

By: Gary Cooke, Cabinet Member, Corporate and Democratic Services

Peter Sass - Head of Democratic Services

To: Selection and Member Services Committee – 25 April 2014

Subject: Petition Scheme – Review

Classification: Unrestricted

Summary: This report reviews the Petition Scheme as agreed at County Council on 13 September 2012.

Introduction

1. The County Council's scheme for responding to petitions came into force on 1 September 2010 and was last reviewed and by this Committee in July 2012. The Committee made recommendations to the County Council in September 2012 which were approved. The main amendment was to the reduce number of signatures required for a petition debate at County Council on a County wide matter to 10,000 and to introduce a requirement for a petition debate at a Cabinet Committee if 2,500 signatures were received. A copy of the current scheme is attached as **Appendix 1**

Petition Scheme

2. (1) The Petition Scheme sets out for the public the process for submitting a valid petition, either a paper petition or an e-petition. The Petition Scheme makes it clear that if a valid petition is submitted it will receive a response and, depending on the amount of signatures, it may lead to a debate at County Council, a Cabinet Committee or be referred to another appropriate meeting.

(2) Set out below are the signature threshold levels required to trigger the different types of response. It should be noted that all petitions will receive a written response.

Type of Petition	Number of Signatures	Response
County Council Matter relating to a specific District Area	Less than 1,000	Written response to petition organiser from the appropriate Cabinet Member setting out what action, if any, is going to be taken.
County Council Matter relating to a specific	1,000 or more	Referred for debate at the most appropriate

Type of Petition	Number of Signatures	Response
District Area		meeting e.g. Local Forum/Board or Joint Transportation Board
County Council matter	Less than 2,500	Written response to petition organiser from the appropriate Cabinet Member setting out what action, if any, is going to be taken.
County Council matter	2,500 and 9,999	Debated at the appropriate Cabinet Committee and petition organiser invited to speak on the petition.
County Council matter	10,000 or more	Debated at County Council and petition organiser invited to speak on the petition.

Petitions Received

3. (1) The petition scheme is administered by Democratic Services. The majority of petitions received are paper petitions but the County Council does provide a facility for e-petitions to be hosted on Kent.gov. http://www.kent.gov.uk/your_council/have_your_say/petitions.aspx.

Although there are fewer e-petitions submitted compared to paper petitions they do have the potential via social media etc to generate a high numbers of signatures.

(2) Attached as **Appendix 2** is a list of petitions received from 1 August 2012 to 31 March 2014. The majority of petitions received relate to highways and transportation matters with high profile issues such as the changes to Children's Centres attracting a number of large petitions in a short space of time.

(3) Prior to the amendment to the Petition Scheme in September 2012, there were a number of petitions which led to a debate at County Council, the majority of which related to a County Matter in a District area. Although this raised the profile of the issue, the majority of these related to executive functions so the County Council could only make recommendations to the relevant Cabinet Member as to how s/he should respond to the petition.

(4) Since the scheme was amended and the threshold for a petition debate at County Council lowered from 12,000 signatures to 10,000 signatures and provision made for a debate at a Cabinet Committee for petitions achieving 2,500 signatures there has been one debate at County Council and one debate at a Cabinet Committee. There is due to be another debate at a Cabinet

Committee in April 2014 on extending the Freedom Pass to 18 year olds due to the submission of a petition containing 3114 signatures.

(5) The debate at County Council in July 2013 related to the extension of the Kent Freedom Pass triggered by a petition of 10,089 signatures.

(6) A petition debate on the proposed changes to Kent's Children's Centres, was held at the meeting of the Social Care and Public Health Cabinet Committee on 5 December 2013, following receipt of a petition containing 3,234 signatures. At the same meeting the Committee considered the decision to be taken on this matter by the Cabinet Members and had the opportunity to take into account the petition debate in considering what comments and recommendations to make to the Cabinet Member on this decision.

(7) Petitions relating to County Council Highways matters for a District area which achieve 1,000 signatures or more will be referred to the appropriate Joint Transportation Board (JTB). During this period one such petition was referred to the appropriate JTB. However, a number of other petitions which did not achieve 1,000 signatures but related to matters under consideration by the JTB were referred to at the appropriate JTB meeting.

Conclusion

4. The Cabinet Member for Corporate and Democratic Services is of the view that the scheme last revised in September 2012 is working well and providing the residents of Kent with a clear and transparent way of making their views known to the County Council during the decision-making process, which includes the provision for petitions containing certain numbers of signatures to be debated formally at a Member level body. Accordingly, no further changes are recommended to the current scheme at this time but it is suggested that the Committee should review the scheme again in 18 months' time.

<p>4. Recommendation: The Committee is requested to note the update on petitions received and that a further review will be undertaken in 18 months' time.</p>

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Background Information: *None*

Petition Scheme

1. What are the guidelines for submitting a Petition?

- (a) Petitions submitted to the County Council must include:
 - (i) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the County Council to take.
 - (ii) 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
 - (iii) the name and address and signature of any person supporting the petition (petitions can be signed by people who live, work or study in the County Council's area).
- (b) 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.
- (c) * In deciding if a petition is vexatious, the starting point will be the guidance used for the Freedom of Information Act:

"Deciding whether a 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"
- (d) 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.
- (e) Petitions for a County Council debate should be submitted to the Head of Democratic Services at least 14 days before the next available meeting. The Chairman shall have discretion to accept petitions on urgent matters after that deadline following consultation with the political Group Leaders.
- (f) 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.

2. What will the County Council do when it receives my petition?

- (a) 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.
- (b) 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, 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.

- (c) 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.
- (d) 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.

3. How will the County Council respond to petitions?

- (a) The County Council will tell you what it intends to do with the petition within 20 working days of receipt of the paper petition or the close of an e-petition.
- (b) Each Petition that does not have the required number of signatures to trigger a debate will receive a written response from the appropriate Cabinet Member(s), which will set out their views on the petition and what action, if any, will be taken.
- (c) 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 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. You can find more information on the [services](#) for which the County Council is responsible here.
- (d) 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.

4. Petition debates

- (a) If your petition relates to a County Council matter that relates to a specific District Council area and contains at least 1,000 signatures it will be debated at the most appropriate local meeting (usually a Local Board, Locality Board or Joint Transportation Board).
- (b) If your petition relates to a County Council matter and contains between 2,500 and 9,999 signatures, it will be debated at the appropriate Cabinet Committee.
- (c) If your petition relates to a County Council matter and contains at least 10,000 signatures, it will be debated by the County Council.

5. County Council and Cabinet Committee debates

- (a) The County Council or relevant Cabinet Committee 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. No more than two separate petition debates will take place at any County Council or Cabinet Committee meeting.
- (b) 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 by 5:00pm on the Monday of the week before the County Council or Cabinet Committee meeting. The relevant Directorate should also submit a brief position statement/briefing note by the same deadline;
- (c) At the meeting of the County Council or Cabinet Committee 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. The relevant Cabinet Member will be invited to speak for up to five minutes on the Petition. The total time for a petition debate will be 45 minutes. If the lead petitioner, or their named representative, does not attend the County Council or Cabinet Committee meeting then the petition will be considered in their absence.
- (d) The County Council or Cabinet Committee 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.
- (e) Where the issue is one on which the County Council's Executive is required to make the final decision, the County Council or Cabinet Committee will decide whether to make recommendations to inform that decision.

- (f) The petition organiser will receive written confirmation of the Council's or Cabinet Committee's decision, which will also be published on our website.
- (g) The County Council or Cabinet Committee will not debate a petition on the same decision/issue as one debated within the previous six months.

5. E-petitions

- (a) The Council welcomes [e-petitions](#) which are created and submitted through our website. 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.
- (b) 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)
- (c) 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.

7. How do I 'sign' an e-petition?

You can see all the [e-petitions](#) currently available for signature on the Council's website. 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.

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

- (a) 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 by the Selection and Member Services Committee.

- (b) 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.
- (c) The Selection and Member Services 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.
- (d) Should the Selection and Member Services Committee 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.
- (e) 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

Approved by the County Council on 13 September 2012

List of petitions received

Petitions received 1 August 2012 –14 February 2014

Subject	No of signatures
Growth, Environment and Transport Petitions	
Tree Planting on Old Dover Road and The Foreland	58
Warnett Court and Willowside request for street lighting	53
Traffic Calming in West Street Deal	106
Extending 30mph on A274	254
Installation of Speed Camera on College Road	102
A262 – A28 Highway Proposal	108
Reduction in speed limit on the A224 Orpington Bypass and road safety/traffic calming on A224 and Old London Road	65
Grove Green Lane / Weaving Street - dangerous junction	57
Safety improvements to the highway on Childsbridge Lane between Seal and Kemsing, Kent, TN15	34
Retain speed limit on Childsbridge Lane between Seal and Kemsing, Kent, TN15	2
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Keep Kent's streetlights on	195
Pedestrian crossing request on Major Yorks Road	192
Approve the floodlight application at The Skinners' Kent Academy	147
Bus service required hourly from Peregrine Drive to Sittingbourne town centre	64
The state of Nursery Close, Sheerness	20
Road safety measures on Sheals Crescent, Postley Road & Hayle Road	809
Bring back the 490 bus	56
Speed limit in Mountain Street to be reduced to 20 MPH	40

Subject	No of signatures
Request for a zebra crossing at the Coop, Faversham Rd. Or 20mph speed limit / speed bumps	24
Improve the road safety of Four Elms crossroads x 2	225
Safe crossing request outside of Eastchurch Primary School	80
The Cinque Ports cycle way	1514
Request for footpath from the village hall to Bensted Close so they can provide a walking bus service.	34
Grass verges on Birdwood Estate being damaged by parking - request for area to be tarmaced	2
Strong opposition - bus lane Sutton Road/Loose Road.	899
81-106 Beagles Wood Road - parking issues	14
Lack of street lighting serving approach to front doors of dwellings - Pippin Way.	12
Plans for surplus street lighting switch off .	87
We the undersigned petition the council to re-install a barrier/gate at the top of Hythe high street to stop vehicles accidentally driving down the high street during pedestrian hours (11-3pm).	57
We the undersigned petition the council to I would like a zebra crossing installed outside Cliftonville primary school. Northumberland avenue Margate Kent.	19
Damage to properties from HGV vibrations.	10
Road safety -- Pedestrian crossing, speed camera and interactive signs request.	124
We the undersigned petition the council to Consider on safety grounds a reduction in the speed limit on the A260 Densole, through the main part of the village.	260
We the undersigned petition the council to restrict the speed along routes to Broadstairs schools to 20mph and actively enforce this through creation of safer crossing points, clearer signage and road markings, and more parking restrictions outside schools.	294
Yalding weight restriction zone.	54

Subject	No of signatures
Zebra Crossing at Cliftonville Primary School.	427
campaign to improve the "Tank" roundabout on the A28 in Ashford, particularly when driving from Templer Way onto Chart Road.	221
Remove the wooden posts on the pavement of Read Way.	43
Speed limit request - Brenchley Rd & Coppers Lane, Matfield.	503
Re-routing of bus services via London Road.	112
Request for an earlier bus through Wittersham village to Tenterden.	175
Road safety measures on Ramsgate Road, Margate	19
Kent County Council: Introduce Traffic Calming Measures in Eynsford.	166
Repairs to be undertaken to improve the condition of The Sheilings. .	12
New pedestrian crossing - A224 London Road, Riverhead.	661
Residents of St Philips Court, Sandhurst Road - parking arrangements at the entrance/exit.	66
Residents of Trinity Gardens, Dartford - parking issues.	33
Ashen Tree Cottages, Preston Hill - speeding traffic.	15
Planted areas in Mollinson Rise – proposals.	12
Petition for double yellow lines on Bessels Green Road and Park Place, Bessels Green, TN13 2QA.	173
Petition for double yellow lines outside George & Dragon, Chipstead, TN13 2RQ	159
Freedom pass extension 16-18 year olds.	10,098
Parking on Wellfield near Ash Road junction.	33
Provision of street lighting and safe pavements in Maytham Rd (between Village Hall and Glebe Field).	44

Subject	No of signatures
Safe pedestrian crossing on Lansdowne Road, Tunbridge Wells.	Current e-petition (14)
Proposal for addition of grass reinforcement protection mesh on green area to facilitate parking.	13
Public footpath to be put down Bekesbourne Lane, Canterbury.	2
A mirror at the junction of Tenterden Way and Millmead Road.	11
Speed reduction to 30mph and pedestrian crossing on Bradbourne Vale Road Sevenoaks.	191
Belton Close, Whitstable proposal for addition of a grass reinforcement protection mesh on green area to facilitate parking.	15
A251 Leaveland-Faversham condition	Current e-petition (24)
Scrap the £350 cap on Kent Freedom Pass	Current e-petition (4637)
Second Avenue, Sheerness – damage to grass verges and request to introduce parking lay-bys	18
Remove the road hump on the Grove Park estate	100
Freedom pass extension 16-18 year olds	3114
Provision of a pedestrian crossing in Church Road, Folkestone	Current e-petition (42)
More Bridleway Access	Current e-petition (92)
Kent Plant Pots outside “Crafted Naturally”	Current e-petition (25)
Horn Street Bridge	Current e-petition (45)
Young Persons Travel Pass for those 16 -19 to the same level as the proposed travel pass	Current e-petition (1983)
Parking on verges – Second Avenue Sheerness	18
Petition against the waiting restrictions – Bevan Close, Deal	19
Freedom Pass – extend post 16	117
Rainwater drainage problems – Hastings Road, Pembury	9
Bus overcrowding – 638 Whitstable	54
Turn Charing Hill’s Street Lights back on at night	37

Subject	No of signatures
Ingraham Road – Street Lights – turn back on at night	26
Langley Parish Council – 30mph A274	148
Close Honeysuckle Road Ramsgate to through traffic	16
Education and Young People	
Save Briary Children's Centre.	242
"The Marden Parent Action Group is opposed to the closure of Marden Children's Centre, especially at a time when we need more community services due to the expansion plan for the village".	335
Do not reduce the opening hours of Temple Hill Sure Start Children's Centre.	170
We call upon Kent County Council to commit to keeping every Sure Start Children's Centre in Kent open and fully funded	3234
Asking KCC to consider options other than closure for Children's Centres	55
FACES of Kent	113
Against the closure of Chaucer School	549
Other Petitions	
Save Kent's Badgers from culling	193
Reduce Number of Kent Councillors	16
Tomorrows People – Key Worker in the Parkwood and Shepway area of Maidstone	20
Cruelty free cleaning products to be used by KCC	Current e-petitions (44)
TOTAL No. of Petitions received - 91	

The petitions in **bold** have triggered a debate at County Council/Cabinet Committee/JTB