

## APPENDIX

### IMPLICATIONS OF THE LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 UPON THE COUNCIL PROCEDURE RULES

#### 10A PETITIONS SCHEME

##### 10A.1 Definition

For the purposes of these procedural Standing Orders a petition shall be defined as a document embodying a formal request for some form of action or the consideration of some matter by the Council. The submission of a petition is seen by many as lending weight to a particular viewpoint and demonstrating that the view is shared by others. Both written and electronic petitions will qualify under this scheme. Petitions made under any specific enactment, such as that calling for a referendum on the form of executive of the Council, will not be dealt with under this procedure.

##### 10A.2 Scope

Every petition shall be relevant to some matter of major significance in relation to which the Council has powers or duties or which is of more general concern affecting the District, its Council Tax or NNDR payers or concerns a matter on the agenda for the Council meeting to which the petition is to be submitted.

Petitions requesting an Officer to be held to account will be accepted by the Council. Officers qualifying under this scheme will be the Chief Executive, Directors and Heads of Service.

##### 10A.3 Eligibility

The District Council will not accept petitions which are vexatious, abusive or otherwise inappropriate or which relate to a specific or identifiable person or otherwise are considered to be an abuse of its powers, responsibilities or obligations. Petitions shall not be admissible where petitioners are representing personal or prejudicial issues, matters associated with political parties or organisations, where the matter involves a right of appeal to the courts, a tribunal or to a Government Minister or which in the opinion of the Director of Central Services is of a quasi-judicial nature. The interpretation of the above criteria by the Director of Central Services is final. Additionally, the following matters will be excluded from the scheme:-

- (a) any matter relating to a planning decision;
- (b) any matter relating to a licensing decision; or
- (c) 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.

Petitions may be co-ordinated by individuals or by local organisations.

#### 10A.4 **Form**

The petition shall clearly state the purpose for which it is submitted and shall be addressed to the District Council.

A written petition shall contain the name, address and signature of each person who signed it. The name and address shall be in legible format. An on-line petition shall contain the name and address of each person who is party to it and shall remain open for signature on the Council's website for a period of 90 days. A petition shall indicate which one of the signatories is to present the petition. If the Petition Organiser, or his/her nominee, indicates that they are unable to present the petition at the relevant meeting, the petition will still be considered.

The petition shall be sent to the office of the Chief Executive who shall determine what steps are to be taken in response to the petition, which must comprise one or more of the following:-

- (a) giving effect to the request in the petition;
- (b) considering the petition at a meeting of the Council;
- (c) holding an enquiry into the matter;
- (d) commissioning research into the matter;
- (e) holding a public meeting;
- (f) holding a consultation event;
- (g) holding a meeting with petitioners;
- (h) referring the petition for consideration to one of the Council's Overview and Scrutiny Panels; and/or
- (i) provide a written response to the petition organiser setting out the Council's views about the request in the petition.

A maximum of three petitions will be presented at any ordinary full Council meeting.

A petition shall not be presented to a meeting of the Council unless it is delivered to the office of the Chief Executive no later than noon on the tenth clear working day before the meeting at which is to be considered. The petition shall be acknowledged in writing by or on behalf of the Chief Executive within ten clear working days of receipt of the petition. On-line petitions will automatically be submitted to the Council for acknowledgement once the petition has been closed for signature. The acknowledgement will indicate what steps the Council has taken or proposes to take in response to the petition and the reasons for doing so. If a petition has been refused by the Council, the reasons for refusal will be made clear to the Petition Organiser when the acknowledgement of the petition is sent.

No petition may be considered by the Council which effectively duplicates a previous petition submitted to the Council in the preceding six months.

## 10A.5 Procedure

Any resident who lives, works or studies (including those under 18) or who owns or occupies commercial premises in the District may present a petition to a meeting of the Council provided that it bears at least 50 signatures of people who either live or whose place of work or study is located in the District and satisfies the conditions of paragraphs 10.A3 and 10.A4 above. Petitions to trigger a debate at Full Council meetings must bear at least 500 signatures.

Petitions which are considered at a meeting of the Council shall be presented at the conclusion of the receipt of any announcements by the Chairman. A summary of the wording of the petition shall be incorporated on the Agenda for the meeting. If the petition relates to an item on the agenda for Full Council meeting, the presentation will be made at the beginning of that item.

On being called by the Chairman, the person(s) presenting the petition may speak for a total of no more than five minutes in support of the petition. District Councillors may question the person(s) presenting the petition for a period of up to five minutes thereafter. The period for questions may be extended at the discretion of the Chairman. In the case of petitions that qualify for debate at Full Council meetings, the length of the debate shall be no longer than fifteen minutes and must conclude with a decision being made by Full Council. The Council must take the contents of the petition into account when the relevant business is considered. In drawing their conclusions, Full Council may conclude that the Cabinet should be responsible for making the final decision. In such cases, Full Council must determine whether to make recommendations to inform that decision. Written confirmation of the Council's decisions will be submitted to the Petition Organiser within ten clear working days of the meeting and where appropriate, be published on the Council's website.

Other than to respond to questions asked by District Councillors, petitioners shall not participate in debate nor discussion of the item to which their petition relates either at Full Council or at the meeting of the Cabinet, Committee, Panel or Advisory Group to which the petition may be referred.

Petitions shall be presented to Council in the order in which they have been received.

Petitions which request an Officer to be held to account will be considered at a public meeting of the relevant Overview and Scrutiny Panel. The relevant Officer is required to attend that meeting to answer before the Panel, provided that the petition bears at least 500 signatures. The Overview and Scrutiny Panel may use its powers to determine whether any other appropriate Officer should be called before the Panel and whether to extend this invitation to the relevant Executive Member. A report and/or recommendations will be produced by the Overview and Scrutiny Panel indicating what steps should be taken to address the matter. This may include conducting

an investigation into the matter, making recommendations to the Cabinet, Committees, Panels, Advisory Groups etc of the Council or even referring the matter to a meeting of the Full Council. Written confirmation of the Overview and Scrutiny Panel's decisions will be sent to the Petition Organiser within ten clear working days of the meeting and where appropriate, be published on the Council's website.

#### **10.A6 Review of Steps Taken By The Council**

A review of the steps taken or being proposed to be taken by the Council which are requested by the Petition Organiser shall be undertaken by the relevant Overview and Scrutiny Panel, provided that the request is submitted within twenty clear working days of the Petition Organiser receiving written notification of the Council's decision. An acknowledgment of the request for review will be sent to the Petition Organiser within ten clear working days of receipt. In the case where a petition was initially referred to an Overview and Scrutiny Panel by the Council or if it was a petition requesting an Officer to be held to account, then the review will be undertaken by another Overview and Scrutiny Panel of the Council.

On being called by the Chairman of the Overview and Scrutiny Panel, the person(s) presenting the petition may speak for a total of no more than five minutes outlining the reasons why the Council's response was not considered adequate. District Councillors may question the person(s) presenting the petition for a period of up to five minutes thereafter. The period for questions may be extended at the discretion of the Chairman. When dealing with the request, the Overview and Scrutiny Panel can use any of its powers which includes undertaking investigations, making recommendations to the Cabinet or other Committees, Panels, Advisory Groups, etc of the Council or referring the matter to a meeting of Full Council.

The petition organiser shall be informed in writing of the results of the review within ten clear working days of the meeting, and where appropriate, the results will be published on the Council's website.

#### **10.A7 Petitions Which Are Not The Responsibility Of The Council**

Petitions concerning a matter that the Council does not have direct control over, which relates to the functions of another local authority or concerning a matter delivered in partnership with any of the Council's partner organisations will be submitted to the Director of Central Services who shall determine what steps the Council should take. The Director of Central Services' decision on the matter is final. The Petition Organiser will be notified of any actions that have been taken.