



Crawley Borough Council

Report to the General Purposes Committee 29 September 2014

Petitions Scheme

Report of the Head of Legal and Democratic Services LDS/090

1. Purpose

- 1.1 The Cabinet will be asked at its meeting on 8 October 2014 to consider whether any changes should be made to the Petitions Scheme following the repeal of the Localism Act 2011 of the requirement (under the Local Democracy, Economic Development and Construction Act 2009) to have a Petitions Scheme (including an e-petitions facility).
- 1.2 The Council's Petitions Scheme approved by Full Council on 21 July 2010 was based on a model scheme since withdrawn by the Government. It enables anyone who lives, works or studies within Crawley, including under 18s, to organise or sign a petition on any matters for which the Council has responsibility or is able to influence other than those matters specifically excluded under the scheme.

2. Recommendations

- 2.2 To the General Purposes Committee:

That the Committee note:

- i) the report;
- ii) the operation of the scheme to date; and
- iii) proposals for the revision of the Council's Petitions Scheme to be considered by the Cabinet on 8 October 2014 before being determined by Full Council on 22 October 2014.

3. Reasons for the Recommendations

- 3.1 In July 2010, when approving the new Petitions Scheme, the Full Council also agreed that the Head of Legal and Democratic Services, as the designated Petitions Officer, be instructed to keep the operation of the Petitions Scheme under review and to report back on its operation to the General Purposes Committee.

4. Background

- 4.1 The Local Democracy, Economic Development and Construction Act 2009 introduced a statutory requirement for all Local Authorities to have a Petitions Scheme including an e-petition facility for handling petitions. The duty to have a Petitions Scheme was effective from June 2010 and the duty to have an Electronic Petition facility was effective from December 2010.
- 4.2 The Council's Petitions Scheme was approved by Full Council on 21 July 2010 following consideration by the Overview & Scrutiny Commission and Cabinet in June 2010.
- 4.3 The Council's scheme was based on a Model Scheme and the requirements in the 2009 Act since withdrawn by the Government. It enables anyone who lives, works or studies within Crawley, including under 18s, to organise or sign a petition on any matters for which the Council has responsibility or is able to influence other than those matters specifically excluded under the Scheme.
- 4.4 The Council welcomes petitions, which can help to inform debate and result in changes which can have a positive impact on local people, for example, by:
 - bringing an issue to the attention of the Council for it to consider
 - providing another way for local people to let us know their views and demonstrate their strong support for or opposition to something that the Council is doing.

5. Summary of Petitions Received Since the Introduction of the Petitions Scheme

- 5.1 The Council has received 14 petitions (some of which had less than 50 signatures). 7 petitions triggered a debate at Full Council (4 subsequently referred to Cabinet). Of the remaining 7 petitions, 1 was referred to WSCC, 5 were passed to service departments and 1 referred to the Cabinet. A copy of the Petitions Register which outlines the current status of each petition received and is available on the Council's website is attached as **Appendix 1**.
- 5.3 E-petitions potentially will enable the petition and supporting information to be made available to a much wider audience which may help get more people to sign the petition. The Council previously had an e-petition facility provided by Inovem which went live in March 2011. However, Crawley has since withdrawn from this facility essentially for the following reasons:
 - i) the legal requirement to have an e-petitions scheme had been repealed;
 - ii) to save an annual maintenance cost of £1,450;
 - iii) our e-forms provider, Firmstep, could provide an e-petitions scheme free of charge.
- 5.4 Furthermore, only 3 e-petitions were received during the 20 months the e-petitions facility was available but none of these went live to invite on-line signatures for following reasons:
 - a) the Principal Petitioner withdrew the petition (on subsidised rates to those in receipt of benefits etc.) after the Leisure Officer clarified a few matters and Freedom Leisure made some changes.

- b) Rejected because highways matter & the Principal Petitioner was referred to WSCC's e-petition scheme.
 - c) Withdrawn by Petitions Officer after the Principal Petitioner failed to provide full contact details and respond to further requests to correct their petitions statement which misrepresented the Council's proposals for Tilgate Park.
- 5.4 Some petitioners use an independent e-petitions facility such as 'Change.org'. This e-petitions facility is a website offering a large, open petition platform. Anyone can use the platform regardless of who they are, where they live, their beliefs or values. However, some such facilities were not consistent with the Council's Petitions Scheme and it was often not possible or very difficult to verify that the signatories lived, worked or studied within Crawley.
- 5.5 Nevertheless, 4 e-petitions directed at the Council have been registered on Change.org although only 2 have been submitted to the Council to date. The two e-petitions actually received (on Ewhurst Playing Fields Cemetery proposals and on Leacroft, 117 Ifield Road) were also received in paper format and subsequently considered at Full Council and referred to Cabinet for consideration. Community Services and Democratic Services are currently liaising with the Principal Petitioner on their request for streetboarding facilities. The fourth e-petition, seeking to save Lowfield Heath Church, currently has less than 50 signatures.
- 5.5 The Council has been working with its e-forms provider (Firmstep) to implement a new e-petitions facility providing an active system for creating, signing and viewing petitions online will shortly. This e-petitions facility can be reconfigured/redesigned to accommodate and be consistent with the Council's Petitions scheme and any changes thereto can be made available fairly quickly. The new e-petitions had not yet gone live before this report was finalised. However, it will be live before the Committee considers this item on 29 September 2014.

6. Review of the Petition Scheme

- 6.1 The original Petitions Scheme was based on the Model Scheme and following the repeal, a review has been undertaken of the petitions received to date and how they were dealt with (as outlined in paragraph 5.1). Based on this review, various changes to the Petitions Scheme will be put to the Cabinet to recommend to Full Council and, subject thereto, the Constitution will need to be amended accordingly. The proposed changes to the Petitions Scheme are outlined under paragraphs 6.2 and 6.4 – 6.6 below.
- 6.2 Petitions with over 500 signatures seeking to hold Senior Council Officers to account will no longer automatically trigger debate at the Overview & Scrutiny Commission (OSC) alone. Instead, the threshold for petitions seeking to hold officers to account will be reduced from 500 to 50 signatures and all such petitions will trigger debate at whichever or with whoever has the authority to take decisions on the matter i.e. either with the Cabinet, Committee or Sub-Committee or referred to the Cabinet Member. This change is proposed for the following reasons:
- i) the OSC has no decision making powers as such and will only be able to make recommendations. This can cause delays in resolving the matter and also can be confusing to and frustrating for petitioners;
 - ii) petitions can still be referred to the OSC for further consideration following the initial debate by the Cabinet or appropriate decision-maker;

- iii) no petitions seeking to hold Senior Council Officers to account have been received to date;
 - iv) the reduction in the threshold for petitions seeking to hold officers to account from 500 to 50 signatures will simplify the scheme by having 2 main thresholds (50-999; 1,000+) rather than 3.
- 6.3 Petitions requiring debate (with 1000 signatures or more) will continue to be debated at the next Full Council (unless senior officer to give evidence or less than 10 days notice given). As under the current scheme, potentially the Full Council may continue to consider some petitions with 50-999 signatures where it has the authority to take decisions on the matter.
- 6.4 The Council's Petition Scheme includes a right to request a review of the steps taken in response to a petition if the Principal Petitioner believes that the petition has not been dealt with properly. The review is currently to the Overview and Scrutiny Commission which has considered just 1 review since 2010 (on the Three Bridges Multi-Use Games Area (MUGA)). It is not a right of appeal as such and, in effect, the petition could be considered to be an appeal against a Council decision to do or not do something. Therefore it is officers' recommendation that the opportunity to request a review of the steps taken in response to a petition be removed and if the Principal Petitioner considers that the Council failed to act adequately in its response to the petition they should submit a complaint under the Council's Complaints Procedure.
- 6.5 The now repealed legislation contained an obligation to have a debate at Full Council meetings in response to a petition that contained the required number of signatures. However, the Council could be restricted in its ability to debate in order not to compromise ongoing consultations. Therefore there is a risk of disappointment from petitioners who were expecting to witness a robust debate and resolution of their concerns. It is recommended that petitions relating to a public consultation will be dealt with as part of the consultation and this guidance be included within the scheme.
- 6.6 It is usually preferred that petitions be received either in paper or electronic form as hybrid petitions can be more difficult to administer, check and verify. However, it is proposed that hybrid petitions should now be accepted although this provision may need to be reviewed if it causes significant difficulties.
- 6.7 Flowcharts containing the key points for the petitions scheme and e-petition facility (incorporating the new proposals) are set out as **Appendices 2 and 3** respectively.

7. Implications

- 7.1 The Petitions Scheme and E-petition Scheme have been delivered with existing staffing resources.

8. Background Papers

Report [LDS/21](#) considered by the Overview & Scrutiny Commission (and [minutes](#) - 14 June 2010) and Cabinet (and [minutes](#) - 16 June 2010)
[Minutes](#) of meeting of Full Council held on 21 July 2010
[Crawley BC's Petitions webpage](#)

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CRAWLEY BOROUGH COUNCIL PETITIONS SCHEME

Register of Petitions received since Scheme approved by Full Council on 21 July 2010

No.	Petition Statement	Number of Signatures	Petition Organiser/ Principal Petitioner	Date received by CBC	Date acknowledged by CBC	Current Status
1.	The undersigned residents of Three Bridges are strongly opposed to any further development in Three Bridges	1083	Mr R Sharpe	6 August 2010 By Hand	10 August 2010 Letter	Considered at Full Council on 20 October 2010 which decided that the Petition be referred to the Local Development Framework (LDF) Working Group for full discussion on the issues raised.
2.	We are against having to pay to park outside our own homes and we are against the increase of our parking permits and our visitors books because the cost is becoming too much for residents to afford.	66	Mr E Cave	28 October Letter	3 November 2010 Letter	Passed to WSCC for action. For current status, see petition number 19 in the petitions list on the petitions page on their website www.westsussex.gov.uk
3.	The undersigned persons are fervently opposed to the building of any structure on the area of land known as Jubilee Field (West) in Three Bridges. This petition requests that the proposal by CBC to build a MUGA (Multi Use Games Area) on the above mentioned area be cancelled and the structure be relocated and built on the east area of Jubilee Field (Church End).	1062 (936 Crawley addresses + 126 addresses outside Crawley)	Mr A Bell	1 November 2010 By Hand	3 November 2010 Letter 15 November 2010 Letter	1) Considered at Full Council on 15 December 2010 which decided that the decision with regard to the location of the MUGA on the area of land known as Jubilee Field in Three Bridges be made by the Portfolio

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						<p>Holder for Leisure and Cultural Services under powers delegated to him.</p> <p>2) Review subsequently requested by Petition's Organiser and be considered at the Council's Overview and Scrutiny Commission on 7 February 2011.</p> <p>3) The Commission agreed that:</p> <ul style="list-style-type: none"> a) the steps taken by the Council in respect of the MUGA petition were appropriate. b) the Council's response to the MUGA petition was adequate. c) the Head of Legal and Democratic Services, as the Council's Petitions Officer, be requested to action the Commission's comments where required and

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						feedback thereon. Further details available in the decision letter dated 16 February 2011 and minutes .
4.	We, Vision in Youth Collective, and friends from around Crawley would like to protest at the idea of The Hawth being turned into a Trust or sold. As young people we are passionate about music and the arts and believe that the Hawth should remain in the direct control of Crawley Borough Council – NO MATTER WHAT THE COST	33	Chair of ViYC	28 October 2010 By Hand via The Hawth	10 November 2010 Email	Less than 50 signatures and therefore does not fall within the Council's petition scheme. A report of the Hawth Working Group on management options for the theatre will be considered by the Cabinet - probably on 30 November 2011.
5.	The Crawley Council intend to sell The Hawth Theatre which could result in the Hawth being leased to a commercial organisation with or without arts development. We are trying to persuade the Council to retain the management of the Hawth but re-organise how it is run.	41	Cedar Lodge	28 October 2010 Letter	9 November 2010 Letter	Less than 50 signatures and therefore does not fall within the Council's petition scheme. A report of the Hawth Working Group on management options for the theatre will be considered by the Cabinet - probably on 30 November 2011.

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6.	For the trees on Mr Khan's land to be lopped to a safe height and hedges/undergrowth maintained to prevent rat habitat and potential danger of falling trees.	37	Residents of Friars Rookery	20 June – by hand via Amenity Services and local Councillors	Letter sent by Amenity Services dated 7 July 2011	Less than 50 signatures and therefore does not fall within the Council's petition scheme. The letter sent by Amenity Services to the Principal Petitioner, dated 7 July 2011, explains what action can and will be undertaken.
7.	The Petition asks that the Council do not turn the walkway between Chichester Close and Ashdown Drive into a road. They want the walkway and green strips retained	60 (+ 37 signatures who did not give their address)	Mrs S Mason	25 October 2011 by hand	15 November 2011	This Petition does not fall within the Council's petition scheme as it is in response to the Council's consultation. This petition and all responses to the Consultation will be considered by the Council in order to inform the future proposals for the development of these sites. Passed to Housing Enabling Development Manager and Head of Strategic Housing and Planning Services.
8.	We the undersigned residents of Canterbury Road, Chichester Close, Winchester Road and Durham Close, who will be the persons directly	91	Mr J Nower, Mr J Hill and Mrs A	9 November 2011 by hand via Cllr Lanzer	15 November 2011	This Petition does not fall within the council's petition scheme as it is in

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	affected by the proposal completely oppose the building on the children's play park and the green space behind the garages.		Widmark			response to the council's consultation. This petition and all responses to the Consultation will be considered by the Council in order to inform the future proposals for the development of these sites. Passed to Housing Enabling Development Manager and Head of Strategic Housing and Planning Services.
9.	We, the undersigned residents of Tilgate, call on Crawley Borough Council's Cabinet to reverse the decision to offer green open space at Ely Close for housing development and to retain the site as amenity space for the continued enjoyment of the local community.	357 (342 from Tilgate)	Mr S Fawcett	29 February 2012	1 March 2012 6 March 2012	This petition was considered at the meeting of the Cabinet held on 21 March 2012 and it was agreed that the report and the petition received be noted, and that no further action be taken. The reasons for taking this approach are set out in the letter sent to the principal petitioner and the minutes of the cabinet meeting .

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10.	We, the undersigned, oppose the bedroom tax and ask Crawley Borough Council not to evict tenants over this.	1,004 + (verified)	Mr Robin Burnham on behalf of Crawley Independent Tenants Association	28 June 2013	28 June 2013 11 July 2013 7 August 2013	This Petition was considered at the meeting of Full Council on 24 July 2013 . It was resolved that the Petition be noted, but that the action requested in the Petition be not taken. The reasons for taking this approach are set out in the letter sent to the principal petitioner and the minutes of the Full Council meeting.
11.	Save Ewhurst Playing Fields from becoming a Cemetery We, the undersigned, petition the Forward Planning Department at the Development & Resources Directorate of Crawley Borough Council. <ul style="list-style-type: none">• We object to the proposal to change the use of Ewhurst Playing Fields to a Cemetery as described in the Crawley 2029: Additional Sites Allocation Consultation Documentation 3 June – 1 July 2013.• We believe that Ewhurst Playing Fields are more than sports pitches, they also offer attractive open green spaces, for local people to enjoy, and should remain so for the	1,346 (comprising 152 paper signatures & 1,194 e-signatures (verified))	Mr W M Deacon	2 July 2013	4 July 2013 11 July 2013 6 August 2013	This Petition was considered at the meeting of Full Council on 24 July 2013 . It was resolved that the concerns and issues raised in the Petition be noted for consideration as part of the decision-making process on the cemetery and the Submission Draft Local Plan at the 9 October 2013 Cabinet and the 23 October 2013 Full Council.

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	future.					At the meeting of the Cabinet on 13 November 2013 it was resolved to reject Ewhurst Playing Fields as a potential site for a replacement/new cemetery for Crawley. Further details can be found in the attached minutes.
12.	To object to the Council's proposals for housing (and any other) development on Bewbush West Playing Fields and Breezehurst Drive Playing Fields. Furthermore, the Principal Petitioner has requested (in a covering letter but not on the signed petition pages) that in light of a complete lack of awareness of the local residents and communities, the consultation period for the proposals be extended, with further advertisement and public advertisement of the proposals.	284 (verified)	Mrs C Cook	2 July 2013	4 July 2013 11 July 2013 6 August 2013	This Petition was considered at the meeting of Full Council on 24 July 2013 . It was resolved that the concerns and issues raised in the Petition be noted for consideration as part of the decision-making process on the Submission Draft Local Plan at the 9 October 2013 Cabinet and the 23 October 2013 Full Council. However, the Submission Draft Local Plan currently has yet to be approved by Full Council.

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13.	<p>List 117 Ifield Road for local importance – Vanessa wants to save the building and locally use it</p> <p>The summary below was submitted by the Principal Petitioner together with the petition (but had not been included on the signed petition pages):</p> <p>We, the undersigned, petition Crawley BC to save “Leacroft” 117 Ifield Road, West Green from destruction. The residents of West Green and Crawley do not want the building to be knocked down and replaced with any new build. We ask that the Council purchase the building for the local residents to use as a community hub for the residents to have a place to meet and have somewhere to use as a community space, access advice and health services which would be beneficial to the wider community of Crawley. We also ask that Crawley BC widen its’ conservation area and place the building within it and list the building for local importance. “Leacroft” 117 Ifield Road has many period architectural features that are unique and significant to the residents of Crawley but the building also has important intangible significance to the people of West Green and the wider community of Crawley.</p>	1028 (verified)	V Cumper	7 February 2014	13 February 2014 3 March 2014	<p>This petition was considered at the meeting of the Full Council on 26 February 2014. It was resolved that the proposals requested in the petition be referred to the Cabinet for further consideration. It is currently programmed to be considered at the Cabinet meeting to be held on 2 July 2014.</p> <p>Report considered by the Overview & Scrutiny 30 June 2014 Commission and debated at Cabinet 2 July 2014.</p>

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14a	<p>WEDNESDAY MARKET SHUTS</p> <p>Crawley council has shut <u>Queens Square Wednesday Market</u>, This puts <u>Friday and Saturday High Street Market</u> in jeopardy because we rely on Wednesdays to keep our business going!</p> <p>You may possibly lose all markets in the town very soon. <u>Do you want all markets to be held in queen's square?</u>"</p>	1,152 (verified)	Sandy Turner	26 February 2014	4 March 2014 29 April 2014	As both of these petitions requested the same thing (for the market to remain in Queens Square) and with the agreement of both Principal Petitioners, both petitions were considered as one petition at the meeting of the Full Council on 23 April 2014 when it was agreed that:
14b	<p>"SAVE OUR MARKET</p> <p>We, the undersigned, call on Crawley Borough Council to keep the Wednesday, Crawley Market, in its present venue, in Queen's Square.</p> <p>Furthermore we call on the Council to seriously consider moving the market into Queen's Square, on a Friday and Saturday.</p> <p>Moving the Market back into the High Street, at this time, would sound the death bell for this facility.</p> <p>There is not enough foot-fall in the High Street to produce the number of customers, to keep the market alive. Queen's Square also has massive problems, at this time, in attracting visitors and shoppers. The market, on a Wednesday is a popular attraction and brings bustle and life to the Square."</p>	418 (verified)	Sue Mullins	26 February 2014	4 March 2014 29 April 2014	<ul style="list-style-type: none"> • a detailed, evidence-based report considering all the arguments relating to this issue, including those issues set out in the Notice of Motion presented at Full Council on 23 April 2014; • the report requested be considered by the Overview and Scrutiny Commission and the Cabinet at the earliest opportunity. • in view of this, the concession extended to market traders enabling them to operate in

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						<p>Queens Square will be maintained pending the outcome of this review.</p> <ul style="list-style-type: none"> • a report will be presented to the Overview & Scrutiny Commission and Cabinet on <u>30 June 2014</u> and <u>2 July 2014</u> respectively. • Report considered by the Overview & Scrutiny Commission <u>30 June 2014</u> and Cabinet <u>2 July 2014</u> provided recommendations for improvements to the current market offer, commencing with a consultation exercise. Further report will be submitted once consultation is complete.

(Updated: 28.8.2014)

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