

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **CONSTITUTION ADVISORY GROUP** held at Room 15A, Priory House, Monks Walk, Shefford on Tuesday, 1 June 2010

### PRESENT

Cllr (Chairman)

Cllrs Mrs C F Chapman MBE  
D Jones

Cllrs Mrs A M Lewis  
S F Male

Apologies for Absence: Cllrs M R Jones  
D J Lawrence

Members in Attendance: Cllrs D Bowater,

#### CAG/10/60 **Apologies for absence**

Apologies for absence were received from Councillors Maurice Jones and David Lawrence.

#### CAG/10/61 **Election of Chairman**

Councillor Male was duly elected Chairman for the 2010/11 municipal year.

Following his election, the Chairman indicated that he proposed to vary the order of the agenda by bringing forward item 10 to follow item 5, to facilitate officer attendance.

#### CAG/10/62 **Notes of the previous meeting**

The notes of the meeting held on 1 April 2010 were approved as a correct record and signed by the Chairman.

#### CAG/10/63 **Review of the Policy Framework - New Regulations on Children's Trusts, Children and Young People's Plans and Child Poverty.**

The Deputy Chief Executive and Director of Children's Services gave a presentation on recent changes in the legislation relating to the Children and Young People's Plan and the duty relating to child poverty.

Members' attention was drawn to the published statutory guidance on co-operation arrangements, including the Children's Trust Board and the Children and Young People's Plan.

Recent changes had significantly increased the number of bodies represented on the Children's Trust Board but comments were made indicating that it would not be advisable to have a smaller executive group to make meetings more manageable. An observation was made that dividing the Board into more than one group could lead to people feeling disconnected from discussions and decisions taken at meetings they did not attend. It was suggested that the newly-formed Government might in due course re-consider whether it was helpful to require the additional representation.

The Advisory Group considered whether the full Children and Young People's Plan should be submitted to full Council or only the part of it which was the responsibility of the Council. During discussion the Group's preference for the full Plan to be put before Council emerged, together with clarification as to which parts were for Council's approval and which had been provided by partners and were for noting. The Children and Young People's Plan would therefore remain as a statutory Plan in the Council's Policy Framework (part B2 of the Constitution refers).

The Group noted the Chief Executive's reported view that the Annual Report of the Children's Trust and the Local Safeguarding Children Board should be brought before all members of the Council, possibly by way of a briefing to all Councillors. A suggestion was made that it could be submitted to Overview and Scrutiny Committee. The Group agreed to suggest this course of action to the Chief Executive.

Members noted that the Council was required to publish a Child Poverty Strategy by March 2011. The Group considered that it would be appropriate for this to be considered at an early developmental stage by the Overview and Scrutiny Committee and that after partners had also provided input, it should be taken before the Overview and Scrutiny Committee again.

#### **AGREED**

1. that no change is needed to the Policy Framework in respect of the Children and Young People's Plan;
2. to suggest to the Chief Executive that the Annual Report of the Children's Trust Board and the Local Safeguarding Children Board should be submitted to the relevant Overview and Scrutiny Committee;
3. that the Child Poverty Strategy should be prepared as a draft by the Economic Wellbeing sub group of the Children's Trust, then go to the Lead Member for comment, then the Overview and Scrutiny Committee, then the Children's Trust, then Local Strategic Partnership, then to the Overview and Scrutiny Committee again, and then to the Executive.

## **Associations (JCNC)**

The Constitution Advisory Group considered a proposal to remove the Joint Consultative and Negotiating Committee for Primary and Secondary Education (JCNC) as a subsidiary body of the General Purposes Committee. It was noted that a number of working parties were already in place which worked effectively. It was noted that the intention was to remove the additional tier represented by the JCNC thus streamlining the processes and leading to increased efficiency.

It was noted that the submitted report together with the recommendations arising from this Group's deliberations would be before General Purposes Committee when it met on 3 June 2010. Members concurred that if the General Purposes Committee did not endorse the proposals, the recommendation proposed to be made to Council would not be submitted.

## **RECOMMENDED TO COUNCIL**

***that subject to the endorsement of General Purposes Committee, the Council's Constitution be amended at Part E2 section 7.1.5 and section 10 to remove the Joint Consultative and Negotiating Committee for Primary and Secondary Education (JCNC) as a subsidiary body of the General Purposes Committee.***

**NOTE: The General Purposes Committee met on 3 June 2010 and whilst supporting the recommendation to Council, proposed that another structure be put in the JCNC's place with specific meeting requirements. This proposal would have implications requiring amendments to the Constitution. As these amendments had not been before the Constitution Advisory Group for consideration, with the agreement of the Chairman of the Constitution Advisory Group and the Chairman of General Purposes Committee, the recommendation will not be submitted to Council on 24 June 2010 (see the paragraph above) and the matter will be referred to the next meeting of the Constitution Advisory Group for further consideration.**

CAG/10/65

## **Changes to delegations authorised by the Leader, leading to amendments to the Constitution**

The Advisory Group noted the changes to the Constitution authorised under her powers by the Leader of the Council (detailed in the Constitution at paragraph 3 of the Executive Procedure Rules) as set out below.

- that the Director of Children's Services be responsible for the administration and planning of the 14-19 Commissioning process including the administration and allocation of funding to commissioned post-16 Education and Skills providers in accordance with the functions transferred from the Learning and Skills Council to the Local Authority.

It was also noted that the Leader was shortly expected to approve the following correction:

- that the reference in the Director of Children's Services Delegated powers in 4.4.2 is to the whole of Section 18 of the Children Act 2004 and not only to Section 1.

(**Note:** The Leader authorised this amendment on 2 June 2010.)

### **AGREED**

that the revisions to the Scheme of Executive Functions Delegated to Officers approved by the Leader, be noted.

#### **CAG/10/66 Consultation Strategy - Council's Policy Framework**

The Group recalled that at its last meeting consideration had been given to the Council's Policy Framework and further information had been requested about the Council's strategic approach to consultation.

The Group considered the current arrangements for consultation and whether a single document was needed to encompass the Council's approach to consultation. Comments were made that the current arrangements were sufficient, and that the Community Engagement Strategy provided clear guidance about consultation.

In view of these comments it was agreed that the reference in the Council's Policy Framework (part B2 of the Constitution refers) to a Consultation Strategy should be deleted.

### **RECOMMENDED TO COUNCIL**

***That the words "Consultation Strategy" in the Constitution at part B2 The Budget and Policy Framework, section 1.1.3.8, be removed.***

#### **CAG/10/67 Public Participation at Development Management Committee**

The Group recalled that this matter had been deferred from the last meeting to enable professional advice to be given on the matter by an officer.

The Group noted that at the Town and Parish Conference on 4 November 2009 a question was asked about time limits for speakers at meetings. Research had been carried out which had established that Central Bedfordshire's arrangements were in line with best practice.

Members noted the advice of the officer at the meeting. Comments were made that the Chairman of Development Management Committee had the ability to use his discretion to allow a speaker to exceed the time allowed in the

published public participation scheme, and that from time to time the current Chairman chose to do so.

### **AGREED**

- 1. to propose no changes to the Constitution on the public speaking arrangements at Development Management Committee;**
- 2. to draw to the attention of each successive Chairman of the Development Management Committee their ability as Chairman to vary the amount of time during which a speaker may address the Committee;**
- 3. to ensure that the terms of the public participation scheme are clear to members of the public.**

#### **CAG/10/68 Call-in of planning applications by Members to Development Management Committee**

The Advisory Group considered a report proposing that the Constitution be amended to require the planning reason(s) to be provided when a ward member called-in an application to Development Management Committee. It was noted that Members tended to do so but currently there was no requirement for this stated in the Constitution. Providing the reason(s) enabled Members to have regard to it/them when considering the matter.

### **RECOMMENDED TO COUNCIL**

***that Part H section 4.3.95.1 of the Constitution be amended by the insertion of the words “ and supported by the planning reason(s)” after the words “on an agreed proforma” to require that the planning reason(s) be provided in writing when a ward member calls-in a planning application to be considered by Development Management Committee.***

#### **CAG/10/69 The Council's Petitions Scheme**

The Group considered a report of the Head of Democratic Services recommending to Council the approval of a Petitions Scheme and amendment of the Constitution to comply with the Local Democracy, Economic Development and Construction Act 2009.

The report set out the current arrangements for petitions received by the Council and matters for consideration arising from the new legislation. It was noted that the current petitions scheme had been drafted in view of the legislation proposed at the time.

Members considered each matter relating to the proposed required petition scheme and debated the pertinent issues. Clarification was provided where

possible on the Council's Committee Management's facility to handle electronic petitions. It was suggested that piloting the proposed e-petition arrangements would enable them to be reviewed where needed.

## **AGREED**

1. that the threshold for signatories for general petitions under the scheme should be 10;
2. that the threshold for petitions which must be debated at a full Council meeting should be 0.5% of the population of the Council's area (approximately 1,250 signatories);
3. that the threshold for petitions requiring senior officers to give evidence should be 0.25% of the population of the Council's area (approximately 600);
4. that the threshold for signatories for an e-petition should be 100;
5. that under the Council's petitions scheme lead petitioners be permitted a maximum of 5 minutes to present their petition to Executive or Council, and 3 minutes at other meetings, and that the provision for speaking under the Public Participation Scheme remain unchanged;
6. that the term "reviewing the adequacy of the response to the petition" is clarified as meaning reviewing the steps taken by the Council to process the petition;
7. that the timescale within which the lead petitioner must submit a request for a review by an overview and scrutiny committee should initially be 5 working days, and that this be reviewed in 12 months time.

## **RECOMMENDED TO COUNCIL**

1. ***that the Chief Executive and all the Directors be nominated as the "senior officers" who will be subject to the requirement to give evidence at a meeting of the relevant Overview and Scrutiny Committee in response to a petition;***
2. ***that the Council's e-petitions facility, subject to satisfactory testing, be introduced with effect from 1 October 2010 or earlier;***
3. ***that the Public Petitions Scheme as set out at Appendix A to these minutes be approved;***

- 4. that the consequential amendments to Parts A4 and D2 of the Constitution as set out at Appendix B and Appendix C to these minutes be approved.**

**CAG/10/70 Work Programme**

The Group received and noted its programme of work.

It was noted that the item for the July meeting "Review of non-statutory non-executive committees and their roles" related to non-statutory bodies which the Council was not required to have.

**CAG/10/71 Date of the next meeting**

It was noted that the next meeting would be held on 29 July 2010 starting at 2.00pm in Room 13, Priory House, Chicksands.

The meeting concluded at 4.35pm.

Chairman.....

Date.....

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## APPENDIX D

**A4 CITIZENS AND THE COUNCIL****Formatted:** Font: (Default)  
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Arial**1. Citizens' rights**

- 1.1 The Council welcomes participation by citizens in its work and has put in place procedures allowing public participation in meetings to enable citizens to influence the Council's decision making process. Citizens have the rights set out below. Their rights to information are explained in more detail in the Access to Information Procedure Rules in Part G.2 of the constitution.

**2. Voting**

- 2.1 Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of constitution.

**3. Information.** Citizens have the right to:-

- 3.1 Attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- 3.2 Attend meetings of the Executive when Key Decisions and other matters are being considered (except where confidential or exempt information is likely to be disclosed and part of the meeting is therefore held in private);
- 3.3 Find out from the forward plan what Key Decisions will be taken by the Executive and when;
- 3.4 See reports and background papers, and any records of decisions made by the Council and the Executive;
- 3.5 Inspect the Council's accounts and make their views known to the external auditor;
- 3.6 Receive information held by the Council subject to the Freedom of Information Act 2000; and
- 3.7 Obtain a copy of the constitution.

**4. Participation (including petitions).** Citizens have the right to:-

- 4.1 Speak at, submit petitions and e-petitions and make deputations to meetings of the Council, its committees and the Executive in accordance with the Council's Public Participation Procedure as set out at Appendix A to Part A4 of the constitution;

- 4.2 Participate in and contribute to investigations by overview and scrutiny committees; and
- 4.3 Contact their local councillor about any matters of concern to them.

**5. Complaints.** Citizens have the right to complain to:-

- 5.1 The Council itself under its complaints procedure and receive a timely response;
- 5.2 The Council's Standards Committee about a breach of the Councillors' Code of Conduct and receive a timely response;
- 5.3 The Ombudsman after using the Council's own complaints procedure; and
- 5.4 Their elected ward members.

**6. Citizens' responsibilities**

- 6.1 Citizens must observe the law in their dealings with councillors and officers.

## APPENDIX A

**PUBLIC PARTICIPATION PROCEDURE****Asking questions, making statements, deputations and presenting petitions at meetings of the Council, the Executive or Committees****1. When Public Participation will Operate**

1.1 Members of the public will be able to participate at meetings of:-

- The Full Council;
- The Executive;
- The Overview and scrutiny committees
- Licensing Committee <sup>1</sup>
- Regulation Committee <sup>1</sup>

(<sup>1</sup>: where a public hearing is being conducted by the Licensing Committee or its sub committees or the Regulation Committee, public participation shall be considered in accordance with the separate procedure applying to such hearings)

- Development Management Committee<sup>2</sup>

(<sup>2</sup>: a separate public participation procedure operates where the Development Management Committee is determining planning or other applications, as set out in Annex 3 of this procedure)

- General Purposes Committee
- Audit Committee
- Standards Committee

by asking questions or making statements at either, or both of, the beginning of the meeting and/or on individual agenda items, by presenting petitions or making a deputation

1.2 At other council forums open to the public but not referred to in 1.1 above, formal or informal means of public participation may be permitted. Please ask the contact officer for the forum you are interested in participating in for more details.

1.3 The arrangements for public participation at the meetings will be as follows:-

Annex 1 Procedure for Public Questions, Statements and Deputations at Meetings

Annex 2 Petitions

Annex 3 Procedure for Public Participation in Development Management Committee Meetings

2. General Principles Governing All Public Participation

2.1 Questions, statements, depositions or petitions are not permitted on:-

2.1.1 ~~Any matter relating to a planning decision (in respect of petitions only this exclusion shall include any matter about a development plan document or the community infrastructure levy)~~

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~~However participation on planning applications is permitted under the separate public participation scheme that operates where the Development Management Committee is determining planning or other applications, as set out at Annex 3 to this Appendix.~~

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2.1.2 ~~Any matter relating to an alcohol, gambling or sex establishment licensing decision.~~

~~A separate procedure applies for quasi judicial hearings being held by the relevant committee or sub committee and this is available, on request, from the Monitoring Officer.~~

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2.1.3 ~~Any matter relating to the performance or employment of individual council staff;~~

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~~A separate procedure applies to petition for a senior Council officer to give evidence at a public meeting of the Council's relevant Overview and Scrutiny Committee (See paragraph 8 of Annex 2)~~

2.1.4 ~~Any matter relating to an individual or an entity where that individual or entity has a right of recourse or right of appeal conferred by or under any enactment ;~~

Deleted: matters in respect of which a right of appeal or review exists

2.1.5 ~~Complaints about the conduct of a councillor~~

~~(A separate procedure applies for dealing with complaints against councillors)~~

2.1.6 ~~matters which are "confidential" or "exempt" business.~~

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2.2 Authority of the chairman

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2.2.1 The chairman will have the right to stop persons from speaking at any time if he/she considers any speech to be defamatory, improper or outside the responsibilities of the Council.

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2.2.2 The chairman may vary or suspend the operation of this procedure in advance of or during the meeting, if he/she considers:-

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2.2.2.1 that it is necessary to do so for the purpose of maintaining order at the meeting; or

2.2.2.2 that it is convenient and conducive to the despatch of business to do so.

(Note: the term "public" also includes town/parish councillors or clerks.)

**Annex 1****PROCEDURE FOR PUBLIC QUESTIONS, STATEMENTS AND DEPUTATIONS  
AT MEETINGS****1. Public Questions, Statements and Deputations at the Beginning of the Meeting**

- 1.1 At the beginning of each meeting of the Council (other than annual or extraordinary meetings, except at the discretion of the chairman), the Executive and committees, a period of up to 15 minutes will be allowed for public questions or statements, deputations and responses.
- 1.2 The Chairman of the Council, executive or committee will have discretion to extend this period.
- 1.3 Questions, statements or deputations should be relevant to the functions of the body to which they are addressed and relate to matters over which the Authority has powers or duties, including where the Council shares delivery responsibilities, or which affect the area of the Authority.
- 1.4 Normally no more than three speakers will be allowed to speak at a meeting on any one subject, with each individual speaker being restricted to a total of three minutes.
- 1.5 In the case of deputations, or where there are groups of speakers for or against an issue, each group will only have a total of three minutes to speak and, therefore, they will be encouraged to appoint a spokesperson.
- 1.6 Questions, statements and deputations during the 15 minute period will also be subject to the principles set out at paragraphs 3 below and to the general principles governing public participation at paragraph 2 of Appendix A.

**2. Questions, Statements and Deputations on Individual Agenda Items**

- 2.1 Questions, statements or deputations on an individual agenda item will be allowed immediately after it has been introduced by the report author, another officer, relevant member or the chairman of the Council, Executive or committee.
- 2.2 Normally no more than three speakers will be allowed to speak on any one subject, with each individual speaker being restricted to a total of three minutes.
- 2.3 In the case of deputations, or where there are groups of speakers for or against an issue, each group will only have a total of three minutes to speak and, therefore, they will be encouraged to appoint a spokesperson.

- 2.4 After members of the public have been able to speak, the chairman may invite the relevant member (or, at a meeting of the Executive or a committee, the relevant officer) to comment and/or clarify matters.
- 2.5 The item will then be considered by members of the Council, executive or committee.
- 2.6 Questions, statements and depositions on individual agenda items will also be subject to the principles set out at paragraphs 3 below and to the general principles and exceptions governing public participation at paragraph 2 of Appendix A.

### 3. Principles Governing Public Questions and Statements

- 3.1 Advance Notice:-
  - 3.1.1 Advance notice of questions, statements or depositions need not be submitted in writing but if notice has been given, it will be easier to give a more detailed reply;
  - 3.1.2 However persons wishing to speak must arrive no later than 15 minutes before the start of the meeting and complete a form indicating their wish to speak; and
  - 3.1.3 Where a speaker has given advance notice, it is recommended that he/she be present at the start of the meeting, since the timing of individual agenda items cannot be predicted.
- 3.2 The order of speaking will be in the order in which requests are received.
- 3.3 Questions should be directed to the chairman, who may request the appropriate member (or at a meeting of the Executive or a committee, the relevant officer), to reply.
- 3.4 Each question will be put and answered without discussion, although the chairman may allow:-
  - 3.4.1 Further clarification or supplementary questions, including the Chairman asking questions of the member of the public; and
  - 3.4.2 A Member to request that an issue raised be included on the agenda of a future meeting.
- 3.5 Any question which does not receive a response through lack of time or notice will be given a written reply within 5 working days after the meeting on the condition that the questioner has completed and handed in a form containing full details of the question and his/her name and address.

Annex 2

**PETITIONS SCHEME**

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**1. Submission and Content of Petitions**

1.1 Members of the public may present the Council, or the Executive, or a committee with petitions, upon giving at least 7 clear working days notice in writing of the petition to the Monitoring Officer. If, following consideration of the petition as provided in paragraphs 4 or 5 below, the petition organiser is not satisfied with the response, he/she may request that the response be reviewed by the relevant overview and scrutiny committee in accordance with the procedure in paragraph 6.

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1.2 The petition shall:-

1.2.1 be addressed to the Monitoring Officer of the Council;

1.2.2 contain a clear and concise statement covering the subject of the petition and what action the petitioner wishes the Council to take.

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1.2.3 be validly signed by at least 10 persons, and in the case of e-petitions 100 persons, who live, work or study in the Authority's area (a petition shall be deemed to be "validly signed" if the person has signed it and the petition states the person's name and address and the date of signature)

1.2.4 Designate one of the persons who has validly signed it as the person with whom the Council may deal in relation to the petition (Where no lead petitioner is identified, the Council will contact signatories to the petition to agree who shall act as the petition organiser).

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1.3 Petitions should be relevant to the forum to which they are addressed and:-

1.3.1 concern a matter which relates to a function of the Authority; or

1.3.2 whilst not relating to a function of the Authority, relate to an improvement in the economic, social or environmental well-being of the Authority's area to which any of its partner authorities could contribute.

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**2. Rejection of Petitions**

2.1 The Monitoring Officer may reject any petition which :-

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2.1.1 does not meet the criteria set out in paragraphs 1.2 and 1.3 above in the case of written petitions or the criteria set out in paragraphs 1.2.2 and 1.3 in the case of e-petitions; and/or

2.1.2 relates to a matter which is excluded under the provisions of paragraph 2.1 of Appendix A; and/or

2.1.3 is, in his/her reasonable opinion, vexatious, abusive or otherwise inappropriate to be dealt with under the Council's Petitions Scheme; and/or

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2.1.4 is the same as, or has a substantially similar effect to a petition which has been made to the Council within a period of six months ending with the date on which the petition was made to the Council; and/or,

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2.15 in the case of e-petitions, breaches data protection, libel or the Authority's statutory requirement, as a public body, to comply with equalities and anti-discrimination legislation.

**3. Acknowledgement of Petitions**

3.1 The Monitoring Officer will send a written acknowledgment to the petition organiser within 3 clear working days of the date of receipt. The acknowledgement will give information about what the Council proposes to do in response to the petition, including the date and time at which the petition will be considered by the Council, Executive or relevant committee and will advise the petitioners of their rights to speak under the provisions of this procedure.

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**4. E Petitions**

4.1 Members of the public may also submit e-petitions through the Council's website.

4.2 The petition organiser shall provide their name, postal address and email address and indicate for how long the petition should be open to signature.

4.3 E-petitions shall also comply with the provisions of paragraphs 1.2.2 and 1.3 above.

4.4 The Monitoring Officer shall be authorised to determine whether to host an e-petition and may reject any petition which he/she deems inappropriate. The decision on whether to host an e-petition will be made within 5 working days of submission of the original petition.

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4.5 If the Monitoring Officer determines not to host an e-petition, he/she will notify the petition organiser within 3 clear working days of such decision. The petition organiser may, within 10 clear working days, change and resubmit the petition. In the event the petition organiser does not do this, a summary of the petition and the reason why it has not been accepted will be published under the "rejected petitions" section of the Council's website.

4.6 Members of the public signing an e-petition will be required to provide their name, postcode and a valid email address. On submission of this information, an email will be sent to the email address provided with a link to confirm the email address is valid. Upon completion of this step, the signature will be added to the petition.

4.7 When an e-petition has closed for signature, it will be submitted to the next available meeting of the Executive or relevant committee of the Council having regard to the subject matter concerned. The Monitoring Officer will send a written acknowledgement of the petition as provided in paragraph 3. If the petition organiser wishes to present the e-petition to the Council, they shall notify the Monitoring Officer within 10 working days of receipt of the acknowledgement.

5. **Petitions presented at full Council**

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5.1 At meetings of full Council (other than annual or extraordinary meetings, except at the discretion of the chairman), a period of up to 30 minutes per meeting shall be allowed for the receipt and discussion of petitions.

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5.2 Petitions will be considered in the order that they are received on the basis of the following procedure:-

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5.2.1 Petitions should be presented by either:-

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5.2.1.1 The lead petitioner; or

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5.2.1.2 An individual nominated by the lead petitioner; or

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5.2.1.3 A member of the Council on behalf of the lead petitioner.

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5.2.2 who shall be entitled to speak for no more than 5 minutes to summarise the contents of the petition.

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5.3 Petitions shall normally be discussed by the Council for up to 10 minutes;-

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5.4 Petitions containing more than 1,250 signatures **must** be debated by the Council and will be discussed for up to 15 minutes.

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5.5 Petitions calling for evidence from an officer under paragraph 8 are excluded from the requirement for debate by the Council.

5.6 The Council will take one of the following steps in relation to the petition:-

5.6.1 Giving effect to the request in the petition; or

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5.6.2 Holding an inquiry; or

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5.6.3 Commissioning research; or

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5.6.4 Holding a public meeting; or

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5.6.5 Giving a written response to the petition organiser setting out the Council's views about the request in the petition; or

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5.6.6 Referring the petition to the Executive or relevant committee or to an overview and scrutiny committee.

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5.6.7 Referring a petition which relates to a traffic regulation order to a meeting of the Portfolio holder for Safer and Stronger Communities convened to deal with traffic regulation orders and highways related matters.

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5.7 Where the issue is one on which the Executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

5.8 The chairman shall have discretion to extend the period allowed for the receipt and discussion of petitions, in the event that any petitions of which notice has been given remain to be received.

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5.9 The Monitoring Officer shall within 5 clear working days of the date of the Council agreeing its response to the petition:-

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5.9.1 Notify the petition organiser in writing of the steps the Council has taken or proposes to take in response to the petition and the reason for doing so; and

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5.9.2 Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.

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~~5.10~~ Where a petition has been referred to the Executive, the relevant committee, an overview and scrutiny committee or the Portfolio holder for Safer and Stronger Communities, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

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~~6.~~ **Petitions presented at or referred to the Executive or Committees**

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~~6.1~~ Where petitions are presented directly to the Executive or a committee, or referred to the Executive or a committee from the Council, they will be considered in the order that they are received on the basis of the following procedure:-

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~~6.1.1~~ Petitions should be presented by either:-

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~~6.1.1.1~~ The lead petitioner; or

~~6.1.1.2~~ An individual nominated by the lead petitioner; or

~~6.1.1.3~~ A member of the Council on behalf of the lead petitioner

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who shall be entitled to speak for no more than 3 minutes, or in the case of the Executive 5 minutes, to summarise the contents of the petition.

6.2 The Executive or committee will take one of the following steps in relation to the petition:-

~~6.2.1~~ Giving effect to the request in the petition; or

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~~6.2.2~~ Holding an inquiry; or

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~~6.2.3~~ Commissioning research; or

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~~6.2.4~~ Holding a public meeting; or

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~~6.2.5~~ Giving a written response to the petition organiser setting out the Executive's or committee's views about the request in the petition; or

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~~6.2.6~~ Referring the petition to an overview and scrutiny committee; or

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~~6.2.7~~ Referring the petition to the full Council.

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~~6.2.8~~ Referring a petition which relates to a traffic regulation order to a meeting of the Portfolio holder for Safer and Stronger Communities convened to deal with traffic regulation orders and highways related matters.

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~~6.3~~ The Monitoring Officer shall within 5 clear working days of the date of the Executive or relevant committee agreeing its response to the petition:-

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~~6.3.1~~ Notify the petition organiser in writing of the steps the Executive or committee has taken or proposes to take in response to the petition and the reason for doing so; and

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~~6.3.2~~ Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.

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~~6.4~~ Where a petition has been referred to the Council, an overview and scrutiny committee or the Portfolio holder for Safer and Stronger Communities, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

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~~7~~ **Petitions referred to meetings of the Portfolio holder for Safer and Stronger Communities**

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~~7.1~~ Where petitions are presented directly to a meeting of the Portfolio holder for Safer and Stronger Communities, or referred to the Portfolio holder from the Council or Executive, they will be considered in the order that they are received on the basis of the following procedure:-

~~7.1.1~~ Petitions should be presented by either:-

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~~7.1.1.1~~ The lead petitioner; or

~~7.1.1.2~~ An individual nominated by the lead petitioner; or

~~7.1.1.3~~ A member of the Council on behalf of the lead petitioner.

Who shall be entitled to speak for no more than 3 minutes to summarise the contents of the petition.

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~~7.2~~ The Portfolio holder shall take one of the following steps in relation to the petition:-

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~~7.2.1~~ Giving effect to the request in the petition; or

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~~7.2.2~~ Holding an inquiry; or

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7.2.3 Commissioning research; or

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7.2.4 Holding a public meeting: or

7.2.5 Giving a written response to the petition organiser setting out the Portfolio holder's views about the request in the petition; or

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7.2.6 Referring the petition to an overview and scrutiny committee; or

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7.2.7 Referring the petition back to the Executive where the Portfolio holder considers it appropriate having regard to the circumstances relating to the petition in question.

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7.3 The Monitoring Officer shall within 5 clear working days of the date of the Portfolio holder agreeing his response to the petition:-

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7.3.1 Notify the petition organiser in writing of the steps the Portfolio holder has taken or proposes to take in response to the petition and the reason for doing so; and

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7.3.2 Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.

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7.4 Where a petition has been referred to the Executive or an overview and scrutiny committee, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

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**8. Officer Evidence**

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8.1 Petitions may ask for a senior council officer to give evidence at a meeting of the relevant overview and scrutiny committee about something for which the officer is responsible as part of their job.

8.2 Such petitions must contain at least 600 signatures. Save as provided in paragraph 8.3 below, the relevant senior officer will give evidence at a meeting of the relevant overview and scrutiny committee. A list of which senior officers can be called to give evidence can be found on the Council's website.

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8.3 The relevant overview and scrutiny committee, or its chairman, may request that another officer of the Council should attend before the committee where the committee and/or chairman considers that, for the purposes of addressing the concerns raised by the petition, it would be more appropriate for that officer to attend.

**9. Review by Overview and Scrutiny of Adequacy of Response to Petition**

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9.1 The petition organiser may, by giving notice in writing to the Monitoring Officer ~~within 5 working days of being advised of the Council's response~~, request that the relevant overview and scrutiny committee review the adequacy of the response to the petition ~~(ie: the overview and scrutiny committee shall review the steps taken by the Council to process the petition)~~.

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9.2 Where such a request is received, the Monitoring Officer shall arrange for the request, together with the response to the petition to be included on the agenda for the next scheduled meeting of the relevant overview and scrutiny committee.

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9.3 The overview and scrutiny committee has four options having reviewed the adequacy of the response to the petition:-

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9.3.1 To agree with the steps taken or proposed to be taken in response to the petition;

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9.3.2 To call upon the Executive, relevant committee or the Council to reconsider the matter; or

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9.3.3 To make recommendations to the Executive, committee or the Council to pursue a particular course of action; or

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9.3.4 To refer the matter for consideration by the full Council.

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9.4 The Monitoring Officer shall within ~~10~~ clear working days of the date of the overview and scrutiny committee completing its review of the response to the petition:-

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9.4.1 Notify the petition organiser in writing of the results of the review; and

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9.4.2 Publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.

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9.5 The presentation of petitions will also be subject to the general principles governing public participation set out at paragraph 2 of Appendix A.

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## Annex 3

**PROCEDURE FOR PUBLIC PARTICIPATION IN DEVELOPMENT MANAGEMENT  
COMMITTEE MEETINGS WHEN DETERMINING  
PLANNING OR OTHER APPLICATIONS**

Applicants, agents, representatives of parish/town councils, councillors who have a personal and prejudicial interest and members of the public, who have already submitted comments in writing prior to the despatch of the Agenda, will be entitled to speak (but will not be entitled to question officers or members) during the consideration of a planning or other application at any meeting of the Development Management Committee. Such entitlement to speak should be in accordance with the following provisions:

1. Any person (meeting the qualifications above) who wishes to speak must notify the Director of Sustainable Communities by letter, telephone, e-mail or fax by close of business on the day before the meeting at which the application in which he/she has an interest is to be considered.
2. The following procedure will apply in respect of each item:-
  - 2.1 Introduction of item by officers and/or chairman;
  - 2.2 Representations by parish/town council representative(s);
  - 2.3 Representations by objector(s) or representative for all objectors;
  - 2.4 Representations by applicant and/or any supporters;
  - 2.5 Representations by a councillor with a personal and prejudicial interest;
  - 2.6 Opportunity for officer(s) to comment/clarify; and
  - 2.7 Consideration of application by members, beginning with representations by ward member(s);

- (\*Note
1. In view of the limited time available to each speaker, persons wishing to make representations will not be permitted to make formal presentations using visual display equipment.
  2. Any information to be considered by the committee should be presented to officers by midday 3 working days prior to the meeting to allow for the information to be considered. No new information may be presented during the meeting.
  3. Any other councillor (not being a member of the committee) may also be permitted to speak on an item.)

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3. The total time allowed for speeches in respect of each of the following groups of speakers will not exceed three minutes:-
  - 3.1 Parish/town council representatives for each parish/town council that may have been consulted on an application who will be authorised, in writing, to speak by the clerk or chairman of the parish/town council on that council's behalf;
  - 3.2 Objectors;
  - 3.3 Applicants and/or supporters; and
  - 3.4 Councillors with a personal and prejudicial interest.
4. Where an application affects more than one town/parish, the chairman will have discretion to vary the requirements of 3.1 to 3.4 above where he/she considers it conducive to the despatch of business and will not cause prejudice to the parties involved.
5. In the event of there being no spokesperson appointed to speak on behalf of a group of speakers referred to under either category 3.2 and/or 3.3 above, the order of speaking shall be the same as the order in which the requests were received until the time limit has expired.
6. Where consideration of a planning or other application is deferred, public participation shall be permitted on each occasion that such an application is reconsidered provided that the notice requirements at 1 above have been complied with.
7. In relation to any matter which is on the agenda or to be discussed at Development Management Committee which is not a planning application within the scope of this Procedure, the provisions of the general Public Participation Procedure above will apply with the exception of paragraph 1. of Annex 1 (Procedure for Public Questions, Statements and Deputations at Meetings) and paragraph 2.1.4 (General Principles Governing All Public Participation) of Appendix A).
8. This scheme provides members of the Council with the only opportunity to be able to speak where they have declared a personal and prejudicial interest in the planning application. Such members must withdraw from the meeting after speaking under this scheme.
9. For interpretation purposes, parish/town council shall be taken to include a parish meeting.
10. This procedure applies only in respect of applications in relation to which the Council is the statutory planning authority and has the power of determination. Any application in respect of which the Council is acting as a consultee is subject to the provisions of 7 above.

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11. The chairman will have the right to stop persons from speaking at any time if he/she considers the question or statement to be defamatory, improper or outside the responsibilities of the committee.
12. The chairman of the committee may vary the order in which applications are to be considered if he/she considers that it is convenient and conducive to the despatch of the business and will not cause any prejudice to the parties involved.
13. The chairman may vary or suspend the operation of this procedure in advance of or during the meeting, if he/she considers:-
  - 13.1 That it is necessary to do so for the purpose of maintaining order at the meeting; or
  - 13.2 That it is convenient and conducive to the despatch of business to do so and that it will not cause prejudices to the parties involved.

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- 2.2 In the case of any petition that relates to a consultation (statutory or otherwise) being conducted by the Council (eg: on a planning or licensing matter), the petition will be treated as a representation in respect of that consultation and its report and consideration will be the same as that determined for all other such representations received.

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## APPENDIX E

**D2 EXTRACT FROM THE OVERVIEW AND SCRUTINY PROCEDURE RULES**

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**8. Members and Officers giving Account**

8.1 An overview and scrutiny committee (or task group) may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function or other matter that is within its terms of reference. As well as reviewing documentation an overview and scrutiny committee (including any task group) may, in fulfilling the scrutiny role or responding to a public petition calling for a senior Council officer to give evidence, require any member of the Executive, the Head of Paid Service and/or any Director to attend before it to explain, in relation to matters within their remit:-

8.1.1 Any particular decision or series of decisions;

8.1.2 The extent to which the actions taken implement Council policy; and/or

8.1.3 Their performance.

8.2 In respect of a public petition calling for a senior officer to give evidence, an overview and scrutiny committee or its Chairman, acting on the committee's behalf, may request that another officer of the Council attend instead, where it considers that, for the purposes of addressing the concerns raised by the petition, it is more appropriate for that officer to attend.

8.3 The overview and scrutiny committee, or its Chairman may also wish to invite the relevant portfolio holder with responsibility for the service area concerned.

8.4 An overview and scrutiny committee may also require any Council member who has been granted local ward member powers (for instance a delegated budget) under Section 236 of the Local Government and Public Involvement in Health Act 2007 to attend before it to answer questions on any function which the member has power to exercise.

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8.5 Save as provided in Rule 8.2, it is the duty of those persons described in Rules 8.1 and 8.2 to attend if so required.

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- 8.6. Where any member or officer is required to attend an overview and scrutiny committee or a task group under this provision, the committee administrator will inform that member or officer in writing, giving at least 5 clear working days notice of a meeting of the overview and scrutiny committee meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Deleted: 4
- 8.7. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given at least 7 clear working days notice to allow for preparation of that documentation. Deleted: 5
- 8.8. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall, in consultation with the member or officer, arrange an alternative date for attendance, which shall be no later than the next scheduled meeting. Deleted: 6

## CENTRAL BEDFORDSHIRE 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 3 clear working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or it seems to us that it is intended to be a petition.

Paper petitions can be sent to:-

The Monitoring Officer  
Central Bedfordshire Council  
Priory House, Monks Walk  
Chicksands  
Beds SG17 5TQ

or be created, signed and submitted (with effect from 1 October 2010) online by following this link [*insert link*].

Petitions can also be presented to a meeting of the Council. These meetings take place on a 8 weekly basis. Dates and times can be found here: <http://www.centralbedfordshire.gov.uk/modgov/mgCalendarMonthView.aspx?bcr=1> If you would like to present your petition to the Council, or would like your Councillor or someone else to present it on your behalf, please contact Democratic Services on 0300 300 4032 at least 7 clear working days before the meeting and they will talk you through the process. If your petition has received 1,250 (approximately 0.5% of the population of Central Bedfordshire) signatures or more it will also be scheduled for a Council debate [ *Link to section on Full Council debates*] and if this is the case we will let you know the date of the Council meeting at which the petition will be discussed.

### 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; and
- the name and address and signature of any person supporting the petition.

The petition should contain at least 10 signatures and if it is an e-petition, at least 100 signatures. Higher thresholds apply to petitions requiring a debate in full Council [*insert link to "Full Council Debates"*] or to require a Senior Officer to give evidence [*insert link to "Officer Evidence"*].

The petition should concern a matter for which the Council is responsible or relate to an improvement in the economic, social or environmental well-being of the Council's area to which any of our partners could contribute.

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 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 timescales 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 3 clear 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 is being referred to a meeting of the Council's Executive or a Committee the acknowledgement will advise where and when the meeting will take place. If the petition has enough signatures to trigger a Council debate, or a Senior Officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition is to be submitted to a meeting of full Council or the Executive you will be able to address the meeting for up to 5 minutes. At other meetings you will be able to speak for up to 3 minutes. If the petition needs more investigation, we will tell you the steps we plan to take.

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.

## Are there any matters on which I cannot submit a 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 a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply. Please contact Democratic Services [*insert link*] on 0300 300 4032 for more guidance.

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.

## 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 relevant overview and scrutiny committee\*
- writing to the petition organiser setting out our views about the request in the petition.

\*Overview and scrutiny committees are committees of Councillors which are responsible for scrutinising the work of the Council and its Executive – in other words, the overview and scrutiny committees have the power to hold the Council's decision makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

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 [*link to 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 [link].

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.

## Full Council debates

If a petition contains more than 1,250 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 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 up to 5 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. Where the issue is one on which the Council's Executive is 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 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 600 signatures (600 is approximately 0.25% of the population of Central Bedfordshire), the appropriate senior officer will give evidence at a public meeting of the Council's relevant overview and scrutiny committee. A list of the senior staff that can be called to give evidence can be found here [insert link]. You should be aware that the overview and scrutiny committee, or its chairman, 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, for example the appropriate Portfolio holder or ward 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 [*insert link*] on 0300 300 4032 up to three clear working days before the meeting.

The lead petitioner can present the petition at the meeting of the overview and scrutiny committee and speak on it for up to 3 minutes.

## E-petitions (to be introduced with effect from 1 October 2010)

The Council welcomes e-petitions which are created and submitted through our website [*link*]. E-petitions must follow the same guidelines as paper petitions [*link to guidelines*] although a minimum of 100 signatures is required, instead of 10. 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 10 clear 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, you will receive an acknowledgement within 3 clear working days. If you would like to present your e-petition to a meeting of the Council, please contact Democratic Services [*insert link*] on 0300 300 4032 within 7 clear 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.

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

You can see all the e-petitions currently available for signature here [*insert link*].

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 an email will be sent 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?

The petition organiser will be advised of the outcome of the petition within 2 clear working days of it being considered by Council, the Executive or a committee. 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 overview and scrutiny committee review the steps that the Council has taken to process the petition. The petition organiser's request should be submitted within 5 clear working days of their being advised of the Council's response. It 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 that the Council has 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 10 clear working days. The results of the review will also be published on our website.