
COUNCIL'S PETITION PROCESS

1 PURPOSE OF REPORT

- 1.1 A report was submitted to the last meeting of the Committee on a request by a petition organiser (Mr R Lambourne – petition in relation to Crown Hill Public Toilets, Rayleigh) that the steps taken by the Council in response to the petition be reviewed. A copy of the report is attached at Appendix A.
- 1.2 The petition organiser sent an email on the afternoon of the 9 January Review Committee meeting detailing further points he wished the Committee to include in its considerations. The Committee felt that this information should be made available to all Committee Members to enable an informed decision to be made and the matter was deferred to this meeting. A copy of the points, as provided in the email, are attached at Appendix B; the points are in bold with some commentary against each.
- 1.3 The Chairman has invited the petitioner to contribute to this item at the meeting.

2 RISK IMPLICATIONS

- 2.1 None.

3 CRIME AND DISORDER IMPLICATIONS

- 3.1 None.

4 ENVIRONMENTAL IMPLICATIONS

- 4.1 None.

5 RESOURCE IMPLICATIONS

- 5.1 There are no direct resource implications as a result of a petition being referred to the Review Committee.

6 LEGAL IMPLICATIONS

- 6.1 The Council adopted a petitions scheme in accordance with the Local Democracy, Economic Development and Construction Act 2009.
- 6.2 In accordance with legislation, a petition can be debated at Full Council if it meets the requisite 1,500 signatures (section 15 of the 2009 Act) or will be referred to the Review Committee if the petition specifically calls for an Officer to give evidence **and** has obtained 750 signatures (section 16).

7 PARISH IMPLICATIONS

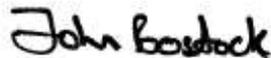
- 7.1 None.

8 EQUALITY AND DIVERSITY IMPLICATIONS

8.1 None.

9 RECOMMENDATION

9.1 It is proposed that the Committee considers the request from the petition organiser and **RESOLVES** accordingly.



John Bostock

Assistant Director, Democratic Services

Background Papers:-

None.

For further information please contact Michelle Power (Democratic Services Officer) or John Bostock (Assistant Director, Democratic Services) on:-

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If you would like this report in large print, Braille or another language please contact 01702 318111.

PETITION PROCESS

1 BACKGROUND

- 1.1 The following petition was raised on the Council's website by Mr R Lambourne, with an end date of 10 November 2017.

Title:

“Against the transfer of maintenance of Crown Hill Public Toilets to Rayleigh Town Council and the closure of the existing building.

Petition Overview:

Refurbish the existing building and continue to maintain it under the Rochford District Council's existing cleaning contract. We want to retain use of this building as a free to use public toilet

Further Detail:

Rochford District Council wants to transfer the maintenance to Rayleigh Town Council and build a new block of toilets on the land adjacent to the existing toilets on Crown Hill, Rayleigh. The existing building will be ‘gutted’ and used for currently undefined purposes. In our view, residents do not wish to see the closure of the existing toilets and would like the current toilets refurbished instead. In our view, residents demand this is addressed in Council where fully costed proposals be presented for the Crown Hill toilets to be refurbished and maintained by the district council for an indefinite period, without the decision being forced upon local residents and visitors.”

- 1.2 When the petition closed the petition organiser was advised that, following consultation with the Leader of the Council and the Portfolio Holder for Environment, the petition would be debated by Full Council on 12 December 2017.

2 REVIEW OF THE PETITION PROCESS

- 2.1 The Council's Constitution states that ‘if you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Review Committee review the steps that the Council has taken in response to your petition’. The Council's petition policy is appended.
- 2.2 The petition organiser, Mr R Lambourne, has requested that the Review Committee review the decision to have the petition heard at Full Council rather than at Review Committee, as it had failed to achieve the 1500 signatures needed for it to be debated by Full Council, as stated in the Council's Constitution.
- 2.3 Mr Lambourne has stated that the request within the petition that fully costed proposals for refurbishment of the Crown Hill toilets be presented to Council

would be better dealt with by the Review Committee first, not Full Council, to allow scrutiny of the evidence.

- 2.4 Mr Lambourne has also stated that, when he had submitted the petition to the Council, he had not been advised on how to frame the wording of the petition so that it would be eligible to be considered by the Review Committee, that is, that an individual senior officer of the Council be asked to give evidence at a meeting of the Review Committee. The relevant extract from the Constitution is as follows:

Officer Evidence

A 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, the 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 Review Committee. The senior officers that can be called to give evidence are those officers who are members of the Council's Senior Management Team. Their details can be found on the Council's website.

The Review Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in a petition; for instance if the named officer has changed jobs. The Committee may also decide to call the relevant Portfolio Holder to attend the meeting. Committee members will ask the questions at this meeting, but the petition organiser will be able to suggest questions to the Chairman of the Committee by contacting the Council's Overview & Scrutiny Officer at the above address or on 01702 546366 up to three working days before the meeting.

- 2.5 As the petition had failed to reach the 1500 signatures needed to trigger debate by Full Council and because no officer had been requested to give evidence at the Review Committee, there was an option of proceeding no further and advising the petition organiser that no further action would be taken.
- 2.6 As another petition on a related subject was scheduled to be debated by Full Council on 12 December and because there was a specific request within the petition that the issue be addressed in Council, the Leader of the Council and the Portfolio Holder for Environment concluded that it would appropriately be scheduled for debate at Full Council on 12 December.

- 2.7 Given the content of the petition there was no reason for officers to conclude that the petition organiser wished advice on how it could call for a senior officer to give evidence at the Review Committee.
- 2.8 The Constitution provides that, should the Review Committee determine the Council has not dealt with the petition adequately, it may use any of its powers to deal with matter. These include making recommendations to the Council Executive or arranging for the matter to be considered at a meeting of the Full Council.

3 RESOURCE IMPLICATIONS

- 3.1 There are no direct resource implications as a result of a petition being referred to the Review Committee.

4 LEGAL IMPLICATIONS

- 4.1 The Council adopted a petitions scheme in accordance with the Local Democracy, Economic Development and Construction Act 2009.
- 4.2 In accordance with legislation, a petition can be debated at Full Council if it meets the requisite 1,500 signatures (section 15 of the 2009 Act) or will be referred to the Review Committee if the petition specifically calls for an Officer to give evidence **and** has obtained 750 signatures (section 16).

5 EQUALITY AND DIVERSITY IMPLICATIONS

- 5.1 None.

6 RECOMMENDATION

- 6.1 It is proposed that the Committee considers the request from the petition organiser and **RESOLVES** accordingly.

Appendix

PETITIONS

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 how the petition is to be dealt with. 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:-

Assistant Director, Democratic Services, Rochford District Council, Council Offices,
South Street, Rochford, Essex SS4 1BW

Or, from 15 December 2010, in electronic form if created, signed and submitted online by following a procedure to be introduced for the purpose and to be set out on the Council's website.

Petitions can also be presented to a meeting of the Council. These meetings take place on a regular basis and dates and times are published by Notice and on the Council's website. To present a petition to the Council in person, or to request your Councillor or someone else to present it on your behalf, please contact our Member Services team on 01702 546366 at least 10 working days before the meeting and they will talk you through the process.

If your petition has received 1500 signatures or more it will be scheduled for debate at Full Council in any event. If this is the case we will let you know whether this will happen at the same meeting you present your petition or at a later meeting of the Council.

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
- what action the petitioners wish the Council to take
- the name and address and signature of the persons 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 Council's 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.

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 and the matter will be dealt with accordingly. Further information on all these procedures and how you can express your views is available on our website.

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.

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 Review Committee*
- calling a referendum
- writing to the petition organiser setting out our views on the request in the petition

*The Review Committee is an overview and scrutiny committee of Councillors who are responsible for scrutinising the work of the Council – in other words, the Review Committee has the power to hold the Council's decision makers to account.

In addition to these steps, the Council will consider what specific actions are available to address the issues highlighted in a petition.

The Council's response to a petition will set out the steps we intend to take and the reasons for taking this approach.

If the petition is about something over which the Council has no direct control 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 the 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.

If the 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 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 Council will endeavour to consider the petition at its next ordinary meeting although on some occasions this may not be possible and it will then be referred to the next 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 for a maximum of 15 minutes.

The Council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council Executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written

confirmation of the decision. This confirmation will also be published on the Council's website.

Officer Evidence

A 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, the 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 Review Committee. The senior officers that can be called to give evidence are those officers who are members of the Council's Senior Management Team. Their details can be found on the Council's website.

The Review Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in a petition, for instance if the named officer has changed jobs. The committee may also decide to call the relevant Portfolio Holder to attend the meeting. Committee members will ask the questions at this meeting, but the petition organiser will be able to suggest questions to the Chairman of the Committee by contacting the Council's Overview & Scrutiny Officer at the above address or on 01702 546366 up to three working days before the meeting.

E-Petitions

The Council intends to introduce e-petitions by 15 December 2010. These will be created and submitted through the Council's website. E-petitions will follow the same guidelines as paper petitions.

The petition organiser will need to provide us with their name, postal address and email address and will also need to decide how long the petition is to be open for signatures. Most petitions are expected to run for six months, but you will be able to choose a shorter or longer timeframe, up to a maximum of 12 months.

We expect the following to apply to our e-petitions:-

- 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 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 our Member Services team. 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 Member Services as above within 10 working days of receipt of the acknowledgement.

- 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.
- All the e-petitions currently available for signature will be 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.

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 Review Committee review the steps that the Council has taken in response to your petition. The petition organiser must give a short explanation of the reasons why the Council's response is not considered to be adequate.

The Committee will endeavour to consider the 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 the Council has not dealt with the 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 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 5 working days. The results of the review will also be published on our website.

As I indicated earlier I am unable to attend this evening, which in itself is a cause for concern as the invitation has only been received today, why wasn't it issued when the Agenda was compiled?

The Constitution does not provide for a petition organiser to contribute to the item in person. In response to a request from the petition organiser on 8 January, the Chairman agreed to invite the petitioner to contribute at the meeting.

I believe that a similar Petition was proposed by Liberal Democrat Councillors, but this was disallowed for no Constitutional reason so I undertook my own petition, you should start your discussion at that point.

Unlike the public, Councillors have access for the purpose of Council business to officers and to other Members. In terms of decision making, Councillors can ask for items to go on agendas and submit questions and motions on notice to Full Council and Committees. Councillors can gauge the views of their residents and represent the interests of their Ward and of individual constituents in a number of ways and report on them within the decision making processes.

A Councillor who submits and actively promotes a petition would be seen to be biased or predetermined on the matter and as such would not be able to participate in the debate or vote. The petition scheme is a tool for local residents to raise their concerns on local matters.

My major concerns about the subsequent procedure can be summarised below

1) When the Petition was proposed in August 2017, you initially rejected my wording, but were able to reword it, BUT at no time did you offer advice or guidance as to the need to specify an Individual officer to answer questions, although the intention was clear that clarification as to the cost of refurbishment was required.

The petition proposed in August 2017 was accepted, but with a suggestion of a slight revision to the wording (which was agreed by the petition organiser): that is, the words 'in our view' were added, as follows:

Rochford District Council wants to transfer the maintenance to Rayleigh Town Council and build a new block of toilets on the land adjacent to the existing toilets on Crown Hill, Rayleigh. The existing building will be 'gutted' and used for currently undefined purposes. **In our view**, residents do not wish to see the closure of the existing toilets and would like the current toilets refurbished instead. **In our view**, residents demand this is addressed in Council where fully costed proposals be presented for the Crown Hill toilets to be refurbished and maintained by the district council for an indefinite period, without the decision being forced upon local residents and visitors.

The Council's Constitution indicates that petitions can request that a senior Council officer gives evidence at a public meeting of the Review Committee if the petition contains at least 750 signatures, as follows:-

Officer Evidence

A 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, the 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 Review Committee. The senior officers that can be called to give evidence are those officers who are members of the Council's Senior Management Team. Their details can be found on the Council's website.

The Review Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in a petition; for instance if the named officer has changed jobs. The committee may also decide to call the relevant Portfolio Holder to attend the meeting. Committee members will ask the questions at this meeting, but the petition organiser will be able to suggest questions to the Chairman of the Committee by contacting the Council's Overview & Scrutiny Officer at the above address or on 01702 546366 up to three working days before the meeting.

There was no request for a senior Council officer to give evidence at a public meeting contained within the petition and the wording of the petition stated that 'residents demand that this is addressed in Council'.

2) During the period of the petition it appears that duplicate entries were allowed, I am not sure if the reasons for this have been adequately explained, but what is certain that there was insufficient testing of the software by RDC to allow such an error to occur, I still contend that this is caused by the system hanging and signatories re-entering and another entry and then both were recorded. This Issue of User Acceptance Testing is still very much open.

Astech, a third-party software provider, manages the Council's Committee Management Information System (CMIS), which includes an e-petitions facility. The e-petitions software is used by many Councils across the country, including Essex County Council. Astech has advised that they undertake multiple stages of thorough testing of each of the elements of the CMIS software they develop before it is released. Any upgrade to the CMIS software is first of all applied by Astech to the Council's test site, at which point testing is undertaken by RDC to make sure that the functionality of CMIS hasn't been affected by the upgrade. When this has been done the upgrade will be applied by Astech to the live site.

When Astech investigated the issue of duplication of names on this petition they discovered that the software allowed duplicate signatures where a signatory added a space after the email address. Astech realised that this was an urgent matter and focussed their attention on finding a resolution to the problem. As a result, they have issued a 'patch release' upgrade to be deployed by users of the e-petitions module. This has now been applied to the Council's test site for testing by Council officers before being applied to the live site.

When asked about a situation where the system 'hangs' during the original request and then allows the signatory to re-enter the information (thus recording two entries), Astech advised that during the testing they undertook around the issue of duplication of signatures there was no indication of this.

3) When the Petition was closed, achieving 900+ signatories, the Leader and Portfolio Holder concluded that this matter should be dealt with by Full council rather than Review, the Constitution allows for petitions achieving 750 but under 1500 to be dealt with by the review committee.

The Constitution states that 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. Although the 1,500 signature threshold was not reached, because of the specific request within the petition that this matter be addressed in Council, the Leader and Portfolio Holder for Environment allowed the petition to be debated by Full Council.

4) When this decision was made I challenged the decision, initially Angela Law quoted the relevant Act of parliament rather than the actual Constitution which doesn't mention the Act, and I then asked that the Review Committee validate that decision (which is the purpose of this meeting) but the Council forced its discussion through before Review could deliberate.

The petition scheme in the Constitution was introduced under the Local Democracy, Economic Development and Construction Act 2009 by Council on 27 April 2010. In line with the Act, the Constitution states that if the petition called for a senior officer to give evidence at a public meeting and obtained 750 signatures, then the petition would go to Review Committee.

The Constitution states "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".. The petition submitted did not fulfil either.

The Petition stated "... In our view, residents do not wish to see the closure of the existing toilets and would like the current toilets refurbished instead. In our view, residents demand that this is addressed in Council where fully costed proposals be presented for the Crown Hill toilets"

As the petition did not achieve the required 1,500 signatures, the view could have been taken that the petition was not successful. However, given the public interest on the issue, the Leader and Portfolio Holder allowed the petition to be debated at Full Council.

5) At the Council meeting I believed, there was the promise that the Portfolio Holder would issue a statement to answer to points in the petition. He did not, also the petition specifically asks for the estimated cost of refurbishment, this was ignored

The Minutes of the Council meeting on 12 December, where the petition was debated, do not state that the Portfolio Holder would issue a statement to answer to points in the petition and it was resolved that no action be taken.