been consulted on the proposed revisions to the Petition Scheme and retention of the e-petitions facility.

Background Papers:

None

Reigate and Banstead Borough Council

Petition scheme¹

Background

This scheme applies to all petitions submitted to the Council with 20 or more signatures. For petitions regarding a planning or licensing application, of a statutory nature, or on a matter where there is already an existing right of appeal, other procedures apply (see section 3)

Any petition that contains less than 20 signatures, or does not meet the guidelines within the scheme, will be treated as standard correspondence and receive a reply from the relevant Head of Service.

1. Petitions

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.

Petitions may be created, signed and submitted online through the Council's e - petitions facility.

Paper petitions can be sent to:
Democratic Services
Reigate and Banstead Borough Council
Town Hall
Castlefield Road
Reigate
RH2 0SH

2. What are the guidelines for submitting a petition?

Petitions submitted to the council must include:

- a clear and concise statement ([on each sheet](#)) covering the subject of the petition. It should state what action the petitioners wish the council to take; and
- the name and address and signature of any person supporting the petition.

¹ ~~The petition scheme has been approved in accordance with the Local Democracy, Economic Development and Construction Act 2009.~~

Petitions should be accompanied by contact details, including an address, for the petition organiser. The petition organiser can be anyone who lives, works or studies in Surrey. This is the person the council 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.

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.

3. What type of petitions are excluded?

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.

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. Petitions of this nature will therefore be excluded from this Scheme and referred to the appropriate mechanism. For example a petition on a planning application will be treated as a representation to that application and considered through separate processes. Further information on all these procedures and how you can express your views is available on our website ([Planning Meetings](#), [Licensing Applications](#)) or by contacting Democratic Services.

Where a petition is received on the same or similar topic as one the Council has received in the last six months it will not be treated as a new petition. The Council will acknowledge receipt of the petition within 10 working days and include details of its response to the previous petition on the topic.

Where the Council is still considering a petition on the same or similar topic, the new petition will be amalgamated with the first received petition.

4. What will the council do when it receives my petition?

We will aim to send a 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, except in cases where this would be inappropriate.

We will write to the petition organiser at each stage of the petition's consideration.

~~Whenever possible~~ we will ~~also~~ publish ~~all correspondence~~ the Council's response 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.

The Council may contact petitioners to provide information on the subject of the petition where it is considered this would be helpful.

Local Ward Councillors will be informed of all petitions received for their area.

5. 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 meeting of the Council or Executive
- 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 Committee²
- calling a referendum³
- writing to the petition organiser setting out our views about the request in the petition

The local Ward Councillors will be ~~consulted~~ kept informed on the appropriate response. The type of response the Council provides may be dependent on the number of signatories to the petition. The table below summarises the Councils approach:

Number of signatories	Response
less than 20	Response from Officer (treated as standard correspondence).

² ~~The Overview and Scrutiny Committee is a committee 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.~~

³ ~~A referendum is where an issue of public policy is the subject of a direct election.~~

20 - 199	Response from relevant Member of the Executive.
At least 200	Referred to the Executive.
At least 200	Officer(s) called to provide evidence at a meeting of the Overview and Scrutiny Committee (see section 7), where such action is requested in the petition.
At least 400	Debated at a meeting of the full Council (see section 6).

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.

~~Where the petition is referred to the relevant Executive Member for a response, the petition organiser will be invited to make a written statement in support of the petition.~~

Where the petition is referred to the Executive, the petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors.

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
Request for play facilities	<p>If your petition requests the provision of new play facilities in the local area, the Council will consider the level of demand and the location and type of existing facilities.</p> <p>The Council will also consider what, if any, facilities are included within the existing budgets.</p> <p>If it is considered that the demand warrants further facilities, the Executive may seek to make future provision in the budget or request additional resources to increase the programme.</p>
Alcohol related crime and	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

disorder	<p>establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone.</p> <p>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.</p>
Under-performing health services	<p>We will work with local health partners to consider the matter raised in the petition. We may explore what role the Surrey Health Scrutiny Committee of Local Involvement Network (LINK) might have in reviewing and feeding back on the issue (each has a role in identifying local health service preferences, monitoring services and to use their powers to hold them to account).</p>

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 on our website www.reigate-banstead.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.

6. Full council debates

If a petition contains more than 400 signatures it will automatically be referred to the full council for debate, ~~unless it is a petition asking for a senior council officer to give evidence at the Overview and Scrutiny Committee (see section 7).~~

We will contact the petition organiser before the meeting. If the organiser wishes to present the petition at the meeting, confirmation must be given to ~~the~~ Democratic Services ~~Manager~~ on 01737 276000 at least 10 working days before the meeting.

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 five minutes to present the petition at the meeting and the petition will then be discussed by councillors.

The council will decide how to respond to the petition at this meeting. They may decide to support the action the petition requests, or not, or refer the matter to the Executive ~~or Overview and Scrutiny Committee~~ for further consideration. The petition organiser will receive written confirmation of this decision.

7. ~~Petitions Asking Senior Officers to Provide Evidence~~

~~Your petition may ask for a senior council officer to give evidence at a meeting of the Overview and Scrutiny Committee 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 requests such action and contains at least 200 signatures, the relevant senior officer will give evidence at a public meeting of the council's overview and scrutiny committee.~~

~~Only Chief Officers and Deputy Chief Officers of the Council can be petitioned to give evidence. A full list of these Officers is provided on the [website](#).~~

~~You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition—for instance if the named officer has changed jobs. The committee may also decide to call the relevant Councillor to attend the meeting.~~

~~Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chairman of the committee by contacting Democratic Services up to ten working days before the meeting.~~

8. e-petitions

The council welcomes e-petitions which are created and submitted through our [website](#). e-petitions must follow the same guidelines as paper petitions set out above.

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, up to a maximum of 12 months.

When you create an e-petition, ~~our aim is to publish it online within 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 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 Democratic Services. In the same way as a paper petition, ~~we will aim to you will receive an~~ acknowledge ~~this ment~~ within 10 working days.

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.

9. How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature on our [website](#).

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.

10. ~~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 investigate the matter, make recommendations to the Executive or arrange for the matter to be considered at a meeting of the full council.~~

~~Once the Committee has completed its review 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.~~

11. What other action can I take to engage with the Council?

Apart from petitions, there are many ways in which you can contact the Council and tell us what you think about the local area and services.

For general enquiries, you can contact the Council's Helpline on 01737 276000 ~~or~~ ~~visit one of our Helpshops in Banstead, Horley, Preston, Reigate, Redhill or Merstham. Full details and opening times are available on our website or visit our~~ website www.reigate-banstead.gov.uk

You can also contact your local Councillor with any questions or concerns. Details of your local Councillor and how to contact them can be found on our [website](#).

12. Contact

Democratic Services

Tel: 01737 276000

Email: democratic.services@reigate-banstead.gov.uk

Customer Services

Tel: 01737 276000

Email: customer.services@reigate-banstead.gov.uk