

BABERGH AND MID SUFFOLK DISTRICT COUNCILS PETITIONS SCHEME

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1. PETITIONS

- 1.1 The Council has determined that for the purposes of this Scheme a petition is a formal written document requesting or supporting a particular outcome. For practical purposes, we set a requirement for at least 20 signatories before we treat it as a petition.
- 1.2 The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.
- 1.3 Petitions can be sent to:
- Babergh District Council
Endeavour House
8 Russell Road
Ipswich
Suffolk IP1 2BX
- 1.4 If your petition is classed as an 'ordinary petition' and has received 1,000 signatures or more it will be scheduled for a Council debate (please see section 3 below). If this is the case we will let you know the date of the meeting at which it is to be debated.

2. WHAT ARE THE GUIDELINES FOR SUBMITTING A PETITION?

- 2.1 Any person who lives, works or studies in the Babergh area for a petition submitted to Babergh District Council and Mid Suffolk area for a petition submitted to the Mid Suffolk District Council can submit a petition including children and young people (Under 18). This is normally the only person we will contact concerning the petition. If the petition does not identify a petition organiser, we will contact the person or organisation that submitted the petition to agree who should act as the petition organiser.
- 2.2 Petitions submitted to the Council **must** include the following to be considered valid:-
- The name, address or place of work or study and signature of any person supporting the petition. Supporters of the petition can be anyone who lives, works or studies in the area of the District Council.
 - The contact address of the petition organiser (we will use this address for any communications concerning the petition).
 - A clear and concise statement covering the subject of the petition.
 - What action the petitioners wish the Council to take.
- 2.3 Appendix A to this Scheme includes a check list and sample form.

- 2.4 If you want your petition to be debated at a meeting of the Council (“Petitions for Debate”) or to trigger a public meeting of a Scrutiny Committee at which a specific officer will be required to report (“Petitions to Hold an Officer to Account”) the petition will need to contain a higher number of signatories (see section 3).
- 2.5 The Strategic Director has the power to reject a petition if it:
- Does not qualify under the scheme;
 - It is vexatious, abusive or otherwise inappropriate;
 - It is a petition qualifying under another enactment;
 - It is excluded by order;
 - It relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.
- 2.6 In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.
- 2.7 Petitions which are the same or substantially the same as petitions which have been considered in the previous twelve months will be dealt with having regard to the consideration and outcome of the earlier petition. This may result in the Council declining to take any action on the later petition. It will be for the Council to determine whether a petition is the same or substantially the same as an earlier petition.
- 2.8 Petitions which are the same or substantially the same as petitions which have not yet been considered by Council or the relevant Committee may be combined into one petition for consideration, providing that all of the relevant petition organisers agree to this and that the petitions relate to the same ward(s). If the petition organisers do decide to combine their petitions, signatories to more than one of those petitions will not be duplicated on the final petition presented to Council or the relevant Committee. If the petition is to be presented at a meeting of a Council or one of its Committees, all of the relevant petitions organisers will be asked to determine between them whom amongst them will address the Council. It will be for the Council to determine whether a petition is the same or substantially the same as another petition, and the Petitions Officer will contact the petition organisers to discuss their preferred course of action (as above) if this is the case.

3. TYPES OF PETITIONS

- 3.1 There are five different types of petition, as set out below. How we deal with a petition will depend on the type of petition you submit:-

(a) **Ordinary Petitions**

These are petitions which do not come within any of the specific types outlined below (Please note that petitions which raise issues of possible Councillor misconduct under the Suffolk Local Code of Conduct arising under the Local Government Act 2000 will be reported to the Monitoring Officer, rather than considered under this Petition Scheme).

The Petitions Officer will arrange for each Ordinary petition to be reported to the relevant decision maker who has the power to take a decision on the matter in question.

(b) **Petitions for Debate**

Any ordinary petition which contains at least 1,000 valid signatories or petitioners will be reported to and debated at a meeting of the Council. It will be for the Council to judge whether there are 1,000 valid signatories or petitioners contained in the petition. Consultation petitions, statutory petitions or petitions to hold an officer to account which contain over 1,000 signatories or petitioners will not be debated by full Council but will undergo the normal processes for each respective type of petition as outlined below.

The following process will be followed for petitions being presented to full Council for debate:

- (i) Petition organiser (or a representative) to present the petition for up to 3 minutes
- (ii) Relevant Portfolio Holder invited to respond to the petition for up to 3 minutes
- (iii) Local Councillors (if necessary) invited to respond to the petition for up to 3 minutes
- (iv) Council to debate the petition and make a decision to either:
 - a. vote in support of the petition;
 - b. vote against the petition;
 - c. note the petition;
 - d. refer the petition to another body, Portfolio Holder or officer for consideration;
 - e. agree any other appropriate action.

A maximum of 30 minutes will normally be allowed at the meeting to consider the petition. The Chairman may use his or her discretion to extend this timescale if necessary. Any petition relevant to a particular item of business will be discussed under that item whilst petitions that do not relate to an ordinary item of business will be considered at the start of the meeting.

If any clarification of what the petitioner has said is required, the Chairman will have the discretion to allow Councillors to ask questions.

(c) **Consultation Petitions**

These are petitions in response to an invitation from the Council for representations on a particular proposal or application, for example on planning or licensing applications. Consultation petitions which are received by the response date in the consultation invitation will be reported to the Committee or Sub-Committee having the responsibility for the matter in its terms of reference and taken into account when the matter is considered, either by the relevant Committee/Sub-Committee or by the authorised officer acting under delegated powers.

(d) **Statutory Petitions**

Particular Acts of Parliament require the Council to consider certain petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

(e) **Petitions to Hold an Officer to Account**

If you want your petition to be considered at a meeting of a Overview and Scrutiny Committee, where an officer, identified either by name or by post title, will be required to answer questions on the conduct of a particular matter for which they are responsible as part of their duties, your petition has to contain at least 1,000 signatories (reduced to 500 signatories where the petition relates to a local issue, affecting no more than 2 electoral wards within the Council's area). The Council has determined that such petitions must relate to the Chief Executive, a Director or a Head of Service of the Council. Such a petition may, for example, ask a senior officer to explain the progress on an issue or to explain advice that he/she has given. (Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive [or to the Monitoring Officer if the petition relates to the misconduct of the Chief Executive] and will be considered under the authority's Disciplinary Procedures, and not under this Petitions Procedure).

The following process will be followed for petitions to hold an officer to account which do *not* relate to misconduct or competence:

- a) Petition organiser (or a representative) to present the petition for up to 3 minutes and set out any questions they would like to be addressed
- b) Relevant officer invited to respond to the petition and address any questions raised
- c) Local Councillors (if necessary) invited to respond to the petition for up to 3 minutes
- d) Committee to debate the petition and make a decision to either:
 - a. vote in support of the petition;
 - b. vote against the petition;
 - c. note the petition;

- d. refer the petition to another body, Portfolio Holder or officer for consideration;
- e. agree any other appropriate action.

If any clarification of what the petitioner has said is required, the Chairman will have the discretion to allow Councillors to ask questions.

4. WHAT WILL THE COUNCIL DO WHEN IT RECEIVES MY PETITION?

- 4.1 The principles set out below will be applied to all petitions that are within the scope of this Scheme. There are additional provisions earlier on in this Scheme for those petitions that are sufficiently subscribed to trigger a full Council 'requirement to debate' or Overview and Scrutiny Committee 'calling a (senior) officer to account' (See Section 3 under the relevant headings).
- 4.2 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again.
- 4.3 If a petition is not a consultation petition and does not trigger the provisions for a full Council debate or holding an officer to account at an Overview and Scrutiny Committee meeting, it will be dealt with as an ordinary petition. The Council will reasonably determine how it will be dealt with and what the process will be. This may be a referral to the appropriate Committee, Director or other appropriate officer.
- 4.4 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.
- 4.5 Other procedures apply if the petition relates to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor) or a matter where there is already an existing right of representation or appeal, such as Council tax banding and non-domestic rates. For further information on these procedures you can speak to the relevant department.
- 4.6 We will not take action on any petition which the Strategic Director considers to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

5. HOW WILL THE COUNCIL RESPOND TO PETITIONS?

- 5.1 Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:
 - Taking the action requested in the petition
 - Holding an inquiry into the matter
 - Holding a public meeting

- Holding a consultation
- Holding a meeting with petitioners
- Referring the petition for consideration by the relevant Overview and Scrutiny Committee of the Council*
- Calling a referendum
- Writing to the petition organiser setting out our views about the request in the petition.

5.2 All petitions which meet the requirements of the Scheme will be reported to the next meetings of the Council and relevant Committee/Sub-Committee.

* The Overview and Scrutiny Committee is a committee of Councillors who are responsible for scrutinising the work of the Council, in other words, the Overview and Scrutiny Committee has the power to hold the Council's decision makers to account. If the petition is about something over which the Council has no direct control (for example, the local railway or hospital or any matter relating to a different Council) it will refer the petition organiser to the relevant body.

6. E-PETITIONS

6.1 The Council welcomes e-petitions which are created and submitted to the Council through the Council's approved e-petitions software.

6.2 The Council will not respond to e-petitions which are submitted by other means, and such e-petitions will be rejected.

6.3 E-petitions must follow the same guidelines as paper petitions except that they will include only lists of names and addresses and not actual signatures. Those subscribing to the petition must confirm that they live, work or study in the local area of Babergh and Mid Suffolk District Councils. The petition organiser will need to provide us with their name, postal address and e-mail address and also confirm that they live, work or study in the area of Babergh and Mid Suffolk District Councils. The petition organiser will need to decide how long the petition will be open for. Most petitions run for three months, but the petition organiser can choose a shorter or longer timeframe, up to a maximum of six months.

6.4 When an e-petition is created, it may take five working days before it is published online. This is because we have to check that the petition's content is suitable before it is made available on the website.

6.5 If the Council feels it cannot publish your petition for some reason, the Council will contact the petition organiser within this time to explain. The petition organiser will be able to change and resubmit the petition if necessary. If the petition organiser does not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

6.6 When an e-petition has closed, it will automatically be submitted to the Council at the address below. In the same way as a paper petition, the petition organiser will receive an acknowledgement within ten working days.

6.7 Petitions received in response to statutory consultation on planning and licensing applications fall outside of this Petition Scheme. They will continue to be reported to the Planning and Licensing Committees.

7. WHAT CAN I DO IF I FEEL MY PETITION HAS NOT BEEN DEALT WITH PROPERLY?

7.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request within 30 days of being notified of the response that the Council's Overview and Scrutiny Committee reviews the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review, if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

7.2 We will make sure that your request for review is dealt with by the relevant Overview and Scrutiny Committee. If that committee has previously been involved with the consideration of the petition we will, if it is appropriate and necessary to do so, arrange for the review to be considered by a different committee.

7.3 The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter.

7.4 These powers include instigating an investigation, making recommendations to the Council and arranging for the matter to be considered at a meeting of the full Council.

7.5 The following process will be followed:

- The petition organiser to submit an appeal by contacting the Petitions Officer.
- Within 5 working days of receipt of intention to appeal, the Petitions Officer will notify the petition organiser of the time, date and place of the next convenient meeting of the Overview and Scrutiny Committee.
- The petition organiser will be invited to address the Committee for up to 3 minutes on why the Council's decision or the handling of the petition was inadequate. Any local Councillors, if relevant, will also be invited to this meeting.

APPENDIX A

PETITION SCHEME CHECKLIST

1. Any petition must meet the Council's Petition Scheme requirements and be signed by at least 20 people.
2. Individuals signing this petition must be persons who either live, work or study in Babergh/Mid Suffolk.
3. Petitions calling for an officer to give evidence must contain at least 1,000 valid signatories or petitioners. Please indicate the appropriate senior officer you wish called to give evidence or alternatively to which service your issue of concern relates. Please see section 2 for what constitutes a 'valid' petition.
4. Please send your petition to:
Committee Services
Babergh and Mid Suffolk District Councils
Endeavour House
8 Russell Road
Ipswich IP1 2BX

APPENDIX B

TEMPLATE FOR WRITTEN PETITIONS

Contact details of the lead petitioner (the person the Council will contact):

We the undersigned petition the Council to:

Summary of action already taken:

Name (please print)	Contact details (please print)	Signature	Please tick relevant box		
			Live	Work	Study
	[Address – must include!] [Telephone No.] [Email]				