

**Manchester City Council  
Report for Information**

**Report To:** Executive – 30 June 2010

**Subject:** Statutory Petition Scheme

**Report of:** City Solicitor

---

**Summary**

To advise the Executive of the City Council's new statutory duty under the Local Democracy, Economic Development and Construction Act 2009 to approve, publish and comply with a Petition Scheme and to inform the Executive of the recommendations of the Council's RAGOS Governance Sub-Group in relation to the attached draft Petition Scheme that was submitted to the Sub-Group by the City Solicitor for review.

**Recommendations**

That the Executive

1. Note the City Council's new statutory duty to approve, publish and comply with a Petition Scheme;
2. Consider the attached draft Petition Scheme (which was submitted to the Council's Resources and Governance Overview and Scrutiny Committee (RAGOS) Governance Sub-Group for review at its meeting on the 14 June 2010);
3. Note the recommendations made by the Council's RAGOS Governance Sub-Group at its meeting on the 14 June 2010 in relation to the attached draft Petition Scheme (which are summarised at section 6 of this Report);
4. Make recommendations to Council at its meeting on 14 July in respect of the attached draft Petition Scheme, which will require formal approval by Council before it is adopted as the Council's statutory Petition Scheme.

---

**Wards Affected: All**

<b>Community Strategy Spine</b>	<b>Summary of the contribution to the strategy</b>
Performance of the economy of the region and sub region	Not directly applicable
Reaching full potential in education and employment	Not directly applicable

Individual and collective self esteem – mutual respect	The statutory Petition Scheme will provide those who live, work and study in Manchester with an additional way to express their views and raise issues of concern with the Council and its partners
Neighbourhoods of Choice	Not directly applicable

**Full details are in the body of the report, along with any implications for:**

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

---

### **Financial Consequences – Revenue**

No direct financial consequences in relation to the approval and publication of the Petition Scheme by the Council. Until the Council is able to review the number of petitions that are received under the new statutory Petition Scheme it is not possible to estimate the administrative costs to the Council of complying with its statutory Petition Scheme.

### **Financial Consequences – Capital**

No direct financial consequences in relation to the approval and publication of the Petition Scheme insofar as it relates to paper petitions. By the 15 December 2010 the Council is required to have an on-line “E-Petition” Facility. The Council’s ICT Department will need to take steps to procure an appropriate “E-Petition” Facility and will need to advise as to the cost of obtaining and maintaining this “E-Petition” Facility.

---

### **Contact Officers:**

Name: Susan Orrell  
Position: City Solicitor  
Telephone: 0161 234 3087  
E-mail: s.orrell@manchester.gov.uk

Name: Rodney Lund  
Position: Assistant City Solicitor  
Telephone: 0161 234 4019  
E-mail: rodney.lund@manchester.gov.uk

### **Background documents (available for public inspection):**

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

1. Sections 10 to 22 (inclusive) of the Local Democracy, Economic Development and Construction Act 2009 (the LDA);
2. The Local Democracy, Economic Development and Construction Act 2009 (Commencement No. 3) Order 2010 (SI 2010 No. 881);
3. The Local Authorities (Petitions) (England) Order 2010 (SI No. 898)
4. Department for Communities and Local Government Statutory Guidance entitled *Listening to communities: Statutory guidance on the duty to respond to petitions* (the *Statutory Guidance*).

## **1.0 Introduction**

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 (LDA 2009) places a statutory duty on every principal local authority to approve, publish and comply with a Petition Scheme for handling petitions made to the authority.
- 1.2 Councils must also have an on-line “E-petition Facility” by 15 December 2010, under which anyone may set up a petition on the authority’s website, and other petitioners may “sign-up” to the E-petition on-line.
- 1.3 The new statutory Petition Scheme will compliment the broad range of existing mechanisms through which people who live, work and study in Manchester may express their views and raise issues of concern with the Council and its partners.
- 1.4 The attached draft Petition Scheme has been reviewed by the Council’s RAGOS Governance Sub-Group at its meeting on the 14 June 2010. The detailed recommendations made by the Sub-Group in relation to the draft Petition Scheme are set out below at section 6 of this Report.
- 1.5 The draft Petition Scheme will require approval by full Council on 14 July 2010 before it comes into force. Once the Petition Scheme has been approved by full Council, it must be published both on the Council’s website and in such other manner as the Council considers appropriate for bringing the Petition Scheme to the attention of those who live, work or study in Manchester.

## **2.0 The Petition Scheme**

### **2.1 Scope**

- 2.1.1 The statutory Petition Scheme must set out how the Council will respond to petitions on the following matters:
  - Issues relating to the Council’s responsibilities;
  - Issues which affect the City of Manchester or communities in the City of Manchester, as long as the Council is in a position to exercise some degree of influence;
  - Anything relating to an improvement in the economic, social or environmental well-being of the City of Manchester to which any of the Council’s partners (as defined by the Local Government and Public Involvement in Health Act 2007) could contribute.
- 2.1.2 The Council will therefore be required to consider petitions which relate to the functions of partner authorities (including petitions on matters which are sub-regional and cross-authority), as well as petitions which relate to the Council’s own functions. The *Statutory Guidance* provides examples of how local authorities might respond to such petitions, including:
  - acting as an advocate for the local community;
  - working with partners to resolve the issue;
  - lobbying partner organisations on behalf of the community;

- instigating an overview and scrutiny review of the issue.

2.1.3 Under the LDA 2009, anyone who lives, works or studies in Manchester can sign a petition to the Council. To enable the validity of petitions to be verified, the draft Petition Scheme provides that signatories should include their name and home address. Those signatories who live outside Manchester will be required to indicate their links to Manchester by providing a work or study address.

## 2.2 Exemptions

2.2.1 The LDA 2009 defines the following categories of petitions as “exempt matters” for the purposes of the Council’s statutory Petition Scheme:

(a) **Petitions that are vexatious, abusive or otherwise inappropriate.**

The draft Petition Scheme provides that the City Solicitor will determine whether a petition is “vexatious, abusive or otherwise inappropriate”.

(b) **Petitions dealt with under other enactments.**

An example would be a petition for a referendum on an elected Mayor under the Local Government Act 2000.

(c) **Matters excluded by the Local Authorities (Petitions) (England) Order 2010 (“the Order”).**

Where established processes already exist for communities to have their say the Order excludes the following matters from the scope of the petitions duty imposed on the Council by the LDA 2009:

- any matter relating to a planning decision, including about a development plan document or the community infrastructure levy;
- any matter relating to an alcohol, gambling or sex establishment licensing decision;
- any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or a right of appeal conferred by or under any enactment.

A failure to deliver services in the above areas remains within the scope of the duty imposed by the LDA 2009 (For example, a petition on an individual planning application is excluded from the duty, but a petition about the Council’s failure to deliver an effective service for planning applications would be).

2.2.2 The draft Petition Scheme includes a provision which allows the Council to consider any petition that is received immediately prior to an election or referendum differently, for example by delaying consideration of a new petition until after the election period.

## 3. Requirements

3.1 The draft Petition Scheme is based on the Model Scheme at Annex A of the *Statutory Guidance*. While much of the Council’s statutory Petition Scheme is prescribed by law, certain aspects (notably the signature thresholds and

timescales for providing responses) are to be determined locally. The key features of the Petition Scheme are set out below:

- (a) Petitioners should identify a “petition organiser” with whom the Council may deal in relation to the petition.
- (b) Petitions must be acknowledged within a time period to be specified by the Council. The acknowledgment must give such information about what the Council has done or proposes to do in response to the petition as the Council considers appropriate.

The draft Petition Scheme provides for petitions to be acknowledged by the Council within 15 working days of receipt and for the Council’s acknowledgement to advise the petition organiser:

- whether the Council considers that the petition falls within the scope of the Council’s statutory Petition Scheme (a “Valid Petition”). Where the Council considers that the petition does not fall within the scope of the Council’s statutory Petition Scheme (an “Exempt Petition”), the Council will advise the petition organiser of the reason for this decision.
- Where the Council considers that the petition is a Valid Petition, the identity of the person or body within the Council to whom the petition will be reported for consideration.

- (c) The Council must take one or more steps in response to Valid Petitions, which may include:
  - giving effect to the request in the petition;
  - considering the petition at a meeting of the authority;
  - holding an inquiry;
  - holding a public meeting;
  - commissioning research;
  - giving a written response to the petition organiser setting out the authority’s views about the request in the petition;
  - referring the petition to an overview and scrutiny committee of the authority.
- (d) The Council must notify the petition organiser in writing of the steps that the Council has taken or proposes to take in response to a Valid Petition and the authority’s reasons for doing so. The LDA 2009 requires the Council to publish its “notification of steps” on the Council’s website (unless the Council considers that in all the circumstances it would be inappropriate to do so).

The draft Petition Scheme provides that the timescale for the Council’s “notification of steps” to the petition organiser should be no greater than 3 months from the date that a Valid Petition is received. The draft Petition Scheme also provides for the Council to set up and maintain a “Petition Website”, onto which the Council will enter details of the subject matter and number of signatories of all Valid Petitions. The Draft Scheme provides that the Council will update the Petition Website

to record the “notification of steps” that is sent to the petition organiser and any subsequent action that is taken by the Council in relation to a Valid Petition.

- (e) Petitions with a significant level of support will trigger a debate of the full Council and may call for a senior Council officer to be called to account in relation to the discharge of functions for which the officer is responsible at a meeting of a one of the Council’s Overview and Scrutiny Committees. Further details about these types of petition and suggested signature thresholds are set out at point 4 below.
- (f) A petition organiser may request a review by one of the Council’s Overview and Scrutiny Committees of the adequacy of the steps taken or proposed to be taken by the Council in response to their petition. The Council must publish the outcome of the review on the Council’s website (unless the Council considers that in all the circumstances it would be inappropriate to do so).

#### **4. Types of Petition and signature thresholds**

4.1 The LDA 2009 allows the Council to set signature thresholds for:-

- (a) the number of people that must sign a petition in order for it to come within the scope of the Council’s Petition Scheme (an “Ordinary Petition”);
- (b) the number of people that must sign a petition in order for it to qualify as a “Petition Requiring Debate” under Section 15 of the LDA 2009; and
- (c) the number of people that must sign a petition in order for it to qualify as a “Petition Requiring an Officer to be Called to Account” under Section 16 of the LDA 2009.

#### **4.2 Ordinary Petitions**

The draft Petition Scheme provides that the minimum threshold for Ordinary Petitions should be set at 100 signatories. Petitions that are signed by less than 100 people will be dealt with by the Council outside of the statutory Petition Scheme.

#### **4.3 “Petitions Requiring Debate”**

4.3.1 Section 15 of the LDA 2009 requires that petitions that receive a significant level of support should be debated at a meeting of full Council. While it is for the Council to determine the number of signatories that are needed to trigger the requirement to debate, this figure must not exceed 5% of the local population (based on the 2008 mid-year estimate of 473,000, the maximum number of signatories that the Council could require for a Petition Requiring Debate would be 23,650).

4.3.2 The Model Scheme that is annexed to the *Statutory Guidance* suggests that for a population size of 150,000, a suitable threshold for a Petition Requiring Debate might be 1,500 signatures, and this would give a threshold for Manchester’s population size of 4,500 signatures. The attached draft Petition Scheme therefore suggests that an appropriate threshold for a Petition

Requiring Debate might be 4,500 signatures.

#### **4.4 Petitions requiring a Council Officer to be Called to Account**

4.4.1 Section 16 of the LDA 2009 provides that petitions meeting a certain signature threshold may require a senior Council officer to be called to account to give evidence at the meeting of a relevant Overview and Scrutiny Committee.

4.4.2 The threshold for Petitions requiring a Council Officer to be Called to Account is to be determined by the Council. The Model Scheme contained in the *Statutory Guidance* suggests that a suitable threshold for a population size of 150,000 might be 750 signatures, and this would give a threshold for Manchester's population size of 2,250 signatures. The attached draft Petition Scheme therefore suggests that an appropriate threshold for a Petition requiring a Council Officer to be Called to Account might be 2,250 signatures.

4.4.3 Section 16 of the LDA 2009 provides that, as a minimum, the Council's Petition Scheme must provide for the following Council officers to be called to account:

- (a) the statutory chief officers of the authority;
- (b) the non-statutory chief officers of the authority (as defined by Section 2 of the Local Government and Housing Act 1989); and
- (c) the Head of Paid Service.

### **5. Responding to Petitions**

#### **5.1 Ordinary Petitions**

5.1.1 Although it is not possible to anticipate how many petitions the Council will receive under the new Petition Scheme, it is likely that most of these will be "Ordinary Petitions".

5.1.2 The draft Petition Scheme suggests that most Ordinary Petitions should be referred to the relevant Strategic Director with responsibility for the matter to which the petition relates for consideration. The Draft Scheme also provides that Ordinary Petitions will be reported to the relevant Executive Member(s), and any relevant Ward Councillor(s).

5.1.3 The relevant Strategic Director may either decide to take any of the steps in response to an Ordinary Petition that are set out at Sections 5.3.1 and 5.3.2 of the draft Petition Scheme.

#### **5.2 Petitions requiring a Council Officer to be Called to Account**

5.2.1 Where the Council receives a Petition requiring a Council Officer to be Called to Account, the Chair of the relevant Overview and Scrutiny Committee will be consulted about when the petition should be considered. The draft Petition Scheme suggests that in advance of the Overview and Scrutiny Committee meeting, the petition organiser will be invited to submit a list of questions that they would like to be put to the Council Officer at the meeting. These questions will be provided to the Chair of the Overview and Scrutiny Committee, who will decide whether they are appropriate, and to the Council Officer concerned, in advance of the meeting.

### **5.3 Petitions Requiring Debate**

- 5.3.1 The draft Petition Scheme provides that, depending upon the date when a Petition Requiring Debate is received and the number of other items of business to be considered by the next ordinary meeting of full Council, a Petition Requiring Debate will be submitted to the next available ordinary meeting of Council. The City Solicitor will prepare a Report to Council setting out details of a Petition Requiring Debate. The relevant Strategic Director may also be asked to prepare a briefing to Council on the subject of the petition which shall be circulated with the Agenda of the Council meeting, together with a copy of the Petition Requiring Debate.
- 5.3.2 The *Statutory Guidance* advises that the Council should notify the petition organiser of the date when a Petition Requiring Debate will be debated by full Council to enable them to attend the meeting and that “petitioners should be offered the option of presenting their petition to the council at the beginning of the debate”.
- 5.3.3 The draft Petition Scheme proposes that in the case of a Petition Requiring Debate the petition main contact should be invited to open the Petition Debate by addressing the Council meeting on the subject of the petition for up to 4 minutes.
- 5.3.4 In order to allow for a Petition Debate to take place at an ordinary meeting of Council it will be necessary to amend the current Council Procedure Rules at Part 4, Section A of the Council’s Constitution for 2010 so that they include an appropriate procedure to be followed during a Petition Debate and the proposed amendments will need to be submitted to full Council for approval at their meeting on 14 July 2010.

### **5.4 Process for Submission of Petitions**

- 5.4.1 The LDA 2009 requires the Council to set out in its Petition Scheme the process by which members of the public can submit paper petitions to the Council. From 15 December 2010, the LDA 2009 requires the Council to have an “E-petition” facility in place.
- 5.4.2 The draft Petition Scheme proposes that the co-ordination and administration of the Council’s statutory Petition Scheme should be undertaken by Democratic and Statutory Services, part of the City Solicitor’s Division. The administration of the new Petition Scheme will include:
- Recording all petitions received by the Council;
  - Determining whether petitions received by the Council fall within the scope of the Council’s Petition (a “Valid Petition”);
  - Acknowledging receipt of petitions to petition organisers and advising them whether their petition is a Valid Petition for the purposes of the Council’s Petition Scheme or whether it is an “Exempt Petition” (e.g. a petition in relation to an individual planning application), in which case the petition organiser will be advised as to how their petition will be handled by the Council;
  - Advising relevant Strategic Director(s) and Executive Member(s), and any relevant Ward Member(s) of the receipt and progress of petitions;

- Informing petition organisers of the steps that the Council intends to take in respect of their petition;
- Ensuring that petitions are reported to the appropriate decision-making person or body in the Council for consideration;
- Maintaining a Petition Website on the Council's Website.

5.4.3 The requirement for the Council to provide an "E-petition" facility by the 15 December 2010 is more than simply allowing for petitions to be made via e-mail, but will instead require the Council to allow citizens to create a petition that can be published online and made available for others to sign up to by electronic signature. This will require the Council's ICT Department to obtain bespoke software that it may be able to procure via the regional hub.

5.4.4 The qualifying requirements for electronic petitions mirror those for paper petitions, except for the following:

- The Council will only be required to respond to e-petitions that are made through the Council's own "E-petition" facility.
- The Council will need to decide, when a request to host an e-petition is received, whether the petition is appropriate for publishing on the Council's website. If the Council does not grant a request to use its "E-petition" facility (e.g. because it considers that the proposed e-petition is vexatious or abusive), then the Council will need to provide a reason for its refusal.

## **6.0 RAGOS Governance Sub-Group recommendations**

6.1 At its meeting on the 14 June 2010, the RAGOS Governance Sub-Group reviewed the attached Draft Petition Scheme and made the following specific recommendations:

- (i) References to the "petition-organiser" in the Draft Petition Scheme should be replaced with references to the "main petition contact".  
(The RAGOS Sub-Group felt that the term "petition organiser" might dissuade people who have other significant commitments from starting petitions as the term may give the impression that the role would involve taking on a lot of extra work and responsibility).
- (ii) The Draft Petition Scheme should be amended so that Councillors and MPs are not to be named as the "petition main contact" for a petition.  
(The RAGOS Subgroup felt that Councillors and MPs should not take on the role of petition organiser, as there are a number of other avenues open to them to influence the policies and practices of the Council and its partners, such as the Councillor Call for Action, which are not available to members of the public).
- (iii) The wording in section 3.8 of the Draft Petition Scheme regarding prior consultation with ward Councillors stating, "you should first check..." be amended to "you may first wish to check...".  
(The RAGOS Sub-Group felt that, whilst it would be beneficial for petition organisers to speak to their Councillors before submitting a

petition, it could not be required. The Subgroup requested that the language in the scheme be amended to avoid giving the impression that this was a requirement).

- (iv) The second sentence of section 8.2 of the Draft Petition Scheme be amended to read, "The main petition contact or their nominee, who should not be a Councillor, will normally be invited to address the meeting of Council... ."  
(The RAGOS Sub-Group considered that it was important to allow the petition main contract the opportunity to nominate someone else to speak on their behalf at the Council meeting (provided that the nominee should not be a Councillor or an MP), as Councillors will have the right to speak later in the Petition Debate).
- (v) The number of signatures required for a valid Petition Requiring a Council Officer be Called to Account by an overview and scrutiny committee should be reduced from 2,250 to 1,000.
- (vi) The number of signatures required for a valid Petition Requiring Debate by full Council should be reduced from 4,500 to 4,000.  
(The RAGOS Sub-Group welcomed the fact that the threshold in the Draft Petition Scheme for a valid Petition Requiring Debate was significantly below the minimum level required by legislation, but felt that it should be reduced further to encourage citizens' participation in democracy. The Subgroup also felt that where petitions triggered a debate at Council, this would introduce a different style of debate than had previously taken place in these meetings. As the provisions of the Constitution regarding procedure at Council had been agreed before the introduction of the petitions scheme, the Sub-Group felt that they should be reviewed to ensure that they would be suitable for debates triggered by a petition).
- (vii) The information in section 6.1.2 of the Draft Petition Scheme advising that complaints about possible councillor misconduct will be considered under the provisions of the Local Government Act 2000 and not under the statutory Petition Scheme should be moved to an earlier section of the Petition Scheme (possibly section 4).  
(While the RAGOS Sub-Group felt that it was important to set out in the scheme that petitions raising allegations of possible Councillor misconduct would be reported to the Council's Monitoring Officer, and where appropriate the Standards Committee rather than being treated as petitions for the purpose of the petitions scheme, the Sub-Group felt that this should be made clear earlier in the scheme and linked to the section that relates to which matters are legally excluded from the scope of the Council's petition scheme).
- (viii) The Sub-Group noted that the receipt of an Ordinary Petition would be reported to any relevant Ward Councillors as well as to the relevant Strategic Director and Executive Member. The Sub-Group advised that they considered that it was important that the draft Petition Scheme

should provide for any relevant Ward Councillors should be kept updated as to the progress of any petitions affecting their Ward.

6.2 At its meeting on the 14 June 2010, the RAGOS Governance Sub-Group also made the following general recommendations in relation to the Draft Petition Scheme:

- (i) That the City Solicitor explores appropriate mechanisms to put in place to address the situation where a petition organiser's right of appeal is to an overview and scrutiny committee which has already looked at and commented on the petition.
- (ii) That the City Solicitor reviews the provisions of the Council's Constitution to ensure that they allow for petitions requiring debate at full Council to be properly debated.
- (iii) The Sub-Group discussed how signatories to the petition could find out how it was being handled. They noted that the Council would publish details of the petition on its Petition Website, but that the contact details of the petition organiser could not automatically be made available because of Data Protection law. Members thought that the Council should send a letter asking the petition organiser if they wanted their contact details to appear on the site.
- (iv) The Sub-Group noted that overview and scrutiny played a significant role in the Draft Petition Scheme, both in investigating the concerns of the signatories, and as an appeals mechanism where the petition organiser is not satisfied with the outcome of the Council's consideration of a petition. The Subgroup felt that the Overview and Scrutiny Co-ordinating Group should consider the likely impact of the Draft Petition Scheme on work programmes for scrutiny committees.
- (v) The Sub-Group felt that the effectiveness of the Council's statutory Petition Scheme would become clearer once a number of petitions had been submitted and addressed. In light of this, the Sub-Group requested that it should receive an annual report on the operation of the Council's statutory Petition Scheme so that it can be reviewed.
- (vi) The Sub-Group felt that once a statutory Petition Scheme had been approved and adopted by full Council, it should then be publicised via the Council's website and via articles in Ward Newsletters and Manchester People.

## **7.0 Next Steps**

7.1 A final draft Petition Scheme will need to be submitted to full Council for approval at its next meeting on 14<sup>th</sup> July 2010.

7.2 The current Council Procedure Rules contained in Part 4, Section A of the Council's Constitution for 2010 will need to be amended in order to allow for a

Petition Debate to take place at an ordinary meeting of Council. Proposed amendments to the Council Procedure Rules will be drafted by the City Solicitor and submitted to full Council for approval at its meeting on 14<sup>th</sup> July 2010.

## **8.0 Contributing to the Community Strategy**

### **(a) Performance of the economy of the region and sub region**

Not directly applicable, although it may be the case that issues regarding the performance of the economy of the region and sub region may be raised in petitions that fall within the scope of the Council's new statutory Petition Scheme.

### **(b) Reaching full potential in education and employment**

Not directly applicable, although it may be the case that issues regarding the reaching full potential in education and employment may be raised in petitions that fall within the scope of the Council's new statutory Petition Scheme.

### **(c) Individual and collective self esteem – mutual respect**

The statutory Petition Scheme will provide those who live, work and study in Manchester with an additional way to express their views and raise issues of concern with the Council and its partners.

### **(d) Neighbourhoods of Choice**

While it is not possible to anticipate the number or nature of the petitions that the Council will receive under its statutory Petition Scheme, it is likely that issues regarding Neighbourhoods of Choice may be raised in petitions made by Manchester residents.

## **9.0 Key Policies and Considerations**

### **(a) Equal Opportunities**

The statutory Petition Scheme will provide those who live, work and study in Manchester with an additional way to express their views and raise issues of concern with the Council and its partners.

### **(b) Risk Management**

Not directly applicable

### **(c) Legal Considerations**

The Council now has a statutory duty to approve, publish and comply with a Petition Scheme in respect of paper petitions. From the 15 December 2010, this statutory duty will also require the Council to provide an "E-petition" facility.

## **MANCHESTER CITY COUNCIL**

### **PETITIONS SCHEME**

Manchester City Council welcomes petitions as one way in which people can let us know their concerns. We set out below how the Council will respond to petitions that are sent to us.

#### **1 What is a petition?**

1.1 The Council will treat as a petition for the purposes of this Petition Scheme any communication that is either identified as being a petition, or which it seems to us is intended to be a petition and which is signed by at least 100 people.

1.2 Paper petitions can be sent to:

The Head of Democratic and Statutory Services  
Manchester City Council  
Town Hall  
Albert Square  
Manchester  
M60 2LA

1.3 From the 15 December 2010 electronic petitions can be created, signed and submitted online using the Council's E-Petition facility [*Insert link to E-Petition facility* **This link should be live after 15 December 2010**].

#### **2 Who can submit a petition?**

Anyone who lives, works or studies in the City of Manchester (including people who are under 18 years of age) can sign or organise a petition.

#### **3 What are the Guidelines for Submitting a Petition?**

3.1.1 Petitions on the following matters will be considered by the Council in accordance with this Petition Scheme:

- Issues relating to the Council's responsibilities;
- Issues which affect the City of Manchester or communities in the City of Manchester, as long as the Council is in a position to exercise some degree of influence;
- Anything relating to an improvement in the economic, social or environmental well-being of the City of Manchester to which any of the Council's partners could contribute.

3.1.2 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 [*Insert 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 [[Insert link to Internet list of Council's responsibilities](#)]

- 3.1.3 Where a petition relates to a matter over which the Council has no responsibility or influence, the Council will return the petition to the petition organiser with an explanation for that decision.
- 3.1.4 If your petition is about something that a different council or other public authority is responsible for, the Council will ask the petition organiser whether s/he would like us to redirect the petition to the other authority.
- 3.2 Petitions submitted to the Council must include:
- a clear and concise statement covering the subject matter of the petition. It should state what action you want the Council to take.
  - The name and address and signature of any person supporting the petition. Any person who lives outside of Manchester should also provide details of their place of work or study that is within the city.
- 3.3 A petition should contain the name and address and contact details of 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, the Council will contact signatories to the petition to agree who should act as the petition organiser.
- 3.4 Paper petitions should include the name and address and signature of at least 100 petitioners (which can include the petition organiser). The address may be where the signatory to the petition lives, works or studies. The Head of Democratic and Statutory Services has the discretion to verify the name and address and signature of any person supporting the petition should she consider it necessary for any reason.
- 3.5 From the 15 December 2010, if the petition is in electronic form it must be made using the Council's E-Petition facility referred to at Section 1.3 above.
- 3.6 If you want your petition to be debated at a meeting of the Council (a Petition Requiring Debate as defined at section 4.2 below), or to trigger a meeting of one of the Council's Overview and Scrutiny Committees at which a specific Council officer will be required to report (a Petition to Requiring a Council Officer to be Called to Account as defined at section 4.3 below), your petition will need to contain a higher number of signatories or petitioners.
- 3.7 In the period immediately before an election or referendum the Council may need to deal with your petition differently – if this is the case the Council will contact the petition organiser to explain the reasons and discuss the revised timescale that will apply.

- 3.8 Before submitting a petition you should first check with your local Ward Councillors or with the Council to see if the Council is already acting on your concerns and to confirm that the Council is the most appropriate body to receive your petition, as sometimes your petition may be more appropriate for another public body.

#### **4. Exempt Petitions**

The Council's Petition Scheme does not apply to the types of petition listed at Section 4.1 to 4.4 below. If the Council receives a petition that it considers to be an Exempt Petition, we will contact the petition organiser to advise him/her that the Council does not consider that their petition falls within the scope of the Council's Petition Scheme and the reasons for this decision.

##### **4.1 Petitions excluded by Statutory Order**

- 4.1.1 In order not to duplicate procedures where established processes already exist for people to voice their opinions, the following matters are excluded from the scope of the Council's Petition Scheme:

- (a) Any matter relating to a planning decision
- (b) Any matter relating to a licensing decision
- (c) Any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or a right of appeal conferred by or under any enactment.

- 4.1.2 However, a petition that alleges a systematic failure to deliver services in the above areas is within the scope of the Council's Petition Scheme. (For example, while a petition on an individual planning application would be an Exempt Petition, a petition about the Council's failure to deliver an effective service for planning applications would be within the scope of the Council's Petition Scheme).

##### **4.2 Petitions that are vexatious, abusive or otherwise inappropriate**

If in the opinion of the City Solicitor a petition is vexatious, abusive or otherwise inappropriate, the Council will acknowledge receipt of the petition to the petition organiser. The Council will explain to the petition organiser the reason why it considers that the petition is vexatious, abusive or otherwise inappropriate, and that the Council will not be taking any further action in respect of the petition.

##### **4.3 Repeat Petitions**

A petition will not normally be considered where it is received within 24 months of another petition being considered by the Council on the same matter.

#### **5. What happens when a petition is received?**

- 5.1 Whenever a petition is received:

- 5.1.1 Within 15 working days of receipt, the Council will acknowledge receipt to the petition organiser and will advise the petition organiser:
- Whether the Council considers that the petition falls within the scope of the Council's Petition Scheme (a "Valid Petition"). (Where the Council considers that the petition is an Exempt Petition, the Council will advise the petition organiser of the reason for this decision);
  - as to the identity of the person or body within the Council to whom the petition will be reported for consideration.
- 5.1.2 At the same time as responding to the petition organiser, the Council will notify the relevant Strategic Director(s) and Executive Member(s) with responsibility for the matter(s) to which the petition relates, and any relevant Ward Councillor(s) of receipt of the petition.
- 5.2 In some cases, the Council may be able to resolve the petitioners' request directly, by requesting the relevant Council Officer to take appropriate action. (For example, where a petition relates to fly-tipping and the Council can arrange for it to be cleared up directly). Where this is done, the Council will advise the petition organiser that the Council considers that the matter is resolved. If the petition organiser is not satisfied with the outcome s/he may appeal to an Overview and Scrutiny Committee in accordance with the procedure set out at Section 10 below.
- 5.3 Unless the matter has been resolved to the satisfaction of the petition organiser, then within 3 months of receipt of a Valid Petition (or sooner where possible), the Council will provide a substantive response to the petition organiser giving information about what steps the Council has taken or proposes to take in response to the petition and the Council's reasons for doing so. The Council will publish this notification on the Council's Petition Scheme website except in cases where this is considered inappropriate.
- 5.3.1 When the Council receives a Valid Petition, the Council's response will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:
- (a) giving effect to the request in the petition;
  - (b) considering the petition at a meeting of the Council;
  - (c) holding an inquiry;
  - (d) holding a public meeting;
  - (e) commissioning research;
  - (f) giving a written response to the petition organiser setting out the Council's views about the request in the petition;
  - (g) referring the petition to an Overview and Scrutiny Committee of the Council.
- 5.3.2 In addition to these steps, the Council will consider all of the specific actions that it can potentially take on the issues highlighted in the petition.

5.4 The Council will maintain a petitions website in respect of petitions which fall within the scope of the Council's Petition Scheme at (<http://manchester.petitions>). When a Valid Petition is received, then within 15 working days of its receipt the Council will open a new public file within the website and will put in that file the subject matter of the petition, its date of receipt and the number of signatories or petitioners, except in cases where this is considered to be inappropriate. The petition organiser's name and contact details will not be included on the website. The Council will ensure that the Petition Scheme website will be regularly up-dated with information on the progress of your petition.

5.5 Petitions will be presented on the Petition Scheme website in the order in which they are received. All petitions will be kept on the website for two years from the date of receipt.

## **6. Types of Petition**

For the purposes of the Council's Petition Scheme all Valid Petitions that are received by the Council will be treated as falling within one of the three different types of petition, described at Sections, 6.1, 6.2 and 6.3 below.

### **6.1 Ordinary Petitions**

6.1.1 These are Valid Petitions that have been signed by at least 100 people.

6.1.2 (Please note that petitions which raise issues of possible councillor misconduct will be taken as complaints arising under the Local Government Act 2000 (as amended) and will be reported to the Council's Monitoring Officer and, where appropriate, to the Council's Standards Committee, rather than considered under this Petitions Procedure).

### **6.2 Petitions Requiring Debate**

These are Valid Petitions that have been signed by at least 4,500 people and which are not Petitions Requiring a Council Officer to be Called to Account as defined at Section 6.3 below. One of the steps that will be taken by the Council in response to a Petition Requiring Debate is that the petition will be reported to and debated at a meeting of the full Council.

### **6.3 Petitions Requiring a Council Officer to be Called to Account**

6.3.1 Your petition may ask for a senior Council Officer to give evidence at a meeting of one of the Council's Overview and Scrutiny Committees about something for which they are responsible as part of their job. The petition must relate to the Council Officer's job, it cannot relate to their personal circumstances or character.

6.3.2 If your petition is a Valid Petition and has been signed by at least 2,250 people, then the relevant Council Officer will give evidence at a meeting of one of the Council's Overview and Scrutiny Committees.

6.3.3 The Council has determined that only the following senior Council Officers will be subject to this procedure:

- (a) Chief Executive
- (b) City Treasurer/Strategic Director (Corporate Services)
- (c) Deputy Chief Executive (Regeneration)
- (d) Deputy Chief Executive (Performance)
- (e) City Solicitor
- (f) Director of Children's Services
- (g) Strategic Director of Neighbourhood Services
- (h) Strategic Director of Transformation
- (i) Strategic Director, Adults
- (j) Chief Executive of New East Manchester Limited
- (k) Director of Communications

## **7. What will happen to an Ordinary Petition?**

7.1 When the Council receives an Ordinary Petition this will normally be reported to the relevant Strategic Director of the Council with responsibility for the matter to which the petition relates. In the event that the subject of an Ordinary Petition falls within the remit of more than one Strategic Director, the petition will be reported to both Strategic Directors, who will be asked to nominate one of them as the lead for the matter. At the same time as the Council reports a petition to a Strategic Director for consideration, it will also report the petition to the relevant Executive Member for the matter concerned and any relevant Ward Councillors.

7.2 Within 20 working days of the consideration of an Ordinary Petition by a Strategic Director, the Council will notify the petition organiser of the Strategic Director's decision. This decision will also be published on the Council's Petition Scheme website except in cases where this is considered inappropriate.

## **8. What will happen to a Petition Requiring Debate?**

8.1 If a Valid Petition contains more than 4,500 signatures one of the steps that will be taken by the Council in response is that the petition will be debated by the full Council (unless it is a Petition Requiring a Council Officer to be Called to Account). This means that the issue raised in the petition will be discussed at a meeting at which all councillors can attend. Depending upon when a Petition Requiring Debate is received and the number of other items on the agenda, the Council will endeavour to arrange for the petition to be considered at the next meeting of Council, or where this is not possible, at the following meeting. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council that are not convened to consider the subject matter of the petition.

8.2 Following receipt of a Petition Requiring Debate the City Solicitor shall prepare a report to full Council setting out details of the petition and outlining the process to be followed. The petition organiser will normally be invited to

address the meeting of Council for up to 4 minutes on the subject of the petition. The relevant Strategic Director may also be asked to prepare a briefing on the subject of the petition which shall be circulated with the agenda of the Council meeting, together with a copy of the petition.

8.3.1 The Council will decide how to respond to the Petition Requiring Debate at their meeting.

8.3.2 The Council response may include one of the following steps:

- (a) to take the action the petition requests;
- (b) not to take the action requested for reasons put forward in the debate;
- (c) to refer the issue to the Executive;
- (d) to commission further investigation into the matter (for example by a relevant committee).

8.4 The petition organiser will be provided with written confirmation of the Council's decision. This confirmation will also be published on the Council's Petition Scheme website except in cases where this is considered inappropriate.

## **9. What will happen to a Petition Requiring a Council Officer to be Called to Account?**

9.1 When the Council receives a Petition Requiring a Council Officer to be Called to Account, one of the steps that will be taken by the Council in response is that a relevant Overview and Scrutiny Committee will require the Council Officer to attend before it to answer questions. The Council will endeavour to arrange for a Petition Requiring a Council Officer to be Called to Account to be considered by the next convenient meeting of the relevant Overview and Scrutiny Committee, although on some occasions this may not be possible and consideration will then take place at the following meeting of the relevant Overview and Scrutiny Committee. In some cases the Overview and Scrutiny Committee may decide that for the purpose of addressing the concerns raised in the petition, it would be more appropriate for another officer of the Council to give evidence instead of the Council Officer named in the petition. The Overview and Scrutiny Committee may also decide to call the relevant Executive Member to attend the meeting.

9.2 The petition organiser will be informed of the date, time and place of the Overview and Scrutiny meeting at which the petition will be considered and will normally be invited to attend the meeting. In exceptional cases, the subject of the petition may mean that the Overview and Scrutiny Committee will need to consider "confidential" or "exempt" information (as defined in the Access to Information Procedure Rules set out at Part 4, Section B of the Council's Constitution). Where it is necessary for any part of the Overview and Scrutiny meeting to be held in private in order to consider "confidential" or "exempt" information, the reason for this will be made clear by the Council to the petition organiser.

9.3 In advance of the Overview and Scrutiny Committee meeting, the petition

organiser will be invited to submit a list of questions that s/he would like put to the Council Officer at the meeting. These questions will be provided to the Chair of the Overview and Scrutiny Committee, who will decide whether they are appropriate, and to the Council Officer concerned, in advance of the meeting.

- 9.4 After the Overview and Scrutiny Committee meeting, the Overview and Scrutiny Committee will submit a report or recommendations to the Council. The petition organiser will be provided with a copy of that report or those recommendations. If appropriate, a copy of the report or recommendations of the Overview and Scrutiny Committee will be published on the Council's Petition Scheme website.

## **10. What can I do if I feel my petition has not been dealt with properly?**

- 10.1 If the petition organiser is not satisfied with the outcome of the Council's consideration of his/her petition, he/she may appeal to an Overview and Scrutiny Committee by notifying the Head of Democratic Services of his/her intention to appeal within 20 working days of being notified of the Council's decision on the petition.
- 10.2 Within 15 working days of receipt of intention to appeal, the Council will determine which is the relevant Overview and Scrutiny Committee and will notify the petition organiser of the time, date and place of the next convenient meeting of that Overview and Scrutiny Committee and will invite the petition organiser to attend the meeting and to address the Overview and Scrutiny Committee for up to four minutes on why s/he considers that the Council's decision on the petition is inadequate.
- 10.3 Should the Overview and Scrutiny Committee feel 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 Executive, or arranging for the matter to be considered at a meeting of the full Council.
- 10.4 Once the appeal has been considered the Council will provide the petition organiser with written confirmation of the Overview and Scrutiny Committee's decision. The results of the review by Overview and Scrutiny will also be published on the Council's Petition Scheme website except in cases where this is considered inappropriate.