



KENT COUNTY COUNCIL

SELECTION AND MEMBER SERVICES COMMITTEE

AGENDA

**Friday, 19 November 2010, at 10.00 am
in the Wantsum Room, Sessions
House, County Hall, Maidstone**

Ask for: **Andrew Tait**
Telephone: **01622 694342**

Membership (9)

Conservative (7): Mrs J A Rook (Chairman), Mr P B Carter, Mr N J D Chard,
Mrs S V Hohler, Mr A J King, MBE, Mr K G Lynes and
Mr R A Marsh

Liberal Democrat (1): Mrs T Dean

Labour (1) Mr L Christie

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 7 October 2010 (Pages 1 - 2)
4. Proposed amendments to the Constitution (Pages 3 - 8)
5. Petition Scheme Review (Pages 9 - 30)
6. Other Items that the Chairman decides are Urgent

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services and Local Leadership

Thursday, 11 November 2010

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

KENT COUNTY COUNCIL

SELECTION AND MEMBER SERVICES COMMITTEE

MINUTES of a meeting of the Selection and Member Services Committee held in the Swale 3, Sessions House, County Hall, Maidstone on Thursday, 7 October 2010.

PRESENT: Mrs J A Rook (Chairman), Mr D L Brazier (Substitute for Mr N J D Chard), Mr L Christie, Mrs T Dean, Mrs S V Hohler, Mr A J King, MBE, Mr K G Lynes and Mr R A Marsh

IN ATTENDANCE: Mr P Sass (Head of Democratic Services and Local Leadership) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

14. Minutes - 2 July 2010

(Item 3)

(1) In respect of Minute 10, the Head of Democratic Services and Local Leadership reported that four petitions would be debated at the next meeting of the County Council. A report on the workings of the petition scheme would be submitted to the next meeting of the Committee.

(2) The Committee agreed that there should be a clear link from the KCC internet homepage to facilitate e.petitioning by the public and asked the Head of Democratic Services and Local Leadership to take this matter up with the Head of Communications and Media Centre.

(3) RESOLVED that:-

- (a) the Minutes of the meeting held on 7 July 2010 are correctly recorded and that they be signed by the Chairman; and
- (b) there should be a clear link from the KCC Internet homepage to facilitate e.petitioning by the public and that the Head of Democratic Services and Local Leadership be asked to take this matter up with the Head of Communications and Media Centre.

15. Dates of future meetings

(Item 4)

(1) In discussion of this item, it was agreed that consideration would be given to holding virtual meetings of the Committee whenever it was appropriate to do so.

(2) The Committee agreed the following dates and times for future meetings:-

Friday, 19 November 2010 at 10.00 am;
Thursday, 27 January 2011 at 2.00 pm;
Tuesday, 22 March 2011 at 10.00 am;

Tuesday, 7 June 2011 at 10.00 am;
Friday, 2 September 2011 at 2.00 pm; and
Friday, 18 November 2011 at 2.00 pm.

16. Review of appointments to Outside Bodies

(Item 5)

- (1) In agreeing the recommendations, the Committee agreed that the review of Outside Bodies should include the question of minimum representation levels for Opposition Groups on Joint Committees; the achievement of overall proportionality in Outside Body representation and whether voting rights should be proportional.
- (2) The Head of Democratic Services and Local Leadership informed the Committee that it was intended to complete the review in time for the Annual Meeting of the County Council in May 2011.
- (3) RESOLVED that the review be noted (including the questions set out in (1) above) and that a further report be made to the Committee recommending a course of action in time for the Annual Meeting of the County Council in May 2011.

17. Appointments to the Kent and Essex Inshore Fisheries and Conservation Authority

(Item 6)

- (1) The Committee agreed by 4 votes to 2 with 2 abstentions that the proportionality rules would be strictly applied so that three Members of the Conservative Group would serve on the Kent and Essex Inshore Fisheries and Conservation Authority.
- (2) The Committee also agreed that the views of the Cabinet Portfolio Holder for Environment, Highways and Waste would be sought before the three appointments were made.
- (3) RESOLVED that three Conservative Members be appointed to the Kent and Essex Inshore Fisheries and Conservation Authority following consultation with the Cabinet Portfolio Holder for Environment, Highways and Waste.

18. The Red Hill Trust

(Item 7)

RESOLVED that Mrs P A V Stockell (the Local Member) be appointed to the Red Hill Trust.

By: Alex King – Deputy Leader
Peter Sass – Head of Democratic Services and Local Leadership

To: Selection and Member Services Committee – 19 November 2010

Subject: **Proposed Amendments to the Constitution**

Classification: Unrestricted

Summary:

This report invites the Committee to decide whether to recommend to the County Council changes to the Constitution in relation to (i) the process for reporting interim senior manager appointments to Members; (ii) the Leader's Oral report to the County Council; (iii) the reallocation of constituency work in the event of illness/absence of a Member; and (iv) proposed amendments to the Personnel Committee Terms of Reference and the Personnel Management Rules

1. Appointment of Interim Senior Managers

(1) At its meeting on 3 November, 2010, the Scrutiny Board considered the process for the appointment of interim senior managers (costing £20,000 or more) and how this differs from the process for appointing Consultants.

(2) Paragraph 11(c) of Contract and Tenders Standing Orders (page 126 of the Constitution) states that:

"being a named individual a 'Consultant' must, by definition, have been sourced via a non-competitive process. All contracts for a Consultant for £20,000 or more must be reported, as a non-competitive procurement, to the Head of Democratic Services within 14 days of the contract being awarded so that s/he may notify Members of the Scrutiny Board."

(3) Paragraph 8 of the Personnel Management Rules (page 47 of the Constitution) states that:

"When a senior manager* ceases to hold that post or is likely to be absent for any length of time, the Group Managing Director, after consultation with the political group leaders, may appoint someone to act temporarily in that capacity and determine the salary to be paid. The temporary appointment shall not extend beyond six months without the approval of the Personnel Committee."

* defined in paragraph 2 of the Personnel Management Rules as Grade M or above

(4) During the summer, an appointment of a senior interim manager was made at a cost of more than £20,000 but was not reported to either to the Scrutiny Board or political group leaders because:

1. The individual was appointed as a result of a competitive process;
2. The individual was not a consultant but an interim manager; and
3. The individual was not temporarily covering an existing senior manager's post.

(5) The Scrutiny Board accepted that, whilst the particular appointment in question did not require notification under either of the parts of the Constitution referred to above, it was not in the spirit of what was intended because elected Members should be made aware of all senior managerial appointments. Accordingly, the Scrutiny Board suggested the following additional sentence (underlined) be added at the end of paragraph 11(c) on page 126 of the Constitution:

"being a named individual a 'Consultant' must, by definition, have been sourced via a non-competitive process. All contracts for a Consultant for £20,000 or more must be reported, as a non-competitive procurement, to the Head of Democratic Services within 14 days of the contract being awarded so that s/he may notify Members of the Scrutiny Board. Similarly, the appointment of an interim senior manager (defined in the Personnel Management Rules as Grade M or above) or equivalent for £20,000 or more for the period of the contract (whether undertaken as a non-competitive procurement or not) must also be reported to the Head of Democratic Services within 14 days of the appointment being made so that s/he may notify Members of the Scrutiny Board."

2. The Leader's Oral Report to the County Council

(1) At each County Council meeting, the Leader of the Council may make an oral report on key issues arising since the last meeting. He may speak for up to 10 minutes, followed by speeches of up to 7 minutes by each of the two political group leaders, with the Leader of the Council having a right of reply for up to 2 minutes (Council Procedure Rule 1.20 applies) .

(2) On occasions, the Leader of the Council has asked for an extension of time to his initial speech, which if agreed to by the Chairman of the Council, is normally applied equally to the two opposition group leaders' speeches. However, the Leader of the Council has stated that he would like more time to respond to the opposition leaders' speeches and has requested that the Constitution be amended so that the length of time for his reply be extended from 2 minutes to 5 minutes.

3. Reallocation of constituency work in the event of illness/absence of a Member

(1) There have been two examples recently of Members not being able to perform their KCC duties for reasons of serious poor health and it is considered that there should be more clarity in the Constitution for Members and the public in relation to dealing with constituency work. Article 2 (2.3)(2)(m) of the Constitution states that Local Members should “represent and support individual constituents in their dealings with the Council”. It is suggested that this statement should be amended as follows:

“...represent and support individual constituents in their dealings with the Council. In the absence of a Member for reasons of ill-health or otherwise, the Member concerned (or, if they are unwilling or unable to do that, the relevant Group Leader) should nominate another Member to act on behalf of the absent Member in relation to representing their constituents.”

(2) In addition, Members are asked to note that suitable relevant wording will be added to the Members' Handbook to cover this important point and Officers will also make it clear on the KCC website if a particular Member's constituency matters are being dealt with by another Member, and arrange for any e-mails to be diverted accordingly.

4. Terms of Reference of the Personnel Committee and the Personnel Management Rules

(1) The proposed Council-wide restructuring has led to an examination of the Terms of Reference of the Personnel Committee and the Personnel Management Rules contained in the Constitution to ensure that these are fit for purpose in terms of the implementation of the revised structure following formal determination by the County Council.

(2) One area where clarification is required is where a senior manager is displaced as a result of not being ‘slotted’ but who then wishes to appeal that decision.

(3) The Terms of Reference of the Personnel Committee (sub paragraph g) currently states:

“through ad-hoc Sub Committees of Members (Panels), hearing and dealing with the final stage of unresolved grievances from Chief and Senior Officers and appeals by such officers against dismissal, transfer or downgrading”.

(4) It is suggested that sub paragraph (g) be amended as follows (underlined section):

“through ad-hoc Sub Committees of Members (Panels), hearing and dealing with the final stage of unresolved grievances from Chief and Senior Officers and appeals by such officers against dismissal (including dismissal as a result of redundancy), assimilation, transfer or downgrading”.

(5) In addition, a new section is proposed in the Personnel Management Rules, to be inserted immediately after paragraph 18, as follows:

“Appeals against dismissal arising from redundancy, assimilation, transfer and downgrading

1. Any appeal against a decision not to 'slot' a senior manager to a post graded M or above, a redundancy, transfer or downgrading must be lodged with the Director for Personnel and Development within ten working days of written confirmation to the officer of the decision and must include a written statement of the grounds on which the appeal is made.

2. Appeals will be heard by the Personnel Committee, or a sub committee of that Committee. As far as is practical such hearings will be arranged within ten working days of an appeal being lodged. If the Appeal is heard by a Panel of members then the quorum of such meeting shall include a Cabinet Member.

5. Recommendations

The Committee is invited to approve the following recommendations for consideration and determination by the County Council:

(1) Paragraph 11 (c) of Contract and Tenders Standing Orders (page 126 of the Constitution) be amended as detailed in paragraph 1 (5) above, in order to deal with the reporting of interim manager appointments to Members of the Scrutiny Board;

(2) Paragraph 1.20 (5) of the Rules applying to Council meetings (page 63 of the Constitution) be amended so that the length of the Leader's reply to the opposition Leaders' speeches on his oral report be extended to 5 minutes;

(3) Article 2 (2.3)(2)(m) (page 5 of the Constitution) be amended as detailed in paragraph 3 (1) above, so that there is clarity about the reallocation of constituency work in the absence of a Member; and

(4) the proposed amendment to sub paragraph (g) of the Terms of Reference of the Personnel Committee (page 26 of the Constitution) as detailed in paragraph 4 (4) above and the proposed addition to the Personnel Management Rules (page 50 of the Constitution) as detailed in paragraph 4 (5) above, to clarify the role of the Personnel Committee in hearing assimilation appeals from senior managers.

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Background Papers: None

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By: Alex King, Deputy Leader
Peter Sass, Head of Democratic Services and Local
Leadership

To: Selection and Member Services Committee
19 November 2010

Subject: **Petition Scheme – review**

Classification: Unrestricted

Summary: This report sets out the key issues for consideration in reviewing the Petition Scheme and requests the Committee to make recommendations to the County Council on 16 December 2010.

1. Background

(1) At the meeting of the County Council on 22 July 2010 a Petition Scheme was approved, which came into force on 1 September 2010 (a copy of the Scheme is attached as **Appendix 1**). It was agreed that this would be reviewed after its first few months of operation and a report submitted to County Council on 16 December 2010.

(2) The Committee is being given the opportunity to make recommendations to the County Council amending the Scheme, in order that the necessary consequential changes can be made to the Constitution.

2. Current situation

(1) On 24 September 2010 the Department for Communities and Local Government sent a letter to all Local Authority Chief Executives informing them that the statutory guidance "Listening to communities: statutory guidance on the duty to respond to petitions" had been withdrawn. The County Council is still legally bound to comply with the minimum requirements of all statutory duties but now has more discretion to decide how it wishes to approach petitions locally.

(a) *Summary of legislative requirements*

- The County Council must establish a scheme for handling petitions (excluding petitions relating to planning matters).
- The scheme, and any subsequent amendments to it, must be approved by the County Council and published on the County Council's website.
- Anyone who lives, works or studies in the County Council's area can sign a petition.

- Petitions must be acknowledged and the lead petitioner told how the County Council responds to the Petition.
- The ways in which the County Council can respond to a petition must include the following:
 - Taking the action requested in the petition
 - Considering the petition at a meeting of the authority
 - Holding an inquiry
 - Holding a public meeting
 - Carrying out research
 - A written response setting out the authorities views
 - Referring the petition to an overview and scrutiny committee
 - Petitions that have a certain number of signatures (number to be decided by the County Council) will trigger a debate at the County Council meeting.
 - Petitions that have a certain number of signatures (number to be decided by the County Council) will require a senior local government officer to give evidence at an Overview and Scrutiny Committee
- If requested by a lead petitioner arrangements must be made for an Overview and Scrutiny Committee to review the adequacy of the steps taken to response to the petition.
- To have an e-petition scheme by 15 December 2010.

(b) Summary of discretionary provisions within the now withdrawn statutory guidance (i.e. which could be amended or removed from the scheme):

- Allowing petitions to be signed by visitors to Kent
- Including the following in the list of the ways in which the County Council can respond to a petition :
 - Holding a consultation
 - Holding a meeting with petitioners
 - Calling a referendum
- In cases where the petition is about a matter which the County Council has no direct control, to consider making representations on behalf of the community to the relevant body.
- Giving an indication of how the County Council will deal with petitions that relate to matters which are the responsibility of another Council or for which there is joint responsibility.
- Inviting a lead petitioner for a County Council debate to submit 500 word supporting statement.
- The process for the petition debate at County Council (see paragraph xx below)
- The statement that the County Council will not debate on the same subject within 6 months of a County Council debate.
- The process for calling an officer to give evidence at an Overview and Scrutiny Committee, including being accompanied by the Cabinet Member.

- The length of time for an e-petition to be open for signature – currently up to 3 months.
- The process for administrating an e-petition.
- Inviting a petitioner who wishes the way that their petition has been dealt with to be reviewed, to submit brief details of the reasons.

Petitions

(2) Since the implementation of the scheme, 16 petitions have been received (as set out in **Appendix 2**). There have been three e-petitions, and all the rest are paper petitions. The majority of petitions relate to matters within the remit of Environment, Highways and Waste.

(a) E-petitions.

(3) The number of responses and closing dates for the e-petitions are set out in **Appendix 2**. If none of these petitions achieves the threshold for a County Council debate they will be submitted to the Cabinet Member for a response.

(4) Although the numbers signing the e-petitions are relatively low compared to the majority of paper petitions, it should be borne mind that this is a new facility which the majority of local authorities are not making this available until the statutory requirement comes into force on 15 December 2010. In accordance with the wishes of this Committee, the e-petition page is available one click from the Home page on www.kent.gov. In order to publicise the scheme a press release was issued prior to the meeting of the County Council in October 2010.

3. Issues to be reviewed

(a) Threshold for a County Council debate

(1) A valid petition signed by a specific number of people (number to be agreed by the County Council) must automatically trigger a debate at County Council.

(2) The statutory requirement is that the maximum threshold that can be set is 5% of the total population of the County Council's area (i.e. 70,000 for Kent County Council). The now withdrawn statutory guidance suggested a threshold level of 1% (i.e. 14,000 for Kent County Council). The Selection and Member Services Committee, based on a recommendation from the Informal Member Group on Petitions, recommended a threshold of 12,000 signatures for a County Council debate on a Countywide matter and 1,000 for a County Council debate on a county matter relating to a single district/borough area.

(3) In the limited time that the scheme has been operating no petitions on a countywide matter have reached the 12,000 trigger for a County Council debate. It should be noted that the majority of petitions relate to District matters rather than countywide matters, which is probably to be expected as these matters tend to generate the most public interest.

(4) Set out in **Appendix 3** are the threshold levels for a County Council debate set by other County Councils.

(5) Members should consider if they wish to recommend that the number of signatures required to trigger a debate at County Council on a countywide matter should be amended. The Committee should note that we currently have a live e-petition, which seeks to reduce the threshold for a Council debate to 1000 for a countywide matter and 500 for a single district/borough issue.

(b) Variable thresholds for a County Council Debate

(6) Due to the withdrawal of the statutory guidance, there is now the option to simplify the variable thresholds and deal more flexibly with petitions that relate to district/borough council areas.

(7) Based on our limited experience it would seem likely we will receive more petitions on matters relating to Districts issues rather than Countywide matters. Members may wish to consider whether County Council is the most appropriate forum to discuss these matters. A way forward may be to reserve debates at County Council for Countywide matters that achieve 12,000 (or whatever number the County Council decide is appropriate) and hold any debates on a matter relating to a District, which reaches the threshold, at the next meeting of the appropriate Policy Overview and Scrutiny Committee (POSC).

(8) The advantage of having District matters debated at POSCs rather than County Council would be that the members of the POSC would have developed a detailed knowledge of the subject which would assist them in debating the matter and making recommendations. Cabinet Members attend POSCs, which are open to the public and webcast.

(9) If it was decided to recommend that District/Borough area petitions be debated at POSCs rather than County Council it would need to be remembered that POSCs only meet 5 times a year and these meetings are not spread evenly throughout the year.

(10) Another option is to refer any petition that reaches the threshold for a county matter relating to a District/Borough area and which relates to an Executive matter to be discussed at Cabinet. The advantage of this option is that petitions reaching the relevant threshold will be responded to formally in a more timely fashion because of the frequency of the Cabinet meetings. If this particular option was chosen, it might be also be appropriate to consider whether a formal amendment to the Scheme was required to allow local Members to attend and speak on petitions at Cabinet meetings.

(11) Members are requested to consider whether they wish to make any recommendations to amend the scheme in respect of countywide matters relating to a District/Borough area triggering a debate to County council, either in relation to the threshold levels or moving these debates to meetings of POSCs and/or Cabinet.

(c) Process for a County Council debate

(12) In light of experience of petitions debates at County Council, it would be appropriate to consider whether to amend the scheme to include fully how the debate will be run. There are a number of issues that Members may wish to consider in relation to this:-

(i) Deadline for receipt of petitions

(13) Currently there is no deadline for receipt of petitions for debate prior to the meeting of County Council; the scheme just says that petitions that reach the threshold will be considered at the next meeting of the County Council. Having said that, once the agenda has been published any petition received after that date could only be considered if the Chairman decided they were genuinely urgent. However, in order to make it clear to the lead petitioner when they need to submit their petition if they want it to be considered at a certain meeting of the County Council, it is suggested that Petitions for a County Council debate should be submitted to the Head of Democratic Services and Local Leadership by 5.00pm fourteen days before the meeting, which is the same as for a Time Limited Debate.

(ii) Written statement

(14) In the current Petition Scheme, lead petitions are given the opportunity to submit a statement of up to 500 words at least 2 working days before the meeting. At the County Council meeting on 14 October 2010 all four lead petitioners took the opportunity to do this, which hopefully helped Members to prepare for the debate.

(15) Subject to Members agreeing that this practise should continue, it is suggested that the timescale for receipt of the statement is too short and should be moved earlier to 5.00pm on the Monday of the week before the meeting of the County Council which would enable it to be sent out with the papers for the meeting.

(16) At the last County Council meeting, a brief position statement/briefing note was circulated from the Directorate for each of the petition debates to assist Members and it is considered appropriate that this practise continue, with the same deadlines as for the lead petitioner's statement.

(iii) Timing

(17) The Scheme states that the debate by Elected Members should be for a maximum of 45 minutes, which is based on the timing for a Time Limited Debate. The Scheme also states that the lead petitioner or their representative will be given 5 minutes to present the petition, but is silent about the Local Member and the Cabinet Member speaking.

(18) At the County Council meeting on 16 October 2010, the following process was followed (which is not currently included in the scheme):

- Lead Petitioner – speak for up to 5 minutes
- Local Member – speak for up to 5 minutes
- County Council debate – for up to 45 minutes
- Cabinet Member – respond to the debate for up to 5 minutes.

(19) Members may wish to consider whether the 45 minutes allocated for the debate should start when the Local Member speaks and include the Cabinet Members response.

(20) Members are requested to either recommend to the County Council that the above process or an amended version of it is incorporated into the Petition scheme, including the length and order of speeches during the debate.

(v) Limit number of debates at each County Council meeting

(21) Currently the scheme does not set a limit of the number of petition debates that can be considered at a single meeting of the County Council. As Members will be aware the agenda for the October meeting contained four petitions, although as three were on a similar subject a combined debate was held. Had these four petitions been on different subjects, it would have been very difficult to get through the business of the meeting. The only legal requirement is that a petition that meets the threshold is the subject of a debate at County Council, it does not give a timescale for this. The Petition Scheme, based on the withdrawn model, does state that the County Council will endeavour to consider the petition at its next meeting although on some occasions this will not be possible and it will be considered at the following meeting.

(22) In order to ensure that there is adequate time to consider other business at the County Council meeting, the Committee is asked to consider whether it wishes to consider setting a limit in the Petition Scheme on the number of petitions to be considered at any County Council meeting on a first come first served basis.

(vi) Combining debates on a similar subject

(23) At the October meeting of the County Council, the Chairman agreed to combine the debate on three of the petitions as they related to a similar decision. Members may wish to include a provision within the scheme to do this so that there is clarity for Petitioners.

(vii) Order of Petition debate on County Council agenda

(24) Members are requested to consider whether they wish to recommend that Petition debates are placed on the agenda at a specific point so that all concerned know what time the debate should begin and are not kept waiting for an unreasonable amount of time.

(25) There are two specific places on the County Council agenda where it would be possible to give the lead petitioners a realistic idea of when the debate is likely to take place. These are either after the Leaders' oral report (it is relatively easy to estimate the time that the preceding items will take), or immediately after the lunch break with the agenda being re-ordered if necessary to ensure that the debate is the first item when the meeting re-convenes. The Committee is asked to give guidance on this aspect.

(d) Process for calling an officer to give evidence at an Overview and Scrutiny Committee – debate at POSCs

(26) Contained within the Petition Scheme is the legislative requirement for a petition that reaches the threshold figure (currently half the number required of for a County Council debate i.e. 6,000 for a Countywide matter and 500 for a District related matter) to be called to give evidence to an Overview and Scrutiny Committee. However, as with the debate at County Council, the process for this set out in the scheme is not very detailed. Members' views are sought on making recommendations on the following procedural matters:

(i) Deadline for receipt of petitions, a written statement

(27) It is suggested that the deadline for the receipt of petitions and supporting written statement which meet the threshold for an officer to give evidence at a POSC should be, should be the same as for County Council.

(ii) Process at the meeting

(28) Currently the only reference to the timing of this item is that the lead petitioner will be allowed to address the Committee for up to 5 minutes and to then ask questions to seek new information from the officers for up to 5 minutes (the 5 minutes does not include the officers answers).

(29) There is no provision for the Committee to question the Lead Petitioner or the officer on points of clarification which they might need to do in order to make a recommendation, although there is an expectation that this would happen. Members may wish to add this to the formal process. There is no length of time for the discussion on this item to take, but maybe there is no need to specify this as it would be at the Chairman's discretion.

(30) In addition, the statutory requirement that the lead petitioner be sent a copy of the recommendation from the Committee should be included in the scheme for clarity. If the Committee agrees this needs to be included in the revised scheme.

4. Any other issues that Members may wish to raise

As Members will also have had some experience of the operation of the Petition Scheme, and may have experience of it at District/Borough Council level, there is an opportunity to discuss other aspects of the scheme and to decide if to make any further recommendations to County Council to amend the Petition Scheme.

5. Recommendation That the Selection and Member Services Committee consider whether to recommended that the County Council amendment the Petition scheme in relation to the following:

(a) revising the threshold level to trigger a debate at County Council (paragraphs 3(a)(1) – (5) refer)

(b) countywide matters relating to a District area triggering a debate to County Council, either in relation to the threshold levels or moving these debates to meetings of POSCs or the Cabinet (if relating to an executive matter) (paragraphs 3(b)(6) – (11) refer).

(c) whether Petitions for a County Council debate should be submitted to the Head of Democratic Services and Local Leadership fourteen days before the meeting (paragraph 3(c)(i)(13) refers).

(d) that the deadline for the receipt of the written statement is amended to 5.00pm on the Monday of the week before the County Council meeting and there be a requirement for the Directorate to submit a brief position statement/briefing note to meet the same deadline (paragraphs 3(c)(ii)(14) – (16) refer).

(e) the above timing for the process for a petition debate at County Council (as set out in paragraph 3(c)(iii)(18) above or an amended version of it is incorporated into the Petition scheme.

(f) setting a limit in the petition scheme on the number of petitions to be considered at any County Council meeting. (paragraphs 3(c)(v)(21) – (22) refer)

(g) a provision within the scheme to do combine petitions relating to a similar subject or decision (paragraph 3(c)(vi)(23) refers)

(h) whether to recommend where the Petition debate should be placed on the agenda for the County Council (paragraph 3(c)(vii)(24) refers).

(i) whether the deadline for the receipt of petitions that call an officer to give evidence to a POSC, and the supporting statement, should be the same as for a County Council debate (paragraph 3(d)(i)(27) refers).

(j) clarify the process for the POSC to come to its recommendation and include the requirement that the lead petition is given a copy of the recommendation(paragraphs 3(d)(ii)(28)(30) refers)..

(k) any other amendments to scheme that the Committee wishes to recommend.

Contact:

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Background documents - Nil

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KENT COUNTY COUNCIL

PETITION SCHEME

What are the guidelines for submitting a petition?

Petitions submitted to the County Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the County Council to take.
- the name and address of the petition organiser (this is the person we will contact to explain how we will respond to the petition), and
- the name and address and signature of any person supporting the petition. (Petitions can be signed by people who live, work, study in or visit the County Council's area).

Petitions which are considered to be vexatious*, abusive or otherwise inappropriate will not be accepted and you will be contacted to explain the reasons for this

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines set out above, the County 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 County Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 5 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 already taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a County Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a [planning application](#), is a statutory petition (for example requesting a referendum on having an elected mayor), or on a

matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply.

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.

How will the County 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 one of the Council's overview and scrutiny committees** or in the case of cross cutting issues the Head of Democratic Services and Local Leadership in consultation with the Chairman and Spokesmen of the Scrutiny Board will determine which overview and scrutiny committee will consider the petition
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

The County Council will tell you what it intends to do with the petition within 20 days of receipt of the paper petition or the close of an e-petition.

**Overview and scrutiny committees are committees of Elected Members who are responsible for scrutinising the work of the County Council – in other words, the overview and scrutiny committee has the power to hold the County Council's decision makers to account.

If your petition is about something over which the County 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 County 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 County Council policy), then we will set out

the reasons for this to you. Click on the link to find more information on the services for which the [County Council](#)

If your petition is about something that a different Council is responsible for, or for which we have joint responsibility, 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 for them to respond to or comment on, but could involve other steps. In any event we will always notify you of the action we have taken.

Full County Council debates

If your petition relates to a county-wide matter and contains at least 12,000 signatures it will be debated by the County Council (unless it is a petition asking for a senior council officer to give evidence at a public meeting (see below)). If your petition covers a County Council matter that relates to a specific District Council area it will require at least 1,000 signatures for it to be debated by the County Council. If this matter relates to more than one District Council area then at least a 1,000 signatures per District Council area will be required for the matter to be debated by the County Council.

The County 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 lead petitioner, or their named representative will be invited to attend the meeting and to submit a written statement of no more than 500 words, which should be sent to the Democratic Services Unit (preferably by e-mail) to arrive at least 2 working days before the meeting;

At the meeting of the County Council the petition organiser, or their named representative, will be given five minutes to present the petition at the meeting and the petition will then be discussed by Elected Members for a maximum of 45 minutes. If the lead petitioner, or their named representative, does not attend the County Council meeting then the petition will be considered in their absence.

The County 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 the relevant Cabinet Member or committee.

Where the issue is one on which the County Council's Executive is required to make the final decision, the County 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.

(NB – the County Council will not debate a petition on the same subject within 6 months of a County Council petition debate).

Calling an Officer to give evidence at an Overview and Scrutiny Committee

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 6,000 signatures for a countywide matter and 500 signatures (or multiples) for a County Council matter relating to a District area(s), the relevant [senior officer](#), accompanied by the relevant Cabinet Member, will give evidence at a public meeting of one of the Council's overview and scrutiny committees.

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.

The lead petitioners or their named representative:-

(a) will be invited to attend the meeting and to submit a written statement of no more than 500 words, which should be sent to the Democratic Services Unit (preferably by e-mail) to arrive at least 2 working days before the meeting;

(b) will be allowed to address the Committee for up to 5 minutes to summarise their reviews and to amplify, but not repeat, any points in their written statement;

(c) will then be allowed up to 5 minutes to ask questions of the officer (the 5 minutes does not include the time for answers to be given). These questions should be used to seek genuinely new information. Questions must not be asked to which the member of the public already knows the answer.

E-petitions

The Council welcomes e-petitions which are created and submitted through our website [\[link\]](#). E-petitions must follow the same guidelines as paper petitions (as set out above). 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 remain open for a maximum of 3 months, but a shorter or longer timescale can be agreed with the petition organiser if appropriate.

When you create an e-petition, it may take up to 10 working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website. When an e-petition has closed for signature, it will automatically follow the same process as a paper petition (as set out above)

In the same way as a paper petition, you will receive an acknowledgement within 5 working days of the close of the e-petition. 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 you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

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

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the steps that the County Council has taken in response to your petition are reviewed. All reviews will be considered the Scrutiny Board.

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 County Council's response is not considered to be adequate.

The Board 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 Board determine that the County 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 County Council's Executive and arranging for the matter to be considered at a meeting of the full County Council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website

* In deciding if a petition is vexatious the guidance used for the Freedom of Information act the starting point will be:-

“Deciding whether a [Freedom of Information] request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause”

Approved by the County Council on 22 July 2010
In force from 1 September 2010

Petitions received since 1 September 2010

Subject	Directorate	Type of Petition		No of Signatures	Countywide matter or District specific	Outcome	
		Paper	E-petition (closure date)			Written response	Debate at County Council
Manorbrooke Residential House - Dartford	KASS	√		1390	District		√ (14.10.10)
Cornfields Care Homes, Dover	KASS	√		1816 plus 1873 standard letters	District		√ (14.10.10)
Traffic lights at Coldharbour /B245 -	EHW	√		36	District	√	
Reopening of right turns – A256	EHW	√		1074	District		√ (14.10.10)
Samson Court – Residential and Day Centre – Deal	KASS	√		4200	District		√ (14.10.10)
Permanent Speed Device – Seal Hollow Road, Sevenoaks	EHW	√		11	District	√	
Road calming measures - Vines Lane – Hildenborough	EHW	√		39	District	√	
Speed limit restriction on B2042 through Ide Hill and Gouthurst Common	EHW	√		54	District	√	

Subject	Directorate	Type of Petition		No of Signatures	Countywide matter or District specific	Outcome	
		Paper	E-petition (closure date)			Written response	Debate at County Council
Blackburn Lodge Care Home – Sheerness	KASS	√		243	District	√	
The Limes, Care Home - Dartford	KASS	√		7424	District		√ (16.12.10)
Banning of A Frames	EHW		√ (15.12.10)	60 (as at 10.11.10)	Countywide		
20 mph speed limit around schools	EHW	√		993	Countywide	√	
Objection to proposal to exclude road legal motorcycles from certain byways	EHW	√		11	District	√	
Speed limit on Boxley Rd/Beechen Bank Rd	EHW	√		82	District	√	
Traffic congestion on High Street, East Malling	EHW	√		32	District	√	
Salt Bin Criteria – Borough Green	EHW		√ (09.12.10)	1 (as at 10.11.10)	District		
Threshold for County Council debates	CED		√ (09.12.10)	1 (as at 10.11.10)	Countywide		

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**Examples from other County Councils of thresholds to trigger a debate
at County Council**

County Council	Threshold level	% of total population
Kent County Council	12,000 for a countywide matter	0.85%
	1,000 per district for a district specific matter	Approximately 1% of district population (figure simplified)
Cambridgeshire CC	15,130	2.5%
Cornwall CC	5,000	1%
Devon CC	6,000	1%
Dorset CC	1,000	0.25%
Durham CC	5,000	1%
Essex CC	14,000	1%
Gloucestershire CC	5,000	0.85%
Hertfordshire CC	10,000	1%
Lancashire County Council	36,000	3.1%
Norfolk CC	5,000	0.6%
Northamptonshire CC	15,750	2.5%
Nottinghamshire CC	5000	1%
North Yorkshire CC	29,960	5%
	515 to 1605 (to trigger a debate at an Area Committees)	1% of each District.
Wiltshire CC	11,500	2.5%
	400 – 1000 (to trigger a debate at an Area Board)	2.5% of the community area's population

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