

A5 APPENDIX Q

SCHEME FOR DEALING WITH PETITIONS

Tendring District Council recognises the importance of petitions as a means of engaging with local communities, enabling the public to air concerns, and as a mechanism for generating service improvements. These pages set out what a petition is, how the public can submit a petition, how it will be dealt with and what the Council can do to respond to the issues raised.

What Constitutes a Petition

Any communication which is signed by, or sent to the Council by **more** than 30 people who live, work or study within Tendring shall be treated as a petition provided that such communication has a clear message or instruction upon which it would wish the Council to act.

Any communication which is signed by, or sent to the Council by **less** than 30 of the people who live, work or study within Tendring shall not be treated as a petition but, where it relates to a matter for which the Council has responsibility for, it shall be forwarded to the appropriate officer of the Council to acknowledge and advise what action, if any, will be taken.

Signatory Eligibility

The Council is keen to receive feedback from all residents, visitors and from people working or studying in the Tendring area, through various communication channels. However, only those people who are either - (a) permanent residents of Tendring; or (b) non-residents who can be clearly identified as either working or studying in Tendring can trigger a formal petition response.

There is no legislation supporting the minimum age requirement for a person to initiate or support a petition. Accordingly, children and young people have the ability to submit a petition as it is deemed they have the same rights and opportunity for their voices to be heard as well as adults. However, it is recognised that in practice, a teacher or parent would oversee the submission of a petition from school children where such children are under 16 years of age.

Whilst the Council welcomes petitions as a means of highlighting concerns within a local area, the lead petitioner has a responsibility to ensure that any petition submitted is done so under the principle of good faith and be decent, honest and respectful.

Information to be included

~~The Council requests that a~~ Any petition **submitted must** contains the following:

- A clear and concise statement covering the subject of the petition, the area to which the petition relates and what action the petitioners want the Council to take;

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- The contact details for the petition organiser (lead petitioner) so the Council knows who to contact (where the lead petitioner is not identified, the Council shall correspond with the person named first on the petition);
 - The name, **full** address, postcode and signature of any person supporting a **traditional** paper petition (address details will be checked). **Such a petition must be accompanied by a dated covering letter that identifies the key information outlined in this procedure about the purpose of the petition, what action is called for and contact details for the lead petitioner;**
 - The name, postcode and email address for those persons who sign up to an electronic petition or e-petition; and
 - The date the petition was submitted.

Any petition that does not comply with the above requirements will be deemed invalid.

1. How to Submit a Petition to the Council

Petitions can be submitted to the Council in the following ways:

- E-petition – **The petition must be emailed to democraticservices@tendringdc.gov.uk ~~where~~ no end date to an e-petition is specified, the Council shall set this at three months from the date of receipt of the petition.**
- ~~• A traditional paper petition accompanied by a dated covering letter that identifies the key information outlined in this procedure about the purpose of the petition, what action is called for and contact details for the lead petitioner.~~
- Paper petitions **should must** be sent to **The Committee Services Manager, Tendring District Council, ~~Room 61~~, Democratic Services & Elections, Town Hall, Station Road, Clacton-on-Sea, Essex CO15 1SE.**
- ~~• **By e-mailing the relevant documentation to democraticservices@tendringdc.gov.uk**~~

2. What happens when a Petition is submitted?

- **Receipt of a ~~Each~~ petition** will be formally acknowledged to the lead petitioner in writing **or by email as appropriate**, within five working days of its receipt.
- The Council will accept any petition on face value but reserves the right to verify the signatures or investigate further, if deemed necessary. The petition must not be vexatious or frivolous **or defamatory or offensive. It must not be substantially the same as a Petition previously received and dealt with by the Council within the past 12 months.**

- It must also relate to a matter for which the Council has responsibility for, subject to the exceptions detailed below:

Petitions Received in respect of Planning Applications, the Local Plan making process and other Regulatory Matters (such as licensing applications submitted under the Licensing Act 2003 and the Gambling Act 2005)

Petitions received in respect of planning or licensing applications shall not be treated as petitions for the purposes of this scheme but will be sent to the Council's Planning or Operational Services Departments, as appropriate, and will be considered as representations received in relation to that particular application or planning matter.

Petitions received in respect of the Local Plan making process will be referred to the Planning Policy & Local Plan Committee.

Community Governance Petitions

Community Governance petitions will be considered initially against the relevant provisions of the Local Government and Public Involvement in Health Act 2007. Those petitions that do not meet the criteria under that Act to trigger a Community Governance Review will then be considered against the criteria contained within this Scheme.

Petitions for a Referendum for an Elected Mayor and Cabinet of a Committee System of Local Government

Petitions for a referendum for an Elected Mayor and Cabinet or a return to a Committee System of Local Government will be considered initially against the relevant provisions of the Local Government Act 2000 and related legislation such as the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2011 (as amended). Those petitions that do not meet the criteria under that Act and supporting legislation to trigger a Referendum will then be considered against the criteria contained within this Scheme.

The Head of Democratic Services & Elections (or, in their absence or other unavailability, the Committee Services Manager) will decide whether a petition is valid and/or acceptable. In making their decision those Officers will consult, if necessary, the Monitoring Officer. If the decision made is to reject the petition as being invalid and/or unacceptable the Head of Democratic Services and Elections (or Committee Services Manager) will inform the Lead Petitioner accordingly, explaining the reasons why the petition cannot be accepted under this scheme and, if appropriate, informing the petitioner that the petition will be forwarded to the relevant department together with a request that they respond directly to the petitioner on the matters raised.

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- If the issue contained within the petition is not something which the Council would ordinarily consider in public (~~e.g. a matter relating to the personal or financial affairs of an individual~~), **as it would require the disclosure of confidential or exempt information (as defined in local government law)** the lead petitioner will be informed accordingly, explaining the reasons why the petition cannot be accepted under this scheme and where appropriate, referring the petitioner to the relevant department and advising them as to how their views can be expressed via alternative means.
 - If the issue contained within the petition does not relate to any functions or responsibilities of the District Council, but does relate to a matter for which Essex County Council or other body or partner is responsible, the petition will be forwarded to that organisation and the lead petitioner advised accordingly.
 - Each petition received shall be based on a tiered system whereby:
 - (a) A valid petition containing 30 to **249 500** signatures from Tendring residents or non-residents who can be clearly identified as either working or studying in Tendring, will be reported to Council for information. It will ~~then~~ **also** be presented ~~at~~ **to** the ~~next~~ **first practicable** meeting of the Cabinet and then, if requested, a report will be brought back to Cabinet for consideration;
 - (b) A valid petition containing **250 501**, or more signatures from Tendring residents or non-residents who can be clearly identified as either working or studying in Tendring, will be reported to Council to advise that the petition has been received. Once it has been investigated, a report will be prepared and presented with the petition at the next meeting of the Council for consideration. **If it relates to a matter that is an Executive function under the law the petition will also be presented to the first practicable meeting of the Cabinet and any views, comments or recommendations made by Cabinet will be incorporated into the aforementioned report to Council.**
 - (c) The appropriate Ward Member(s) will be informed of receipt of a petition and any action to be taken.

*Note: Where the subject of a petition requires urgent action (i.e. it cannot wait until the following meeting of the Council) it is proposed that the petition be investigated and a report be presented to the **next first available** meeting of the Council **(or Cabinet if it relates to a matter that is an Executive function under the law)**.*

In the period immediately before an election or referendum the Council may need to deal with petitions differently. If this is the case, the **Council Head of Democratic Services &**

Elections, having consulted the Monitoring Officer, will explain, in writing, the reasons to the Lead Petitioner and discuss inform them of the revised timescale that will apply.

- When a petition is being considered by Cabinet or Council, following investigation and a report being brought back, the lead petitioner will be invited to address the Cabinet or Council, outlining the reasons for the submission of the petition and what action they would like the Council to take. The lead petitioner (or his or her representative) will ~~be given the opportunity to present this information~~ **have a time limit of three minutes for their speech** and the petition will then be discussed by Councillors. A Ward Councillor can, at the request of the lead **signatory petitioner**, present the petition to Cabinet or Council on behalf of the relevant petitioners.
- Should two petitions be received on the same issue (**including if one is** in support and one opposing a course of action) then both lead petitioners will be invited to address Cabinet or Council at the same time.
- The relevant Ward Member(s), Cabinet Member(s) and officers will be informed when a valid petition covering their Wards and areas of responsibility is received and when and how the petition will be considered.
- The lead petitioner will be informed, in writing, of the Cabinet or Council's decision and this information will also be published on the Council's website **via the Minutes of the relevant meeting at which the petition was dealt with**. If a further meeting is to be held to consider the issues raised in the petition, the lead petitioner will be supplied with the relevant details and **will also** be given the opportunity to attend and address ~~the~~ **that** meeting and if appropriate, answer any questions posed at the meeting.
- Relevant Officers will be required to attend any meeting to assist in the scrutiny and investigation of issues raised in the petition. As a general principle, the relevant Officers should be at a Head of Service level or above.
- Where possible, the consideration of a petition will be held in public but, in exceptional circumstances, it may be necessary for an issue to be considered as a "exempt" item under the Local Government Act 1972, the Access to Information Act 1985 and other relevant legislation. In such circumstances, the lead petitioner, public and press will be excluded from the meeting (or part of it) but the reasons for their exclusion will be clearly communicated **to them and will also be included in the Minutes of that meeting..**
- ~~A schedule will be compiled and maintained for all petitions received and will be available for public inspection on request and the name (but not contact details) of the lead signatory will be listed on the schedule.~~

Petitions Received in Respect of Planning, the Local Plan making process and other Regulatory Matters

~~Petitions received in respect of planning or licensing applications shall not be treated as petitions for the purposes of this scheme but will be sent to the Council's Planning or Operational Services Departments and considered as representations received in relation to that particular application or planning matter.~~

~~Petitions received in respect of the Local Plan making process will be referred to the Local Plan Committee.~~

3. What happens after a Petition has been considered?

There are several courses of action available to the Cabinet or the Council (as appropriate) once a petition has been considered, including:

- No action (with reasons as to why no action is proposed)
- Taking the action requested in the petition
- Undertaking research into the matters raised (this could include referring the matter to the relevant Portfolio Holder, or officer of the Council) and holding a meeting with the petitioners.
- Referring the petition to the appropriate Overview and Scrutiny Committee **or other Committee or Cabinet**
- Holding a public meeting
- Holding an inquiry
- Providing a written response to the lead petitioner setting out the Council's views on the request in the petition
- Considering the petition at a future Cabinet or Council meeting
- Calling for a referendum (subject to costs)