

General Purposes Committee

Date:	5 July 2017
Classification:	For General Release
Title:	Update to the Council's Petition Scheme
Report of:	Head of Committee and Governance Services
Financial Summary:	There are no financial implications
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1. Executive Summary

- 1.1 This report reviews the Council's petition scheme in order to simplify the scheme, retain its more successful elements and make minor adjustments where necessary. The changes proposed will provide for a quicker and potentially more effective response to petitions received.

2. Recommendations

That the Council be recommended to approve the following changes to the Council's Petition Scheme:

- 1) The removal of the requirement for petitions receiving 10,000 signatures or over to be debated at meetings of the full Council as reflected in the report;
- 2) Response times to petitions received with less than 500 signatures be reduced from three months to twenty-eight days and for those containing over 500 signatures a report will be submitted to the next suitable Cabinet meeting; and
- 3) Electronic petitions to be only accepted if they are submitted through the E-Petition scheme hosted on the Council's website.

3. Background

- 3.1 The Local Democracy, Economic Development and Construction Act 2009 introduced a statutory duty for principal councils to establish schemes for handling petitions.

- 3.2 Those requirements were subsequently abolished by the Localism Act 2011 and the continuation of any petition scheme became a matter for local discretion. The Council agreed to retain its Petitions Scheme. Petitions have been submitted to the Council on a regular basis, both as paper-based and as e-petitions. It remains appropriate in the Officers view for a scheme to be in place to enable people who live, work or study in the area to bring matters of concern to the Council's attention.
- 3.3 Petitions are used by residents and organisations as a means of bringing issues to the attention of decision makers and demonstrating the strength of feeling a group may have. Some petitions may either challenge or support a general statement of principle, whilst others, and particularly those created about a local issue, may be more detailed and specific.

4. Current Status

- 4.1 There is no minimum or maximum number of names needed for a petition and the current scheme requires the following responses to be applied:
- If a petition receives more than 10,000 signatures it triggers a debate at a full council meeting unless it is a petition asking for a senior council officer to give evidence at a public meeting.
 - If a petition receives more than 500 signatures, it will be debated by a meeting of the Cabinet.
 - In all cases where a petition has been presented by a Councillor to an ordinary Council meeting the relevant Chief Officer shall, within 3 months of the date of the meeting, (sooner if possible) report to the relevant Cabinet Member or Committee setting out proposals for the formal response to the petition and also advise the petition organiser.
 - Petitions, which do not trigger a debate at a full Council meeting or have not been presented by a Councillor to an ordinary Council meeting, shall be acknowledged by the Head of Committee and Governance Services and referred to the relevant Chief Officer who shall advise the petition organiser, within 3 months, but sooner if possible, of the Council's response, including the relevant Cabinet Member(s) and Ward Members.

Other procedures apply if the petition is one of the following:

- planning or license application;
- statutory petition (for example requesting a referendum on having an elected Mayor); and
- a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates.

5. Proposal

- 5.1 It is recommended to discontinue the provision for petitions with over 10,000 signatures to be considered at a meeting of the full Council. The current petition scheme already allows petitions receiving more than 500 signatures to be debated by a meeting of the Cabinet and it is considered that this allows matters of concern to local residents and those who work in Westminster to be more readily discussed and more quickly resolved.
- 5.2 The now repealed legislation contained an obligation to have a debate at full Council meetings in response to a petition that contained the required number of signatures. At Westminster City Council if the petition received 10,000 signatures or more the petition would pass to full Council, even if the petition related to the exercise of executive powers. Petitioners would expect to witness a robust debate and resolution of their issues given that for the most part the subject matter is likely to relate to an executive function for which the Cabinet, rather than Full Council has responsibility. It is appropriate that this should take place at the relevant decision making body.
- 5.3 Since the introduction of the petition scheme no petitions received have as yet met the threshold of 10,000 signatures. Removing the requirement for petitions with over 10,000 signatures to go before full Council will streamline the petition scheme, provide for a quicker response, whilst continuing to ensure that the opportunity for member debate is maintained. Those debates will continue to focus on issues which the council can directly change and influence or relate to matters of significant public concern.
- 5.4 It is also recommended to reduce the response time to petitions containing fewer than 500 signatures which are received by the Council. Currently a response is required to be submitted to the lead petitioner within three months of receipt of a completed petition. To help ensure that residents are able to have a speedier and more effective response to any areas of concern raised it is proposed to reduce the response timescale to 28 days. Since the petition scheme has been implemented very few petitions have required extensive investigations to be undertaken and it is considered realistic for responses to be provided within a 28 day period. In some cases this may only be an interim response.
- 5.5 The petition scheme, in accordance with the subsequently repealed legislation, only permits people living, working or studying in the City to sign a petition. This ensures that petitions reflect the views or concerns of those people within Westminster. Since the e-petitions scheme was established in 2010 the Council has on occasions been presented with e-petitions hosted on other sites where there are no restrictions on who can sign the petition. The Council has previously received petitions signed by people from other parts of London, the UK and beyond. The proposed wording of the petition scheme has been revised to clarify that the Council will only accept and consider e-petitions hosted on its own website, for the reasons set out above.

- 5.6 The Committee is therefore asked to recommend to the Council that the Petition Scheme be amended accordingly. The changes proposed will ensure a quicker and potentially more effective response to petitions received.
- 5.7 The long standing provision for Councillors to present petitions to Full Council is retained. As a matter of course these require the relevant Cabinet Member to consider a formal report in response unless the petition contains above 500 signatures when a report will be submitted to Cabinet.
- 5.8 Petitions containing over 500 signatures which relate to non-executive functions will be referred to the relevant Council Committee or Sub-Committee, which is already the case for petitions relating to Planning or Licensing applications.
- 5.9 The response time to petitions received be reduced from three months to twenty eight days to provide a quicker and more responsive to any concerns raised.
- 5.10 The petition scheme be amended to require all e-petitions to be submitted through the Council's e-petition website to ensure all signees either live, work or study in the City.

6. Conclusion

- 6.1 Given the streamlined and quicker response that these changes will initiate resulting in an improvement to local democracy, the Committee is asked to approve the recommendation that Council approves the adjustments to the Petition Scheme.
- 6.2 The operation of the changes outlined in this report will be carefully monitored and if changes are considered necessary a further report submitted.

7. Financial Implications

- 7.1 There are no financial implications regarding this matter.

8. Legal Implications

- 8.1 The Localism Act 2011 removed the requirements on local authorities to have a Petition Scheme. However, Westminster City Council has previously agreed to provide such a facility as part of the Constitution.

**If you have any questions about this report, or wish to inspect one of the background papers, please contact Mick Steward:
Email: msteward@westminster.gov.uk**

Appendices

- Appendix A – Proposed Petition Scheme

Background Papers

- None

Petition Scheme

Anyone who lives, works or studies in the City of Westminster can organise and sign a petition and trigger a response. This includes under 18s. The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.

Petitions should be about a service which the council provides either by itself or which it shares the responsibility for with a partner organisation.

The Council welcomes e-petitions which are created and submitted through its website. Alternatively, you can submit a petition in hardcopy and, if requested, they can be presented to an ordinary meeting of the council by a Councillor on the petitioners' behalf. Ordinary Council Meetings take place at least four times a year.

All petitions sent or presented to the council will receive an acknowledgement within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

1. What to include in a petition

- a brief title.
- a short statement covering the subject matter of the petition and stating what action you wish the council to take.
- the contact details of the petition organisers, including an address, so the council can respond to the petition once it has been formally submitted (the contact details will not be displayed on the website).
- the name and address of everyone who has signed the petition.
- the address of either place of study or work (if home address is not in Westminster).

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.

2. Signatures

There is no minimum or maximum number of names needed for a petition. Once it has been submitted to the council, the signatures will be public documents which any member of the public can see.

Signatures can be collected in online or hard copy format (or both), though once someone has signed a petition in one format, they cannot sign it in another.

If you are signing an online petition, you will need to provide your name, postcode of your home or workplace in Westminster, indicate whether you live, work or study in Westminster and give an email address. This will enable the council to determine that the signatures are genuine and to write a response to the petition. Due to the

possibility of fake signatures being added we only allow one signature per email account.

500+ signatures

If a petition receives more than 500 signatures, it will be debated by a meeting of the Cabinet.

3. Steps after petition has been submitted

Once your petition has been submitted to the council it will be passed to the relevant Head of Service for consideration. The form of the council's response will depend on how many people have signed the petition and whether it has been presented formally by a councillor, but could include:

- considering the petition at a Cabinet meeting.
- writing to the petition organiser setting out the council's views about the request in the petition
- submitting a formal report to the Executive/Executive Member for decision
- taking the action requested in the petition
- 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 one of the council's Policy and Scrutiny Committees*
- in all cases where a petition has been presented by a councillor to an ordinary council meeting the relevant Chief Officer shall, within 28 days of the date of the meeting, (sooner if possible) report to the relevant Cabinet Member or Committee setting out proposals for the formal response to the petition and also advise the petition organiser.
- petitions, which do not trigger a debate at a Cabinet meeting or have not been presented by a councillor to an ordinary council meeting, shall be acknowledged by the Head of Committee and Governance Services and referred to the relevant Chief Officer who shall advise the petition organiser, within 28 days, but sooner if possible, of the council's response, including the relevant Cabinet Member(s) and Ward Members. The Head of Committee and Governance Services will inform the relevant Cabinet Member(s) and Ward Members that the petition has been received.

*Policy and Scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council - in other words, the policy and scrutiny committee has the power to hold the council's decision makers to account.

Every person who signs an e-petition will receive an email detailing the response to the issues raised after the period for collecting signatures has closed. In the case of a hardcopy petition, the response will be forwarded to the petitioner organiser.

Other procedures apply if the petition is one of the following:

- planning or license application
- statutory petition (for example requesting a referendum on having an elected Mayor)
- a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates

Further information on the procedures for planning and licensing and how you can express your views is available on the [planning](#) and [licensing](#) pages.

For information on any other procedures please contact Committee and Governance Services on 020 7641 2341 or email petition@westminster.gov.uk.

To ensure people know what we are doing in response to the petitions we receive the subject details of all the petitions submitted to us will be published on our website, except in cases where this is considered to be inappropriate. It should be noted that petitions presented to the council are public documents and any member of the public can ask to see a copy.

4. Cabinet debates

If a petition contains more than 500 signatures it will be debated by a meeting of the Cabinet. It will be placed on the agenda of the next suitable Cabinet meeting.

Following receipt of such a petition the relevant chief officer will be asked to prepare a report on the subject of the petition which shall be circulated with the agenda of the Cabinet meeting, together with a copy of the petition.

The Cabinet 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.

5. 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. Committee members will ask the questions at this meeting but you will be able to suggest questions to the chair of the committee by contacting Committee and Governance Services on 020 7641 3160 up to five working days before the meeting.

6. E-petitions

The council welcomes e-petitions which are created and submitted through its website. 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

and indicate whether they live, work or study in the City. E-petitions presented to the Council which are hosted on alternative websites and not that of the Council's will be rejected so that signees can be verified as living, working or studying in the City.

E-petitions can run for a maximum of 6 weeks but you can choose a shorter timeframe.

You can run an online petition at the same time as a paper petition, combining the two before submitting them to the council, although repeat names should be omitted by the petition organiser. Some people prefer this option as they find it easier to have one they can hand around to friends and family.

Two versions of the same e-petitions will not be publicised by the council at the same time.

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 why. You will be able to change and resubmit your petition if you wish.

When an e-petition has closed for signature, in the same way as a paper petition, we will write to you within ten working days to let you know what we plan to do with it. If you would like a Councillor to present your e-petition to a meeting of the Council please contact Committee and Governance Services via the contact details above five working days before the petition closes.

How do I 'sign' an e-petition?

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

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address and indicate whether you live, work or study in Westminster. 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.

7. Hard copy petitions

These can be sent to The Head of Committee and Governance Services, Westminster City Council, 5 Strand, London, WC2 5HR.

Lead petitioners can also ask one of their local Councillors to submit the petition on their behalf to a meeting of Full Council.

8. *Appealing the council's response*

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's relevant Policy and Scrutiny committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review, if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation or making recommendations to the council executive.

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.