

**CHAPTER 3.5 – PETITION SCHEME - PROTOCOL FOR DEALING WITH PETITIONS****3.5.1 General**

~~This Petition Scheme is in accordance with the requirements set out in the Local Democracy, Economic Development and Construction Act 2009.~~

**3.5.1.4 General**

Any person who lives, works or studies within the Borough can sign or organise a petition. All petitions must be relevant to some matter in relation to which the Council has powers or duties over or which affects the Borough.

**3.5.1.1**

Identities of those signing petitions may need to be verified if there are concerns as to their legitimacy and therefore those signing e-petitions need to provide their e-mail address and postcode and on paper petitions their addresses and postcodes.

**3.5.1.2**

The following petitions will not be accepted:

- a) if it doesn't have the required minimum number of signatories (see [Rule 3.5.1.3](#));
- b) if it is the same or substantially the same as a petition that has been received in the last six months ([Rule 3.5.1.4](#));
- c) any matter relating to a planning decision, including current or proposed planning applications and any matter under statutory consultation;
- d) any matter relating to a licensing decision, including licensing applications under the Licensing Act 2003 or the Gambling Act 2005;
- e) any matter relating to an individual or entity in respect of which that individual has a right of recourse or review or right of appeal conferred by or under any enactment ie where a petition is about a matter where there is an automatic right of appeal eg a planning application where there is a right of appeal to the planning inspectorate;
- f) if it is deemed to be vexatious, abusive or inappropriate;
- g) discloses information which is confidential or exempt.

The Monitoring Officer, or his/her representative, will make the decision as to whether a petition is not to be accepted under any of the above criteria. Any petition not accepted under a)-g) above will be acknowledged and an explanation of why it was not accepted provided.

Due to certain restrictions that are imposed on Councils in the period immediately before an election or referendum it may not be possible to deal with a petition and if this is the case the petition organiser will be contacted and an explanation given.

### 3.5.1.3

In order for a petition to be accepted it will require a minimum number of signatories. If the matter in question is specific to one ward this number will be 10. If it applies to more than one ward then 50 signatories will be required.

### 3.5.1.4

If a petition on the same or substantially the same matter as has been submitted in the last six months then the petition organiser will be informed that the issue has been discussed. However this will not apply if that petition did not proceed (e.g. lack of signatories).

### 3.5.2 How to submit a Petition

The Council welcomes paper petitions or e-petitions ~~provided they are created and submitted through the Council's website~~ in accordance with the rules set out in [Rule 3.5.5](#).

An e-petition can be run at the same time as a paper petition, by combining the two before submitting them to the Council. However once a person has been a signatory in one format they cannot sign it in another. Please note that electronic and paper petitions on the same matter should be submitted at the same time.

#### 3.5.2.1

Paper petitions can be submitted:

- a) to an Officer of the Council;
- b) to a Councillor who can either forward it to the appropriate Officer or present it on behalf of the petition organiser to a meeting of the Council;
- c) to a meeting of the Council (for further information please contact the Democratic Services Team on 0118 974 ~~6058-6051~~ or email [democratic.services@wokingham.gov.uk](mailto:democratic.services@wokingham.gov.uk)).

#### 3.5.2.2

Petitions submitted to the Council must include:

- a) a clear and concise statement covering the subject of the petition and should state what outcome the petitioner(s) wishes from the Council;
- b) the name, address and contact details of the petition organiser, in order that contact can be made to explain how the petition will be responded to;
- c) the name and address and signature of any person supporting the petition, including an e-mail address and post code as specified in [Rule 3.5.1.1](#);
- d) E-petitions must also include a date for completion of gathering signatories (any time up to six months after the start date) which will be decided by the petition organiser.

If a petition does not include the details set out in a-d above the Council may decide not to do anything further with it. In that case a written explanation will be provided.

### 3.5.3 Action following Receipt of a Petition

An acknowledgement will be sent to the petition organiser within five working days of receipt of a paper petition or the completion date for e-petitions as specified by the petition organiser.

Local ward Members and relevant Executive Members will be kept informed of petitions which are received.

If relevant the appropriate Town / Parish Council will also be informed that a petition has been received that relates to their area.

### 3.5.4 Responses to Petitions

Once a petition is accepted there are several routes it can follow, which will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- a) taking the action requested in the petition;
- b) debating the petition at a Council meeting;
- c) holding an inquiry into the matter;
- d) undertaking research into the matter;
- e) holding a public meeting;
- f) holding a consultation;
- g) holding a meeting with petitioners;
- h) referring the petition for consideration by one of the Council's Overview and Scrutiny Committees;
- i) calling a referendum;
- j) writing to the petition organiser setting out the Council's views about the request in the petition.

Matters relating to current or proposed planning applications will be referred directly to Customer and Localities ~~the Development Management Team~~ for consideration as part of the representations received relating to the relevant application. Matters under statutory consultation will be referred to the relevant Council department to be included as part of the consultation responses.

#### 3.5.4.1

Once a petition has been submitted and accepted the recipient service department will write to the petition organiser setting out how the petition will be dealt with.

If the petition is to proceed to a Council or Committee meeting then the petition organiser will be informed of the date of the meeting and invited to attend. It is presumed that petitions will be heard at the next meeting of the relevant body unless the Chairman of that body or the petition organiser can provide reasons for a delay.

#### **3.5.4.2 Debating a Petition at a Council Meeting**

If the number of signatories on a petition is more than 1,500 this will trigger a debate at the next Council meeting, unless it is a petition asking for a senior Council Officer to give evidence at a public meeting in which case it will be dealt with in accordance with [Rule 3.5.4.3](#).

On some occasions, eg where there are a number of petitions already scheduled for debate, it may not be possible to debate every eligible petition at the next Council meeting and therefore a petition would be debated at the following meeting.

The following process will be followed at the Council Meeting:

- a) the petition organiser(s) will be given five minutes to present the petition (if there is more than one petition organiser then they will share this time);
- b) the petition will then be debated by councillors for a period not exceeding 30 minutes;
- c) the petition organiser(s) will have the right of reply of up to a maximum of three minutes;
- d) the Mayor will then ask for motions on how the Council wishes to respond to the Petition which may include;
  - i) taking the action or some of the action the petition requests;
  - ii) not taking the action the petition requests
  - iii) referring the petition to another body for them to consider the matter and take the appropriate action;
- e) once a motion has been put forward it will be voted on without discussion or amendment;
- f) if the motion falls then the Mayor will ask for a further motion to be put forward;
- g) if the Mayor is of the opinion that a decision on how to respond to the petition cannot be reached then he/she can decide, on behalf of the Council, not to take the action that the petition requests.

The petition organiser will receive written confirmation of this decision.

#### **3.5.4.3 Officer giving Evidence at a Public Council Meeting**

If the number of signatories on a petition is more than 750 then the petition organiser can request a senior Council Officer (Head of Paid Service and Second Tier Officers only) to give evidence at a public meeting of one of the Council's Overview and Scrutiny Committees about something for which the Officer is responsible for as part of their role.

The Committee may also consider it appropriate to call the relevant Executive Member in addition to the Council Officer.

The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by members of the Committee. Following discussion the petition organiser will have a right of reply up to a maximum of three minutes.

Members of the relevant Overview and Scrutiny Committee will ask the questions at the meeting, but the petition organiser will be able to suggest questions to the Chair of the Committee provided they are submitted three working days before the meeting.

### 3.5.5 Submitting E-Petitions

E-petitions must ~~be created and submitted through the Council's website (www.wokingham.gov.uk) and need to~~ comply with the rules ~~for paper petitions set out in Rules 3.5.1 and 3.5.1.1.~~ The petition organiser will need to provide their name, postal address and e-mail address and will need to decide how long the petition should be open for signatures, up to a maximum of six months from the start date.

When an e-petition is created ~~through the Council's website (www.wokingham.gov.uk)~~ it may take up to five working days before it is published online. This is due to having to check that the content of the petition is suitable before it is made available for signature.

If for any reason the petition is rejected the petition organiser will be contacted within five working days with an explanation of the reason for objection. It will then be possible to change and resubmit the petition if so wished. If this is not done within ten working days, a summary of the petition and the reason why it was not accepted will be published under the 'rejected petitions' section of the website.

When an e-petition ~~created through the Council's website~~ has closed for signature it will automatically be submitted to Democratic Services ~~by Customer Services Team~~. In the same way as a paper petition an acknowledgement will be sent within five working days.

E-petitions will ~~then~~ normally be sent to the relevant Director unless the petition organiser has requested, within ten working days of receipt of the acknowledgement that they wish to present the petition to a meeting of the Council.

A petition acknowledgement and response will be e-mailed to everyone who has signed the e-petition and elected to receive this information.

Those submitting e-petitions created outside of the Council's website should print off their completed petition, which must include all the information set out in Rule 3.5.1.1, and submit a paper copy.

#### 3.5.5.1 Signing E-Petitions

~~All the e-petitions that are available for signature can be found through the link to petitions which can be found on the front page of the Council's website.~~

Anyone wishing to sign an e-petition will be asked to provide their name, postcode and a valid e-mail address. When an e-petition is created through the Council's website the person signing the e-petition will ~~Once this information has been~~ received an e-mail, containing a link, will be sent to the e-mail address provided. Once this link has been clicked on to confirm that the e-mail address is valid the name will be added to the petition. People visiting the e-petition will be able to see the names, in list form, of those who have signed it but not their contact details.

### 3.5.6 If it is felt that a Petition has not been dealt with properly

If the petition organiser feels that their petition has not been dealt with properly they have the right to request the Council's Overview and Scrutiny Management Committee to review the steps that the Council has taken in response to the petition. The petition organiser

should provide a short explanation of the reasons why the Council's response was not considered to be adequate.

The relevant Committee will consider the request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. The petition organiser will be advised of the date of the meeting and invited to attend. If the Committee determine that the petition has not been dealt with adequately it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Executive and arranging for the matter to be considered at a meeting of Council.

Once the appeal has been considered the petition organiser, whether or not they attended the meeting, will be informed of the results within five working days. The results of the review will also be published on the Council's website.