

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. ~~Such petitions will be considered in accordance with all other submissions made in relation to these applications.~~ 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 which is within the responsibility of another public authority, we will ask the petition organiser whether he/she would like us to redirect the petition to that other authority.~~

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.

~~Contact details may be either a postal address or an email address.~~

- 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). If you want your petition to be debated at a meeting of the Council (“A Petition for Debate”), your petition will need to contain a higher number of signatories or petitioners (see below).~~

- d) [^] ~~The minimum number of signatories for the appropriate decision-making body.~~

3. Who should you send a petition to?

3. ~~Where you submit a petition in response to consultation by the authority, please clearly identify the matter it relates to and return it to the address set out in the consultation invitation. This will ensure that it is reported to the appropriate committee or officer.~~

The Democratic Services Manager is responsible for receiving, managing and reporting ~~all other~~ petitions to which this scheme applies sent to the authority.

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You may submit a petition ~~on~~ 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 ~~ensure that~~ acknowledge receipt of the petition ~~is acknowledged to the petition organiser and paper/electronic petitions and will be entered~~ the petition details on the authority's petitions website. The website is regularly up-dated with information on the progress of petitions.

~~As advised, petitions can be received in hard copy, electronically or through our petitions website. This scheme applies to website petitions in the same way as it applies to paper and electronic petition~~

s:

4. ~~Types of Petition~~ How will a petition be considered?

~~There are four different types of petition, as set out below. How we deal with a petition depends on which type of petition you submit.~~

~~Please note that petitions which raise issues of possible Councillor misconduct will be not be considered under this Petitions Scheme but instead taken as complaints arising under the Local Government Act 2000 and will be reported to the Monitoring Officer who may refer it to the General Purposes Employment Appeals and Ethics Sub-Committee.~~

~~(a)~~ Ordinary Petitions

~~These are petitions which do not come within any of the following specific types.~~

The Democratic Services Manager will arrange for each ~~valid Ordinary~~ Petition to be reported to the ~~relevant 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.~~

~~Portfolio Holder, the next convenient meeting of Cabinet, Council or other relevant Committee of the Council, **whichever has the power to make a decision on the matter.**~~

~~(b)~~ Consultation Petitions

~~These are petitions in response to an invitation from the authority for representations on a particular proposal.~~

~~The petition will be reported to the relevant Committee or officer making the decision on the proposal. The Council's Constitution defines who will take different~~

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~~types of decision, as set out in the Scheme of Delegations and the Powers and Duties of each Committee or Sub-Committee.~~

~~Where the petition relates to a matter which is within the delegated power of an officer, he/she will not exercise those delegated powers but will automatically refer the matter up to the relevant Portfolio Holder for decision.~~

~~Where the petition relates to a matter which is within the delegated powers of an individual Portfolio Holder, he/she may decide not to exercise those delegated powers but to refer the matter to Cabinet for decision.~~

~~(c) — Statutory Petitions~~

~~Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly elected Mayor. Where a petition is received under such a specific statute, it will be reported to the next available meeting of the Council in accordance with the statutory requirements.~~

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~~(d) — Petitions for Debate~~

~~If you want your petition to be reported to and debated at a meeting of full Council, it must contain at least 1,500 signatories or petitioners (reduced where it is a local matter which affects no more than 2 wards to 200 per ward Member, meaning 200 signatories will be required where there is a single ward Member, 400 in the case of a ward with two Members, etc).~~

~~Petitions for debate will be reported to the next convenient meeting of full Council. Please contact the Democratic Services Manager if you would like to discuss who your petition is likely to be reported to.~~

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~~-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.~~

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~~5. The role of Ward Members~~

~~When a petition is received which relates to a local matter (particularly affecting specific electoral wards), the Democratic Services Manager will send a copy of the petition to each relevant ward Member at the same time as acknowledging receipt of the petition to the petition organiser.~~

~~6.5. What happens when a petition is received?~~

- ~~• Within 5 working days of receipt, 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.~~
- ~~and if not resolved, within 10 working days, will open a new public file will be opened on the Council's website and recording the subject matter of the petition, its date of receipt and the number of signatories or petitioners. The petition organiser's name and contact details will only be included on the website if he or she so requests.~~
- ~~Once it is decided within the authority who will consider the petition and when it will be considered, the information will be entered on the website at the same time as it is sent to the petition organiser. 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 put on the website within 5 working days of that consideration.~~

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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.

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~~In some cases, the Democratic Services Manager may be able to resolve the petitioners' request directly, by getting the relevant Portfolio Holder or officer to take appropriate action. Where this is done, the Democratic Services Manager will ask the petition organiser whether they consider the matter resolved.~~

~~Unless the matter has been resolved to the satisfaction of the petition organiser, the Democratic Services Manager will, within 10 working days of~~

~~receipt, inform the petition organiser of who the petition will be reported to for consideration, when and where that will take place, and will invite the petition organiser 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.~~

~~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. Where it is necessary to undertake a significant amount of work to collect information and advice to enable the matter to be properly considered, it may be necessary for the Democratic Services Manager to decide that the petition will be held over until the following meeting of the relevant body.~~

~~At the same time as responding to the petition organiser, the Democratic Services Manager will notify the leaders of party groups, the relevant Portfolio Holder, the Chief Executive and relevant ward Members of receipt of the petition.~~

~~At each stage of the consideration of the petition, within 5 working days of any decision, the Democratic Services Manager will enter the relevant information on the petitions website at the same time as it is sent to the petition organiser, to ensure that petitioners can track progress of their petition.~~

7.6. 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 ~~such~~ 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 will~~ then invite the relevant Wward Member Councillor(s) ~~present~~ to speak on the matter for up to 3 minutes (each). ~~The Portfolio Holder/Chairman will then invite the relevant officer(s) to advise him/her/the meeting,~~ after which the matter will be open for debate among ~~member Councillors~~ of the decision-making body.

~~Where the matter is to be determined by a Portfolio Holder, he/she will take a decision on the matter. That decision may be a determination of the matter, or may be a decision to refer the matter for investigation and report back, or to refer it up to a meeting of the Council, Cabinet or a Committee of the Council for determination.~~

Within 5 working days of the consideration of the petition, the Democratic Services Manager will notify the petition organiser of the decision outcome and advise him/her/them that if he/shethey is-are not satisfied with that decision, he/shethey

may require the matter to be reported to the next convenient meeting of the appropriate Overview and Scrutiny Committee for review.

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8.7. Review by Appeal to an Overview and Scrutiny Committee.

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

Within 10 working days of receipt of ~~intention to appeal~~ 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~~ Ward Member 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.

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9.8. Petitions which will not be accepted reported

(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 ~~they are it is~~ received within 6 months of another petition being considered by the authority on the same matter.

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(c) ~~Rejected Petitions~~ 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

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

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(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.

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(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.

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(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.

Petitions relating to matters where a legal right to seek a review or appeal exists,
(i) _____

~~Petition organisers will be notified, in writing, should a petition be rejected. It should be noted that petitions will not be not accepted where:~~

- ~~• _____ they contain vexatious, abusive or otherwise inappropriate language; _____~~
- ~~• they relate to ongoing legal proceedings;~~
- ~~• they target individual members of the community; and/or~~
- ~~• they relate to party political matters.~~

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 the any changes that will apply.

40.9. 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.

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