

Part 4

Council Petition Scheme

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Council Petition Scheme

We welcome petitions as one way in which you can let us know your concerns. We set out below how the authority will respond to petitions which you send us.

This scheme does not cover the process for dealing with petitions received in response to Planning or Licensing applications as they are dealt with under separate procedures.

Further information can be obtained from the relevant department.

1. What is a petition?

We treat any communication which is signed by or sent to us on behalf of at least 10 signatories as a petition. It is not a requirement that you live, work or study in the Borough and we would take equally seriously a petition from, for example, 10 visitors on the subject of one of our visitor attractions. People under 18 can submit and sign petitions.

2. What should a petition contain?

a) A clear statement of your concerns and what you would like the authority to do. This must relate to something which is the responsibility of the authority, or over which the authority has some influence. Where a petition relates to a matter over which the authority has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision.

b) The name and contact details of the “petition-organiser” or someone to whom you would like any correspondence about the petition to be sent.

c) The names, addresses and signatures of at least 10 petitioners (which can include the petition organiser).

Where the petition is in paper form, this must include an actual signature from each petitioner. Where the petition is to be reported to full Council, it will need to contain the required minimum number of signatures (see below).

d) The minimum number of signatories for the appropriate decision-making body.

3. Who should you send a petition to?

The Democratic Services Manager is responsible for receiving, managing and reporting petitions to which this scheme applies.

You may submit a petition via our website (www.testvalley.gov.uk) or in paper/electronic form. Please address paper/electronic petitions to the Democratic Services Manager at:

Test Valley Borough Council, Beech Hurst, Andover, SP10 3AJ or

admin@testvalley.gov.uk

The Democratic Services Manager will acknowledge receipt of the petition and enter the petition details on the authority's petitions website. The website is regularly updated with information on the progress of petitions.

4. How will a petition be considered?

The Democratic Services Manager will arrange for each valid Petition to be reported to the Council body responsible for taking decisions on the subject matter of the petition.

This may be:-

- an Officer;
- a Portfolio Holder;
- Cabinet
- Full Council - at least 1,500 signatures required; or
- a Committee.

Please contact the Democratic Services Manager if you would like to discuss who your petition is likely to be reported to.

Where a Petition is to be considered at a meeting, we will endeavour to accommodate the petition at the next available meeting. This may not always be possible in which case it will be considered at the next convenient meeting.

Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council which are not convened to consider the subject matter of the petition.

5. What happens when a petition is received?

- Within 5 working days the Democratic Services Manager will acknowledge receipt to the petition organiser and will notify the Chief Executive, leaders of political groups, the relevant Portfolio Holder and Ward Councillor/s
- If it is considered that the petition cannot be dealt with by the Council, the Democratic Services manager will notify the petition organiser giving reasons.
- In some cases, the Democratic Services Manager may be able to resolve the petitioner's request directly, by the relevant Portfolio Holder or Officer taking appropriate action. Where this is done, the Democratic Services Manager will ask the petition organiser whether they consider the matter resolved.
- If not resolved, within 10 working days a new public file will be opened on the Council's website recording the subject matter of the petition, its date of receipt and the number of signatories. The petition organiser's name and contact details will only be included on the website if he or she so requests.

- The Democratic Services Manager will inform the petition organiser of the Officer or meeting to which the petition will be reported for consideration and when and where that will take place. This information will also be entered on the Council's website. If the petition is to be considered at a meeting of Council, Cabinet or a Committee, the petition organiser will be invited to attend that meeting and to address the meeting for up to 3 minutes on the issue covered by the petition. The invitation to the petition organiser to address the meeting is in addition to any other public speaking rights at that meeting.
- Where the petition relates to a matter which is within the delegated power of an Officer, that Officer will not exercise that power without consulting the relevant Portfolio Holder on the decision.
- At each stage of consideration of the petition, the Democratic Services Manager will update the Council's website and will notify the petitioner.
- Once the petition has been considered, the authority's decision will be notified to the petition organiser and entered on the website within 5 working days.

Petitions are presented on the Council's website in the order in which they are received. All petitions are kept on the website for 2 years from the date of receipt.

Whilst we are committed to dealing with petitions promptly, a petition will normally need to be received at least 15 working days before a relevant meeting if it is to be reported to that meeting.

6. Consideration of a petition at a meeting

Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting and will be considered in the order in which they were received, unless the Chairman at the meeting determines otherwise. A maximum of 30 minutes will be allowed at each meeting for considering petitions and any petitions on which a decision is not reached in the time allowed will be referred to the relevant Portfolio Holder for consideration or deferred until the next meeting.

Any petitions relevant to particular items of business will usually be taken together with that item of business, in the normal order of business.

The Chairman of the meeting may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address the meeting for up to 3 minutes. The Portfolio Holder, Chairman and Councillors may then ask questions of the petition organiser, and the Chairman may then invite the relevant Ward Councillor(s) to speak on the matter for up to 3 minutes (each) after which the matter will be open for debate among Councillors of the decision-making body.

Within 5 working days of the consideration of the petition, the Democratic Services Manager will notify the petition organiser of the outcome and advise them that if they are not satisfied with that decision, they may require the matter to be reported to the next convenient meeting of the appropriate Overview and Scrutiny Committee for review.

7. Review by Overview and Scrutiny Committee.

If the petition organiser is not satisfied with the decision in relation to their petition, they may ask the Overview and Scrutiny Committee to review the outcome by notifying the Democratic Services Manager of their request for review within 15 working days of being notified of the authority's decision.

Within 10 working days of receipt of a request for review, the Democratic Services Manager will notify the petition organiser of the time, date and place of the next convenient meeting of the Overview and Scrutiny Committee. At that meeting, the Overview and Scrutiny Committee will invite the petition organiser and Ward Councillor(s) to address the Committee for up to 3 minutes each to explain why it is felt the decision was insufficient. The Overview and Scrutiny Committee may not override the decision, but the decision-maker must consider any recommendations made by the Overview and Scrutiny Committee.

8. Petitions which will not be accepted

(a) Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

(b) Repeat Petitions

A petition will not normally be considered where it is received within 6 months of another petition being considered by the authority on the same matter.

(c) Petitions which the Council's Monitoring Officer acting in consultation with the Chief Executive considers to be vexatious, abusive, discriminatory or otherwise inappropriate or unreasonable

(d) Petitions, the subject matter of which relates to ongoing legal proceedings.

(e) Petitions which raise issues of potential Councillor misconduct will not be dealt with under this scheme but will be referred to the Monitoring Officer for consideration.

(f) Consultation petitions – where a petition is clearly a group response to a public consultation organised by the Council, it will be dealt with as a consultation response.

- (g) Statutory petitions. Where legislation requires the Council to consider certain types of petitions, the Council will consider them as prescribed by legislation.
- (h) Petitions which target individual members of the community or relate to party political matters.
- (i) Petitions relating to matters where a legal right to seek a review or appeal exists.

Petitions received in the six weeks before an election or referendum may need to be dealt with differently. The petition organiser will be notified of the reasons for the change and informed of any changes that will apply.

9. Further information

The Democratic Services Manager can provide advice about how to petition the authority or the progress of your petition, at either of the above addresses or by telephone at 01264 368000.