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Meeting Procedure Rules

Appendix: Petitions

1 Introduction

- 1.1 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.
- 1.2 The Council publishes advice regarding the content and submission of petitions on its website.
- 1.3 In this Appendix “Petitions Officer” refers to the Council Officer or Officers dealing with received petitions.

2 What is a Petition?

- 2.1 The Council defines a petition as ‘any communication which is signed or sent to us on behalf of a number of people’. There is a minimum requirement of at least 50 signatories before something is treated as a petition, but exceptions can be made in special cases at the discretion of the Monitoring Officer.
- 2.2 A petition must include:
 - 2.2.1 the name and contact details of the signatory who is the “Petition Organiser” - the person that the Council will contact in relation to dealing with the petition (if the Petition Organiser relinquishes the role another signatory must be identified as Petition Organiser);
 - 2.2.2 either:
 - 2.2.2.1 the name of the Body being asked to consider the petition (see Meetings Rules Table for Bodies able to accept petitions); or
 - 2.2.2.2 the matter or consultation it relates to;
 - 2.2.3 a clear and concise statement of the issue and what is being requested;
 - 2.2.4 unless the Monitoring Officer agrees otherwise, 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:
 - 2.2.4.1 for a paper petition, actual signatures from each petitioner would be preferable but this is not essential;
 - 2.2.4.2 petitioners may be required to provide verifiable details that they live, work or study in West Berkshire;
 - 2.2.4.3 other petitioners may be considered if they are relevant to the issue in the petition subject (whilst the Council is keen to hear from people who live, study or work in West Berkshire, this is not always a requirement – for example, a petition from 50 visitors about the quality of tourism facilities in the district would qualify).
- 2.3 The subject matter of the petition must relate to the District or to something which the Council has responsibility for or over which it has influence:
 - 2.3.1 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;

- 2.3.2 where the petition relates to a matter over which the Council has no influence or responsibility, the petition will be returned to the Petition Organiser with an explanation for that decision.
- 2.4 A petition may be rejected if it:
 - 2.4.1 fails to comply with the requirements above;
 - 2.4.2 is, in the opinion of the Monitoring Officer:
 - 2.4.2.1 a duplicate or a near duplicate of a petition submitted within the previous 12 months;
 - 2.4.2.2 vexatious, abusive or otherwise inappropriate (eg relating to information about an individual or individuals);
 - 2.4.3 contains false signatories, or details of alleged signatories who have not given their permission for their details to be used (the Council has a duty to verify signatories to all petitions, using publicly available databases, and by contacting those named).
- 2.5 In the period immediately before an election or a referendum the Council may need to deal with a petition differently – this will be explained to the Petition Organiser.
- 2.6 Where the guidelines set out here are not followed the Council may decide not to do anything further with the petition.

3 Types of Petition

3.1 Ordinary Petitions

These are petitions which do not fall into any of the other petition categories below (nb that a petition raising the issue of possible Councillor misconduct will be taken as a complaint arising under the Localism Act 2011 and dealt with under the Council's Procedure for Local Determination of Allegations as a complaint, and not dealt with under this Petition Scheme).

3.2 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.

3.3 Statutory Petitions

Certain statutes require the Council to consider petitions (eg proposing a directly-elected Mayor or for a review of Parish Councils).

3.4 Petitions to Hold an Officer to Account

Petitioners can seek to require a Senior Officer (Chief Executive, Executive Director, Service Director or Head of Service), identified either by name or by role, to answer questions on a particular matter at a Meeting of the Scrutiny Commission. Such a petition will require a minimum of 750 petitioners, unless it relates to an issue affecting no more than two electoral wards in West Berkshire, in which case the requirement may be reduced to 500 petitioners at the discretion of the Monitoring Officer.

Where such a petition raises issues of competence or misconduct it 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 and/or Disciplinary Procedures, and will not be dealt with under this Petition Scheme.

3.5 Petitions for Debate

A petition can seek to have an issue debated at a relevant Meeting. For a petition to be reported to a Meeting for debate by Members it must contain a minimum of 1,500 petitioners, unless it relates to an issue affecting no more than two electoral wards in West Berkshire, in which case the requirement may be reduced to 500 petitioners per ward at the discretion of the Body Chairman in consultation with the Monitoring Officer.

Where it is desired to have a petition debated at a specific Meeting (eg because the Petition Organiser believes that the subject will be an item on the Agenda for that meeting), the petition must be submitted at least ten Clear Working Days before the Meeting in question.

4 Submission

4.1 A Consultation Petition should be directed to the return address specified in the consultation details or in the notice (etc) regarding the matter in question, application, etc - this will ensure that it is considered at the appropriate time in relation to the matter in question (but nb that relevant consultation, etc, deadlines will be enforced and a petition received after such a deadline will not be valid in relation to the process in question).

4.2 If a petition is in relation to a statutory process, or where there is an existing appeal mechanism in place (for example council tax banding), particular submission requirements may apply and will be advised to the Petition Organiser.

4.3 For all other petitions, there is a choice of means of submission:

- paper petitions should be addressed to the Monitoring Officer, West Berkshire Council, Market Street, Newbury RG14 5LD;
- emailed petitions should be sent to petitions@westberks.gov.uk;
- online petitions should be submitted via www.westberks.gov.uk/petitions (“the Webpage”). Online petitions will remain open for six weeks unless otherwise agreed with the Petition Organiser;
- petitions may be submitted at a relevant Meeting by a Councillor or a member of the public (see Meetings Rules Table – nb, only at an Ordinary Meeting – not an Annual Meeting, the Council Budget Meeting or an Extraordinary Meeting).

5 Process – Initial Recording

5.1 Consultation Petitions will be reported at the relevant Meeting or to the relevant person taking the decision.

5.2 Where the petition is not accepted for consideration, the Petitions Officer will advise the Petition Organiser of the grounds for rejection.

5.3 All other petitions will be detailed on the Webpage, including:

- 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 until the petition has closed);
- the name and contact details of the Petition Organiser.

5.4 Within ten Clear Working Days of receipt of the completed petition, Officers shall determine how the petition will be considered and when. These details will be added to the petition details on the Webpage and sent to the Petition Organiser. If the petition meets the threshold for a debate, this will be confirmed with the Petition Organiser as will details of when the Meeting will take place.

- 5.5 The Monitoring Officer or Petitions Officer will notify relevant Councillors as to petitions received (eg a Ward Councillor or Executive Member in relation to a petition relevant to that Ward or Portfolio).

6 Process – Petition for Debate

- 6.1 A Petition for Debate will generally be listed on the Summons/Agenda for the next Ordinary Meeting of the Body in question after a minimum of ten Clear Working Days after submission (or on the Summons/Agenda for a different Meeting if in the opinion of the Petitions Officer this will be more relevant to the subject matter of the petition – in which event the Petitions Officer will discuss the circumstances with the Petition Organiser).
- 6.2 Where a Petition for Debate is included on the Summons/Agenda for a Meeting:
- 6.2.1 the Petition Organiser will be sent a copy of the Summons/Agenda and invited to the Meeting;
 - 6.2.2 a Report on the subject matter of the Petition may be submitted by Officers;
 - 6.2.3 an Officer, or relevant Member (eg an Executive Member) may set out the background to the issue at the Meeting;
 - 6.2.4 the Petition Organiser or their nominated spokesperson will have up to five minutes to present their position at the meeting.
- 6.3 For a localised petition, Ward Councillors will have up to five minutes (between them if more than one) to make any comments on the petition, which will not limit their ability to participate in the debate.
- 6.4 Members may ask questions of the parties following their submissions.
- 6.5 The Body may decide to:
- 6.5.1 take or not take the action sought in the petition; or
 - 6.5.2 commission any further investigation or Report, etc, into the matter.
- 6.6 Subject to the discretion of the Meeting Chairman, a maximum of 30 minutes is permitted for the discussion of petitions prior to the normal business of a relevant Meeting. Any petitions not considered in this time will be held over to the next appropriate Meeting.
- 6.7 Once determined, and if the Petition Organiser was not present for the decision, the Petitions Officer will notify the Petition Organiser of the decision within five Clear Working Days.

7 Process – Other Petitions

- 7.1 Consultation Petitions will be dealt with in accordance with the consultation or application process as appropriate (nb that certain petitions of objection to a planning application may trigger a meeting of an Area Planning Committee – see the Planning Committee Appendix).
- 7.2 Statutory Petitions will be dealt with in accordance with the relevant statutory process.
- 7.3 Petitions to Hold an Officer to Account (other than those raising issues of competence or misconduct, which will be dealt with under the Council's Capability and/or Disciplinary Procedures) will be dealt with by the Scrutiny Commission.
- 7.4 The process for dealing with Ordinary Petitions will depend upon the nature of the petition:
- 7.4.1 in some instances the Petitions Officer may be able to seek to resolve the matter by involving the relevant Executive Member or Officer to consider what is being sought and take appropriate action:

- 7.4.1.1 in this event the Petitions Officer will ask the Petition Organiser whether they consider the matter to have been resolved and, if they agree, that will be an end to the petition process;
- 7.4.1.2 failing this the petition will continue as if the Executive Member or Officer had not been consulted;
- 7.4.2 unless the matter is in the process of Executive Member/Officer consultation as above (or that process has ended without resolution) the Petitions Officer will provide a response to the Petition Organiser which sets out:
 - 7.4.2.1 who or what Body the petition will be reported to for consideration;
 - 7.4.2.2 when and where that consideration will take place.
- 7.5 Where an Ordinary Petition is submitted and the Petitions Officer determines that it should be referred to a Meeting, and notice has been given to the Monitoring Officer by 10:00 seven Clear Working Days before such a relevant Meeting, details will be included in the Summons or Agenda for the Meeting.
- 7.6 Where an Ordinary Petition is presented at an Executive Meeting (or with less notice than above) and relates to an item of business on the Agenda for that Meeting, it will be dealt with under that Agenda item, otherwise (unless the Leader determines to deal with it at the Meeting) it will be dealt with at the next relevant Executive Meeting.
- 7.7 In all other cases where a petition is to be referred to a Meeting, it will wait for the next relevant Meeting after seven Clear Working Days and details will be included in the Summons or Agenda for the Meeting.

8 Process – Consideration of Ordinary Petition at a Meeting

- 8.1 If an Ordinary Petition is to be considered at a Meeting, the following process will be followed:
 - 8.1.1 details will be included on the Summons or Agenda for the Meeting as set out above;
 - 8.1.2 the Petition Organiser will be sent a copy of or link to the Summons/Agenda;
 - 8.1.3 an Officer may be asked to set out the background to the issue at the meeting;
 - 8.1.4 the Petition Organiser or their nominated spokesperson will have up to five minutes to present their petition at the meeting;
- 8.2 Ward Councillors will have up to five minutes to make any comments on the petition;
- 8.3 Members may then ask questions of the parties.
- 8.4 The matter will then be discussed by the Body and the Body may:
 - 8.4.1 determine the matter;
 - 8.4.2 refer the matter for investigation and report back; or
 - 8.4.3 refer the matter up to a Meeting of Council or the Executive for determination.
- 8.5 In the case of an Individual Executive Member Decision, the Executive Member will consider representations from the Petition Organiser and Ward Councillors before they proceed to take a decision.
- 8.6 Once determined, the Petitions Officer will notify the Petition Organiser of the decision within five Clear Working Days.

9 Communication with the Petition Organiser

- 9.1 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.
- 9.2 When responding to the Petitions Organiser, the Petitions Officer will also forward the same information to the relevant Executive and Shadow Executive Members and Ward Councillors.
- 9.3 The outcome will also be reported to the next practical/appropriate Meeting of the referring Body for information.