

Appendix C

Procedure Rules for Dealing with Representations

1. Petitions

1.1 Introduction

- (a) This is the Petition Scheme for West Berkshire Council made under Section 11(1) of the [Local Democracy, Economic Development and Construction Act 2009](#) ('The 2009 Act').
- (b) The Scheme was originally approved at the full meeting of West Berkshire Council on 23 September 2010 and is available on the Council's website.
- (c) The Council ~~may reviewed~~ ~~ise~~ the Scheme at the full Council meeting on the 19 September 2013, under the legislation. In line with best practice the scheme will be ~~The scheme will be~~ reviewed in September 20136 or such earlier time as may be required.
- (d) The purpose of this scheme is to establish a clear process for petitions submitted to West Berkshire Council to be handled in accordance with the legislation (Sections 10-22 of the 2009 Act).
- (e) ~~The Council recognises the need to help citizens communicate their needs and concerns about local issues.~~ The Council welcomes petitions and recognises that they are one way in which people can let the Council know about their concerns. Petitions have a long tradition and can be useful in suggesting levels of support for various proposals. West Berkshire Council has long had procedures in its Constitution for Ward Councillors and members of the public to bring petitions to the Council by various means. This Petition Scheme merely clarifies, extends and strengthens those procedures, in accordance with 2009 Act.
- (f) Advice on petitions can be sought from different departments across the Council but enquiries should in the first instance be directed to the Head of Strategic Support, West Berkshire Council, Market Street Offices, Market Street, Newbury, RG14 5LD, via the telephone on (01635) 42400 or email petitions@westberks.gov.uk.

1.2 What is a Petition?

- (a) West Berkshire Council defines a petition as 'any communication which is signed or sent to us on behalf of a number of people'. For practical purposes, there is normally a minimum requirement of at least **50 signatories** before it is treated as a petition.

Exceptions can be made in special cases at the discretion of the Council's Monitoring Officer.

- (b) Whilst the Council is keen to hear from people who live, study or work in West Berkshire, this is not a requirement. A petition from 50 visitors about, for example, the quality of leisure facilities in the district would qualify under the Petition Scheme.
- (c) A petition must include:
 - (i) **A clear and concise statement of the concerns and what West Berkshire Council is being asked to do.** The subject matter must relate to the West Berkshire District or to something which the Council has responsibility for or over which it has influence. Where the petition relates to a matter which is the responsibility of another public authority the Council will ask the petition organiser whether they would like to redirect the petition to that authority. Where the petition relates to a matter over which West Berkshire Council has no influence or responsibility, the petition will be returned to the petition organiser with an explanation for that decision.
 - (ii) **The name and contact details of the 'petition organiser'.** This should normally be the person ~~to~~ whom the Council will contact to explain how the Council will respond to the petition. ~~correspondence about the petition will be addressed.~~ This can be either a postal address or an email address. This need not appear on the website. If the lead signatory chooses to relinquish their role as petition organiser another signatory can and must be elected as lead signatory.
 - (iii) **The names of at least 50 valid petitioners (in most cases this will mean that they live, work or study in West Berkshire),** which may include the petition organiser. In some instances it would be appropriate to require fewer signatures but this will be at the discretion of the Council's Monitoring Officer. On a paper petition actual signatures from each petitioner would be preferable but this is not essential. Petitioners will be required to provide verifiable details that they live, work or study in West Berkshire. Signatures from others (e.g. visitors) may be considered if they are relevant to the issue in the petition subject. These details need not be published.
 - (iv) For certain types of petition, the number of petitioners will be higher (see sections below 'A Petition for Debate' and 'A Petition to Hold an Officer to Account')
 - (v) If a petition is produced in response to a consultation that the Council is conducting on a specific matter,

please clearly identify the consultation it relates to, to enable the petition to be handled along with other responses to these matters. (see paragraph 1.3.a below)

- (d) Petitions which are considered to be vexatious, abusive or otherwise inappropriate (e.g. relating to information on an individual(s)) will not be accepted.
- (e) In the period immediately before an election or a referendum Council Officers may need to deal with the petition differently. The reason will be explained to the petition organiser.
- (f) Where the guidelines are not followed the Council may decide not to do anything further with the petition.

1.3 Submitting a Petition

- (a) When a petition is submitted in response to a consultation by West Berkshire Council, or to a planning or licensing application it should be directed to the return address specified in the consultation details or in the public notice regarding the application. This will ensure it is considered at the appropriate time in relation to the matter in which it was intended to be considered.
- (b) For all other petitions, there is a choice of means of submitting them.
 - (i) **Paper petitions** should be addressed to the Head of Strategic Support, West Berkshire Council, Market Street Offices, Market Street, Newbury RG14 5LD,
 - (ii) **email petitions** should be sent to petitions@westberks.gov.uk. The Petitions Officer will send an acknowledgement that the petition has been received within five clear working days.
 - (iii) **Online petitions** can be submitted by following this link www.westberks.gov.uk/petitions. The Council will issue a formal acknowledgement within five clear working days of the initial submission. During this time the Petitions Officer will act as a 'moderator' and establish if there are any difficulties. The Petitions Officer will contact the organiser and endeavour to resolve these issues so that the petition can open for signatures. Petitioners signing the online petition will be required to provide verifiable details (including: names, addresses and postcodes).
 - (iv) **Presented to a meeting of the Executive.** These meetings take place on a six weekly basis, dates and times can be found on the [Executive Meetings](#) page of the [Council's website](#).

Where notice of a petition is given to the Head of Strategic Support by 10.00am seven clear working days before the meeting, details will be included in the summons or agenda. Members of the public may speak for up to five minutes on that petition at the meeting. No further debate shall take place unless the relevant body receives a report on the matter. The petitioner will be notified within three clear working days as to where the petition will be referred. However, if the petition relates to a matter on the agenda for the meeting of the Executive, it shall be dealt with at that meeting.

- (v) Petitions can also be submitted by Elected Members at Full Council meetings. Dates and times can be found on the [Council Meetings](#) page of the [Council's website](#).
- (c) The petition, however it is submitted, will be entered on the Council's petitions website. The website will be regularly updated with information concerning the progress of the petition and this information will be publicly viewable. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). The Petition will remain open for 90 calendar days unless otherwise agreed with the Petition Organiser.
- (d) Petitioners will be notified, within 10 clear working days of receipt of the completed/closed petition, what the Council plans to do with the petition and when they could expect to hear from the Council again. If the petition has enough signatures to trigger a Council debate or a senior Officer giving evidence (see 1.4 (e) and (f)) then the acknowledgement will confirm this and tell you when the meeting will take place. Relevant Ward Councillors will be notified in writing that a petition has been submitted which particularly affects their Ward(s).
- (e) The Council has a duty to verify signatories to all petitions, using publicly available databases. This is to prevent the misuse of personal information by petition organisers, for example the use of names, email addresses or signatures without permission of the person – or the use of non-existent persons' names.
- (f) Petitions relating to planning and licensing applications will normally be received by Officers during the planning or licensing consultation process. Normal deadlines to these consultations apply. Petitions received after the deadlines will not be accepted.
- (g) If the petition forms part of a statutory process, or where there is an existing appeal mechanism in place (for example council tax banding) other procedures will apply.
- (h) Petitions cannot be a duplicate or a near duplicate of a similar petition received or submitted within the last 12 months.

1.4 Types of Petition and next steps

- (a) There are five different types of petition which are outlined below. How the Council deals with a petition will depend on which category it falls into:
- Ordinary Petitions
 - Consultation Petitions
 - Statutory Petitions
 - Petitions for Debate
 - Petitions to Hold an Officer to Account
- (b) **Ordinary Petitions.** These are petitions which do not fall into any of the following specific petition categories. Please note that any petitions raising the issue of possible Councillor misconduct will be taken as complaints arising under the Local Government Act 2000 [and the Localism Act 2011](#) and will be reported to the Standards Committee and not dealt with under this Petition Scheme.
- (c) **Consultation Petitions.** These are petitions in response to an invitation from the Council to comment on a particular proposal, policy or application. For example, planning or licensing applications or proposals concerning speed limits. Consultation petitions which are received by the closing date of the consultation will be reported at the relevant meeting or to the relevant person taking the decision in question. This will not be impacted on by this process.
- (d) **Statutory Petitions.** Certain Acts of Parliament require the Council to consider petitions. Examples of statutory petitions include those for a directly-elected Mayor or for a review of Parish Councils. When a Statutory Petition is submitted then it will be processed in accordance with statutory requirements.
- (e) **Petitions for Debate.** For a petition to be reported to a Full Council meeting for debate by the elected Members of West Berkshire Council, it must contain a minimum of **5,000** petitioners. Where a petition relates to a local issue, affecting no more than two electoral wards in West Berkshire, this requirement may be reduced to **500 per ward at the discretion of the Monitoring Officer.**
- (f) Where a Full Council meeting debate is triggered by a petition, the Petition Organiser or their nominated spokesperson will have up to five minutes to present their petition and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council may decide to take the action the petition suggests, not to take the action requested for reasons put forward in the debate or to commission a further investigation into the matter.
- (g) **Petitions to Hold an Officer to Account.** For a petition to be considered at a meeting of the Overview and Scrutiny

Management Commission (OSMC) where an Officer identified either by name or by post will be required to answer questions on a particular matter, the petition will need to contain a minimum of **750 petitioners**. Where a petition relates to a local issue, affecting no more than two electoral wards in West Berkshire, this requirement may be reduced to **500 at the discretion of the Monitoring Officer**.

A petition falling into this category must relate to the Chief Executive, a Corporate Director or a Head of Service. Please note that where a petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or the Head of Human Resources in the case of the Chief Executive) for consideration under the Council's Capability Procedure and/ or Disciplinary Procedure. Such petitions will not be dealt with under this Petition Scheme.

1.5 The Petitions Website

- (a) West Berkshire Council keeps a petitions webpage at ~~[link to be activated on 15 December]~~ www.westberks.gov.uk/petitions. When a petition is received, the Petitions Officer will open a new public file on the website within 10 clear working days and place in that file the subject of the petition, the date it was received and the number of petitioners. This will not apply to Planning and Licensing petitions which will be dealt with under the relevant processes
- (b) The petition organiser's name and contact details will only be included on the website if the organiser has requested this.
- (c) Once it has been determined who within West Berkshire Council will consider the petition and when that consideration will take place, this information will be entered on the website and sent to the petition organiser at the same time.
- (d) As soon as the petition has been considered, the Council's decision will be notified to the petition organiser and put on the website within five clear working days of the decision being taken.

1.6 Ward Councillors and petitions

- (a) All Petitions will be notified to all Council Members, upon receipt unless resolved directly as in paragraph 1.7(c). This is to ensure that Council Members are informed as to the receipt and progress of **all** petitions that affect them as Ward Members, because **all** petitions could in theory end up as Petitions for Debate.
- (b) Where a Petition appears to affect not more than two Wards, unless a Member challenges this within 10 working days, the Petitions Officer will inform the organiser that a reduced number of signatures is sufficient to make the Petition come to Full Council for Debate, if requested.

- (c) Nothing in the Petitions Scheme affects the right of Ward Members to present Motions to Full Council for debate. Such Motions may be based upon Petitions that fail to reach the required number of signatures under this Scheme.
- (d) When a petition is referred to a person or body within the Council who has the authority to take a decision on the subject matter, the Ward Member(s) representing any affected ward(s) will be invited to attend and address the person or body making the decision for no more than five minutes (each), immediately after the petition organiser

1.7 Process when a petition is received

When a petition is received by West Berkshire Council:

- (a) Within five clear working days of its receipt, the Petitions Officer will acknowledge receipt to the petition organiser. The Ward Councillor will be notified of the submission. The Petitions Officer will open a new public file for the petition on the petitions website. The petition file will include:
 - the subject matter of the petition;
 - the date the petition was received and the closing date for receipt of additional signatures;
 - the number of petitioners (this will be updated weekly);
 - the action being taken by the Council to consider the matter including the date of any public meeting.
- (b) The name and contact details of the petition organiser will only be included if requested.
- (c) In some instances the Petitions Officer may be able to resolve the petitioners' request directly by getting the relevant Executive Member or eOfficer to take direct action. An example of this could be a case of fly-tipping. The Petitions Officer will then ask the petitions organiser whether they consider the matter to have been resolved.
- (d) Unless the matter has been resolved directly as described in 1.7c above, the Petitions Officer will within ten clear working days of receipt of the petition provide a response to the petition organiser which sets out:
 - who the petition will be reported to for consideration;
 - when and where that consideration will take place;
 - the number of signatures required for the petition to be debated at Full Council under 1.4(e).
 - an invitation for the petition organiser or their nominated representative to attend and address the meeting for up to five minutes on the issue covered by the petition.

- NB The invitation to the petition organiser or their nominated representative to address that meeting is in addition to any other existing public speaking rights at that meeting. This does not apply to Planning and Licensing petitions which are dealt with under separate processes.
- (e) When responding to the petitions organiser (1.7d), the Petitions Officer will also forward the same information to the relevant Executive and Shadow Executive Members and Ward Councillors.
 - (f) The Petitions Officer is responsible for updating the website so that progress in dealing with the petition can be tracked.
 - (g) At this point the process varies depending on the different type of petition.

1.8 Process when a Consultation Petition is received

- (a) Submitted in response to an invitation from the Council to contribute on a particular proposal or application. Consultation Petitions will be reported to the relevant person or body at the meeting when they are due to take the decision on that application, appeal or proposal. The Council's Constitution sets out who will take different types of decisions under the Scheme of Delegation, terms of reference of Committees, Commissions and Sub-Committees.
- (b) All planning and licensing applications (except where powers are delegated to officers under the Constitution) will be determined by the relevant Planning Committee or Licensing Sub-Committee and Traffic Regulation Orders by Individual Decision of the Executive Member for Highways and Transport where objections to the orders are received.

1.9 Process when a Statutory Petition is received

Where a petition is submitted under a specific statute, for example a petition for a directly-elected Mayor, it will be reported to the next available meeting of the Council, in accordance with the requirements of the statute in question.

1.10 Process when a Petition for Debate is received

- (a) Petitions for Debate will be reported to the next scheduled meeting of Council unless the matter is deemed urgent, in which case an Extraordinary meeting of Council may be convened. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council unless they are specifically arranged to consider the subject matter of the petition.
- (b) The petition organiser will be invited to address the meeting for up to five minutes on the subject of the petition.

1.11 Process when a Petition to hold an Officer to Account is received

- (a) Petitions to hold an officer to account will be reported to the next convenient meeting of the Overview and Scrutiny Management Commission (OSMC).
- (b) In advance of the Commission meeting, the petition organiser will be invited to submit a list of questions the organiser would like to put to the Officer at the meeting. These questions will be provided to the Chairman and Vice Chairman of the Commission, who will decide whether they are appropriate, and to the Officer concerned, in advance of the meeting.
- (c) At the meeting of the OSMC, the Chairman will invite the petition organiser to address the Commission for a maximum of five minutes on the issue. The relevant officer will then be asked to respond to the Commission on the subject matter of the petition. OSMC Members may question the officer and the Chairman may invite questions from the petition organiser to be put to the Officer through the Chairman.

1.12 Process when an Ordinary Petition is received

The Petitions Officer will arrange for each ordinary petition to be reported to the next convenient meeting of the Executive, Council, Committee, Commission or Sub-Committee of Council which has the power to take a decision on the matter.

1.13 Meetings considering a petition

- (a) Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting.
- (b) Petitions will be considered in the order in which they were received unless the Chairman of the Committee/Commission decides otherwise.
- (c) A maximum of 30 minutes is permitted for the discussion of petitions prior to the normal business of each meeting. Any petitions not considered in this time will be held over to the next meeting.
- (d) Petitions which do relate to a particular item of business will be taken with that item, in the order of business outlined on the agenda.
- (e) The person or Committee making the decision may invite a relevant officer to set out the background to the issue before inviting the petition organiser to speak for up to five minutes. The Executive Member / Chairman may then ask questions of the petition organiser and invite any relevant Ward Councillors present to speak on the subject for up to minutes each. The Executive Member / Chairman will then invite a relevant officer to advise the meeting, after which the matter will be opened to debate by the Committee. In the case of an Individual Executive

Member Decision, the Executive Member will proceed to take a decision. Possible decisions may be:

- to determine the matter;
 - to refer the matter for investigation and report back; or
 - to refer the matter up to a meeting of Council, Executive or a higher Committee for determination.
- (f) In the case of a decision by an Executive Member, the Petitions Officer will notify the petition organiser of the decision within five clear working days, advising that if the organiser is not satisfied with that decision, the matter could be reported to the next meeting of the Overview and Scrutiny Management Commission for review (see section 1.14 below).
- (g) At each stage of the process in section 1.13, the Petitions Officer will enter the relevant information on the website as it is sent to the petitions organiser.

1.14 Appeal to a Scrutiny Committee/Commission

- (a) If the petition organiser is not satisfied with the outcome of the Council's consideration of the petition, the petition organiser may appeal to the Overview and Scrutiny Management Commission by notifying the Petitions Officer of their intention to appeal. The Petitions Officer must receive notification of intention to appeal within 28 clear working days of the petitions organiser being notified of the Council's decision on the petition.
- (b) Within five clear working days of receipt of intention to appeal the Petitions Officer:
- will determine which is the relevant Scrutiny Committee/Commission;
 - will notify the petition organiser of the date, time and place of the next convenient meeting of that Scrutiny Committee/Commission; and
 - will invite the petition organiser to attend that meeting and address the Committee/Commission for up to five minutes on why the Council's decision on the petition is considered to be inadequate.
- (c) At the meeting of the Scrutiny Committee/Commission:
- the Committee/Commission will invite the petition organiser to make representations and explain why it is thought the Council's response is inadequate (no more than five minutes);
 - the Committee/Commission will invite relevant Ward Councillors to make representations on the matter (no more than five minutes each);

- the Committee/Commission cannot overturn the decision, but can make recommendations for the Executive Member/Executive to consider.

1.15 Petition Organiser

- Petition organisers will receive acknowledgement of receipt of the petition within five clear working days of its receipt by West Berkshire Council.
- When the petition is not accepted for consideration, the Petitions Officer will advise the petition organiser of the grounds for rejection.
- Where the petition is accepted for consideration, the Petitions Officer will advise the petition organiser who will consider the petition, the date, time and place of the meeting at which it will be considered, and will invite the petition organiser to address the meeting for up to five minutes. This information will be notified to the petition organiser within ten clear working days of receipt of the petition by West Berkshire Council. The petition organiser may be asked questions on the subject matter of the petition at the meeting
- The petition organiser may nominate another person to address the meeting on their behalf.
- The Petitions Officer will keep the petition organiser regularly updated with developments on the petition and notify them of the outcome of the petition's consideration in writing within five clear working days of the decision.
- The petition organiser must notify the Petitions Officer of the intention to appeal to the Scrutiny Committee/Commission against the decision relating to the petition within 28 days of being notified of that decision. The appeal must be submitted in writing. The petition organiser or their nominated representative may attend and address the meeting of the Scrutiny Committee/Commission for up to five minutes to explain why West Berkshire Council's decision on the petition is considered to be inadequate.

1.16 Petitions not being reported

- Duplicate petitions.** Where more than one petition is received in time for a particular meeting each supporting the same outcome on the same matter, each petition organiser will be treated independently but only the organiser of the first petition received will be invited to address the relevant meeting.
- Repeat petitions.** A petition will not normally be considered where it is received or submitted within 12 months of another petition being considered by West Berkshire Council on the same matter.

- (c) **Rejected petitions.** Petitions will not be considered if, in the opinion of the Petitions Officer, they are rude, offensive, defamatory, scurrilous, vexatious, timewasting or do not relate to something which is the responsibility of West Berkshire Council, or over which West Berkshire Council has some influence.