

## **Basingstoke and Deane Borough Council – Petition Scheme**

### **Local Democracy, Economic Development and Construction Act 2009**

#### **Listening to Communities: Statutory Guidance on the Duty to Respond to Petitions**

#### **1. Petitions<sup>1</sup>**

- 1.1 Basingstoke and Deane Borough Council (“the council”) welcomes petitions and recognises that petitions are one way in which people can let us know their concerns and influence our decision making.
- 1.2 All petitions sent or presented to the council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.
- 1.3 We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition; subject only to the following:-

A petition is a document submitted to the council spontaneously by the public – i.e. without any request from the council. If the council carries out a consultation exercise, and it receives a mass response to this consultation, then such a mass response should be dealt with via the procedures relevant to the consultation; and it should not be regarded as a petition.

- 1.4 (1) Petitions can be sent to:

**Committee Services  
Basingstoke and Deane Borough Council  
Civic Offices  
London Road  
Basingstoke  
Hampshire  
RG21 4AH**

- (2) Please click [here](#) for a downloadable petition template.
- 1.5 (1) (a) Petitions can also be presented to Full Council, Cabinet or Overview and Scrutiny committee meetings<sup>2</sup> (“meetings”) or to the Chief Executive.

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<sup>1</sup> Approved as an Interim Scheme (pending more detailed consideration by the Economic Prosperity and Performance Overview and Scrutiny Committee) at Full Council on 15 July 2010

<sup>2</sup> Overview and Scrutiny Committees are Committees of Councillors that are responsible for scrutinising the work of the Council – in other words, Overview and Scrutiny Committees hold the Council’s decision makers to account.

- (b) A calendar of meetings can be found [here](#).
  - (c) If you would like to present your petition to a meeting, or would like your councillor or someone else to present it on your behalf, please contact Committee Services on 01256 845682 or 01256 845518 at least 10 working days before the meeting and we will talk you through the process.
- (2) If your petition has received 8250 signatures or more it will also be scheduled for a Full Council debate and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the Full Council<sup>3</sup>.

## **2 What are the guidelines for submitting a petition?**

2.1 All petitions submitted to us must include:

- (1) A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
- (2) The name and address and signature of any person supporting the petition.

2.2 Petitions must also 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 published on the website.

2.3 Petitions which are considered by the council's Chief Executive to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period six weeks **before** an election we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

2.4 If (as determined by the Chief Executive) a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

## **3 What will the Council do when it receives my petition?**

3.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

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<sup>3</sup> Even if this threshold is not reached, a Portfolio Holder (a member of the Cabinet) may still consider requiring a debate at Full Council if a petition has very significant support.

- 3.2 (1) 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.
- (2) If the above is not possible and 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.
- (3) If the petition needs more investigation, we will tell you the steps we plan to take.
- 3.3 If the petition applies to a planning or licensing application or on a matter where there is already an existing right of appeal (such as Council Tax banding and non-domestic rates), other procedures apply. This petition process does not therefore apply in these cases. However, all petitions relating to planning applications are reported to councillors and to the Development Control Committee.
- 3.4 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.
- 3.5 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).
- 3.6 A flowchart of our petition process can be found at [Appendix A](#) to this scheme.

#### **4 How will the council respond to petitions?**

- 4.1 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:
- (1) Taking the action requested in the petition
  - (2) Considering the petition at a Council meeting
  - (3) Holding an Inquiry into the matter
  - (4) Undertaking research into the matter, and receiving a report back
  - (5) Holding a public meeting
  - (6) Holding a consultation
  - (7) Holding a meeting with petitioners

- (8) Referring the petition for consideration by one of the council's overview and scrutiny committees<sup>4</sup>
- (9) Writing to the petition organiser setting out our views about the request in the petition

4.2 In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples

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<sup>4</sup> Overview and Scrutiny Committees are Committees of Councillors that are responsible for scrutinising the work of the Council – in other words, Overview and Scrutiny Committees hold the Council's decision makers to account.

Petition subject	Appropriate steps
Alcohol related crime and disorder	<p>If your petition is about crime or disorder linked to alcohol consumption, the council and Local Ward Members will, among other measures, may consider the case for placing restrictions on public drinking in the area by establishing a designated public place order if there is enough evidence to support the measure or, as a last resort, request the police consider an alcohol dispersal area. The council's response to your Petition will set out the steps we intend to take and the reasons for taking this approach.</p>
Anti-social behaviour (ASB)	<p>As the elected representatives of your local area and as a statutory member of the Community Safety Partnership, the council and the Local Ward Members have a significant role to play in tackling anti-social behaviour. The council, in conjunction with our partners in the Community Safety Partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards here <a href="#">[insert link]</a>.</p> <p>When responding to petitions on ASB, the council and Local Ward Members will consider in consultation with our local partners, all the options available to us including the wide range of tools and powers we have to intervene as part of our role as the local authority. The council and Local Ward Members will work with the neighbourhood policing team in the affected area to identify what action might be taken including what interventions can be implemented, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the Community Safety Partnership and Community Wellbeing overview and scrutiny committee to the issues highlighted in the petition.</p>

- 4.3 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 [\[link\]](#).

- 4.4 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.

## **5 Full Council debates**

- 5.1 If a petition contains more than 8250 signatures it will be debated by Full Council (after first going to the relevant Overview and Scrutiny Committee) 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 ultimately be discussed at a meeting which all councillors can attend.
- 5.2 The council will endeavour to consider the petition at the next meetings of the relevant Overview and Scrutiny Committee (and the next meeting of Full Council after that), although on some occasions this may not be possible and consideration will then take place at the following meeting.
- 5.3 At both the Overview and Scrutiny Committee and Full Council, the petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Full Council for a maximum of 20 minutes.
- 5.4 After consideration of the Petition by the relevant Overview and Scrutiny Committee Full Council will decide how to respond to the petition at its meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.
- 5.5 Where the issue is one on which the Cabinet is required to make the final decision, Full Council will decide whether to make recommendations to inform that decision.
- 5.6 The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

## **6 Officer Evidence**

- 6.2 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.
- 6.3 If your petition contains at least 4125 signatures, the relevant senior officer will give evidence at a public meeting of the council's overview and scrutiny committee.

- 6.4 A list of the senior staff that can be called to give evidence can be found at Appendix B. You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs.
- 6.5 The Chairman of the committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to:
- (1) Suggest questions to the chair of the committee by contacting Committee Services on 01256 845682 or 01256 845518 up to three working days before the meeting.
  - (2) Use the council's usual public participation procedures.

## **7 e-petitions**

- 7.1 The council must introduce an e-petition system by December 2010. This scheme will then be updated.

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

- 8.1 (1) If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the relevant overview and scrutiny committee reviews the steps that the council has taken in response to your petition.
- (2) It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.
- 8.2 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.
- 8.3 Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Cabinet and arranging for the matter to be considered at a meeting of Full Council.
- 8.4 Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

**PETITIONS PROCESS**

PETITIONS<sup>1</sup>  
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Received via Full Council, Cabinet, Overview & Scrutiny Committee or the Chief Executive

Passed to Head of Legal & Democratic Services  
(1) Who informs petitioners (and notifies ward members) that the petition has been referred  
(2) Who tries to ascertain the identity and communications address of a "lead" petitioner if this is not immediately apparent

**for Executive Petitions**

(1) To the appropriate Portfolio Holder for consultation with the petitioner and the ward members and (as the Portfolio Holder considers appropriate):

- (a) The most relevant Overview committees and/or the Scrutiny Committee; and/or
- (b) Other parties considered relevant

(2) In determining the level of consultation required, the Portfolio Holder should consider (within 14 days of receipt of the petition from the Head of Legal & Democratic Services):

- (a) The scope of the issues raised by the petition;  
For example, a petition with a more localised scope and impact would tend to need less consultation than a petition whose scope and impact was borough-wide;  
In the borough-wide example consultation could usefully include Overview and/or Scrutiny Committees.
- (b) Whether the subject matter of the petition is potentially sensitive or controversial.
- (c) If a petition has very significant support, the Portfolio Holder should consider requiring a debate at Full Council.

NB: As regards the most appropriate level of consultation in any particular case, advice to assist the Portfolio Holder can be taken from the Chief Executive and Corporate Directors, Heads of Service, the Chief Financial Officer, the Monitoring Officer or the Head of Legal and Democratic Services.

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**for Regulatory or Standards Committee Petitions**

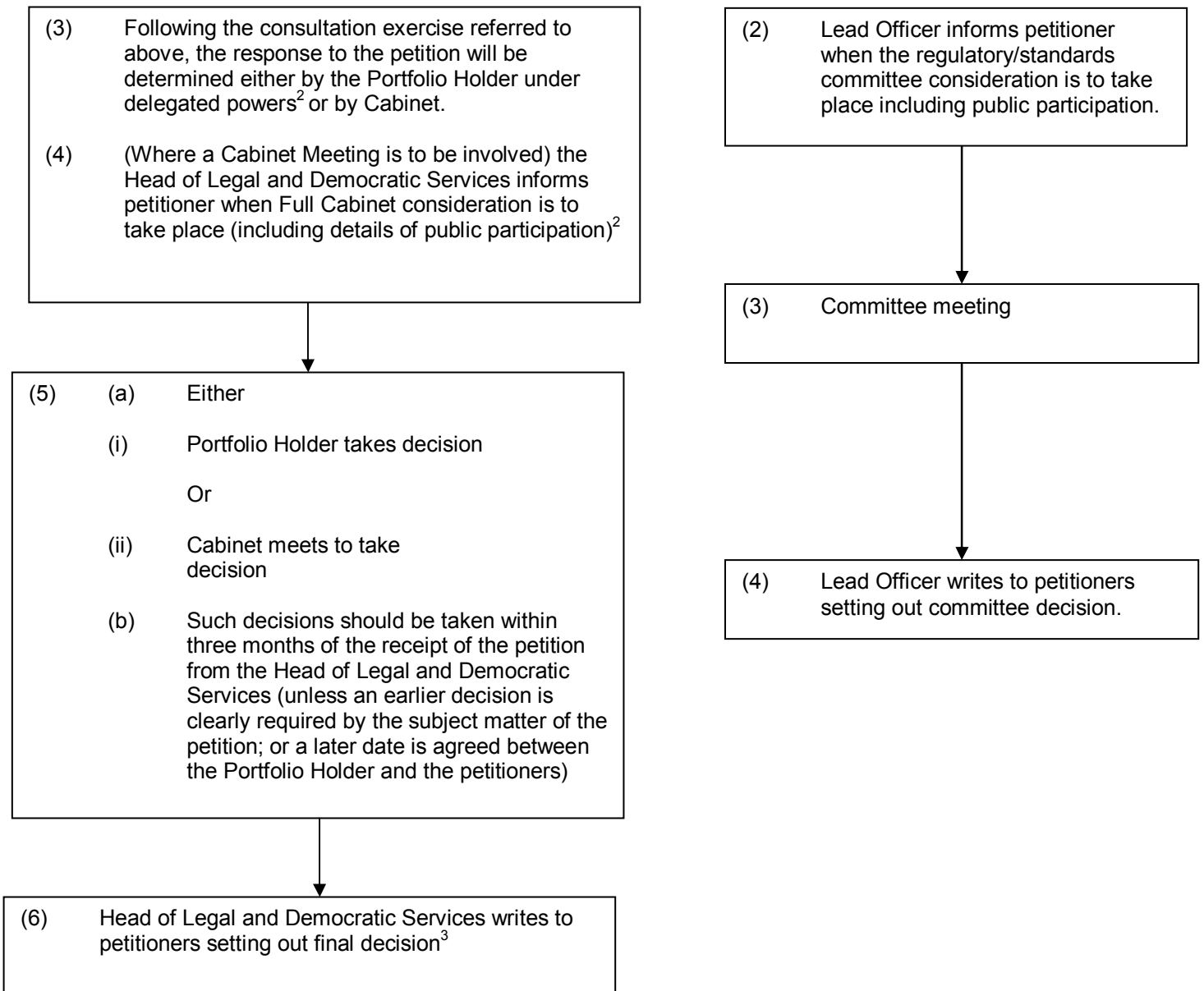
(1) To the appropriate Heads of Service for processing through regulatory or standards committees.

for petitions referring to, or including, non-BDBC matters

(1) Non BDBC matters to be passed to the relevant organisation and that organisation; be requested to keep the Head of Legal and Democratic Services informed as to its decision making process and ultimate decision.

(2) Any BDBC elements of the petition to be dealt with via the normal route according to this procedure.

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<sup>2</sup> Petitioner to be copied in on draft decision notice and report.

<sup>3</sup> After expiry of call-in period.  
 NB If the call-in includes the ground that the Portfolio Holder/Cabinet failed seek the views of the relevant overview committee (see executive petition Step 2 above and paragraph 9.8(6)(e) of the Constitution), then in the first instance (rather than proceeding through the formal call-in procedures) the matter shall be placed upon the agenda of the next available relevant overview committee.

**SENIOR OFFICERS' LIST**

<b>Name of Senior Officer</b>	<b>Responsibilities</b>
<p>Tony Curtis Chief Executive</p>	<ul style="list-style-type: none"> <li>• Head of Paid Service</li> <li>• Councillors LSP and Community Strategy</li> <li>• Raising Profile/image</li> <li>• Economy</li> <li>• Regional/national matters</li> <li>• Long term vision and strategy</li> </ul>
<p>Dorcas Bunton Corporate Director (Internal)</p>	<ul style="list-style-type: none"> <li>• Response to Local Government and Public Involvement in Health Act – Governance</li> <li>• Performance</li> <li>• Efficiency and shared services agenda</li> <li>• Improvement through learning</li> <li>• Customer focus</li> </ul>
<p>Karen Brimacombe Corporate Director (External)</p>	<ul style="list-style-type: none"> <li>• Response to Local Government and Public Involvement in Health Act – empowered communities</li> <li>• Equalities and community cohesion</li> <li>• Sustainability – climate change</li> <li>• Safeguarding children and vulnerable adults</li> </ul>
<p>Kevin Jaquest Head of Finance, Local Tax and ICT</p>	<ul style="list-style-type: none"> <li>• Financial matters</li> <li>• Council Tax</li> <li>• ICT</li> </ul>
<p>Tracey Cole Head of Housing and Benefits</p>	<ul style="list-style-type: none"> <li>• Housing enabling</li> <li>• Housing advice</li> <li>• Homelessness</li> <li>• Housing benefits</li> </ul>
<p>Chris Guy Head of Legal and Democratic Services</p>	<ul style="list-style-type: none"> <li>• Shared legal services (with Hart DC)</li> <li>• Licensing</li> <li>• Local land charges</li> <li>• Committee services</li> <li>• Elections</li> </ul>
<p>Therese Lawlor Head of Strategy and Innovation</p>	<ul style="list-style-type: none"> <li>• Policy and Partnerships</li> <li>• Community Safety</li> <li>• Performance</li> <li>• Resources and planning</li> <li>• Communications marketing and involvement</li> <li>• Business Enterprise</li> <li>• Arts and Heritage</li> </ul>

Name of Senior Officer	Responsibilities
Tim Boschi Head of Neighbourhood Development	<ul style="list-style-type: none"> <li>• Community development and learning</li> <li>• Childcare development</li> <li>• Conservation and urban design</li> <li>• Landscape</li> <li>• Sport and Recreation</li> <li>• Engineering and traffic</li> <li>• Car Parking</li> </ul>
Claire Harper Head of Environmental Care	<ul style="list-style-type: none"> <li>• Working on waste and recycling</li> </ul>
Lisa Kirkman Interim Head of Environmental Care	<ul style="list-style-type: none"> <li>• Environmental education</li> <li>• Operations</li> <li>• Parks</li> <li>• Environmental Health</li> <li>• Environmental Protection</li> </ul>
David Robb Head of Governance and Customer Support	<ul style="list-style-type: none"> <li>• Anti-fraud</li> <li>• Internal audit and risk management</li> <li>• Performance and customer service</li> </ul>
Nicky Linihan Head of Planning and Transport	<ul style="list-style-type: none"> <li>• Planning applications</li> <li>• Planning policy</li> <li>• Building regulations</li> </ul>
Patricia Hughes Interim Head of Property and Facilities Management	<ul style="list-style-type: none"> <li>• Emergency planning</li> <li>• Business continuity management</li> <li>• Management of council-owned property portfolio</li> </ul>