

## **Petition Scheme**

The Council welcomes petitions from adults aged 18 or over who live, work or study in Tamworth Borough.

The Council recognises that petitions are one way in which people can have a direct influence on the political process and to let us know concerns that are important to them.

### **1, What is a Petition**

A petition is defined as a communication in writing or using an electronic facility which is signed by the appropriate number of qualifying people.

It has to contain a clear and concise statement covering the subject of the petition.

It has to state what action the petitioners want the Council to take.

It has to contain the name and contact details of the petition organiser, who will receive correspondence in relation to the petition.

It has to contain the names, qualifying addresses and signatures of the persons supporting the petition.

Should the petition lack any of the above items then it may restrict the outcome the petitioners expect to achieve.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted.

In the period immediately before an election or referendum it may be necessary to deal with your petition differently – if this is the case the reasons will be explained. A revised timescale 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, you will be advised in writing with the reasons.

## **2. Types of Petitions**

### **Standard petitions**

Petitions which meet the criteria at **1** above and contain fewer than 1,000 signatories will be dealt with as follows (a) where there is clear support for action on a Borough issue the relevant Scrutiny Chair and Cabinet member will suggest to Cabinet the preferred course of action and (b) where it is clearly a local concern (e.g. where all the residents of a small community have petitioned for action on a community issue) the relevant Ward members and Cabinet member will suggest to Cabinet the preferred course of action.

### **Petitions requiring debate**

Petitions which meet the criteria at section **1** above and contain 1,000 signatures or more will be debated by full Council (see section **7** for more information).

### **Petitions to hold a Senior Council Officer to account**

Petitions which call for evidence from a Senior Council Officer and have at least 500 signatures will trigger that response (see section **8** for more information).

### **Statutory Petitions**

Petitions which particular Acts of Parliament require the Council to consider e.g. a petition for a directly elected Mayor. A petition submitted under a particular statute will be reported to the next available meeting of Council in accordance with the statutory requirements.

### **Consultation Petitions**

Petitions which are submitted in response to an invitation from the Council to submit representations on a particular proposal or application. Such petitions will be forwarded to the relevant service department to deal with.

## **3. What sort of issues can be the subject of a petition?**

Members of the public can submit petitions on the following

- Issues relating to the Council's responsibilities
- Issues which affect the Borough of Tamworth or communities in the area, as long as the Council is in a position to exercise some degree of influence
- Anything relating to an improvement in the economic, social or environmental well-being of the Borough to which any of the Council's partners could contribute.

The Council will respond to all petitions it receives and be as flexible as it can when handling your petition so that it is considered quickly and in the most appropriate way.

Before submitting a petition you should first check with your local Councillor or with the Council to see if the Council is already acting on your concern. Also check that the Borough Council is the relevant body to receive your petition as sometimes your petition may be more relevant for another public body, such as Staffordshire County Council.

All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

#### **4. How can I submit my Petition?**

A petition can be submitted at any time but if you wish to present it to a relevant meeting of the Council or a Committee it must be received at least 10 working days before the meeting. At the same time you must also inform Legal and Democratic Services of your intention to present your petition.

Paper petitions can be sent to the Legal and Democratic Services, Tamworth Borough Council, Marmion House, Lichfield Street, Tamworth B79 7BZ (contact 01827 709264 email:E-Petitions@tamworth.gov.uk).

E-Petitions can be created, signed and submitted on-line via the Council's website. E-Petitions have to follow the same guidelines as a paper petition and will be dealt with in the same manner. The petition organiser requires to provide a few details on the website so that the Council can contact you regarding the petition. Anyone wishing to sign an E-Petition has to click on the link on one of the Active Petitions via the e-petitions homepage and follow the instructions when prompted. The time limit for signatures to an E-Petition is 28 days. When the 28 day period has passed the manner in which the Council responds will depend on the amount of signatures obtained. This link will take you to the web site petitions page:- <http://www.tamworth.gov.uk/petitions>

Petitions can also be presented to a meeting of the Council. These meetings take place during the months of July, September, December and March, the exact dates and times can be found here <http://www.tamworth.gov.uk/ieListMeetings.aspx?Cld=125&Year=0>

Petitions can be presented by your Councillors as provided for in the Constitution and thereafter dealt with in accordance with this Scheme. If your petition has received 1,000 signatures or more it can also be scheduled for a Council debate and if this is the case Democratic Services will let you know whether this will happen at the same meeting or a later meeting of the Council.

Where a petition is presented by a petition organiser or Councillor at a Council meeting the normal process is that the text of the petition is read out at that meeting following which without any debate the petition will be noted as received.

## **5. What will the Council do when it receives my petition?**

On receiving a petition, this includes a closed E-Petition, it will be checked to see if it meets the criteria defined in the Scheme. If there are any concerns regarding the validity of the petition the Monitoring Officer will be consulted and will determine if the petition is valid.

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what the Council plan to do with the petition and where appropriate when the organiser can expect to hear again. It will also be published on our website.

Once a petition has been verified and acknowledged no further signatures can be added to the petition.

If the Council can do what your petition asks for, the acknowledgement may confirm that the action requested has been taken and the petition will be closed. If the petition has enough signatures and contains a request for action that can 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, you will be advised of the steps to take place.

If the petition relates to a planning application it will not be dealt with under this scheme. It will be treated as a planning representation and will either be considered by officers, if it is a delegated application or Planning Committee if not.

If the petition applies to a licensing application, is a statutory petition or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here

- Comments, Compliments and Complaints <http://www.tamworth.gov.uk/contact-us>
- Planning Appeals <http://www.tamworth.gov.uk/planning>
- Council Tax Appeals <http://www.tamworth.gov.uk/council-tax>
- Benefit appeals <http://www.tamworth.gov.uk/benefits-about-us>
- Licensing (Liquor, Entertainment and Taxi/Private Hire Licences) <http://www.tamworth.gov.uk/list-licences>

No action will be taken on any petition considered to be vexatious, abusive or otherwise inappropriate and the acknowledgement of the petition will explain the reasons for this.

The details of all the petitions submitted to the Council will be published on the website, except in cases where this would be inappropriate. Whenever possible all correspondence relating to the petition will also be published.

## **6. How will the Council respond to petitions?**

The 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
- considering the petition at a meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a meeting with petitioners
- referring the petition for consideration to one of the Council's Overview and Scrutiny Committees
- writing to the petition organiser setting out the Council views in relation to the request in the petition

Depending on the subject matter, your petition will be submitted to either full Council, the Cabinet or one of the Council's Overview and Scrutiny Committees.

These meetings will be held in public and petitioners are welcome to attend the meeting to observe the proceedings.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) it will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If the Council are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then the reasons for this will be sent to you. You can find more information on the services for which the Council is responsible here on our website [www.tamworth.gov.uk](http://www.tamworth.gov.uk)

If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might consist of

simply forwarding the petition to the other Council, but could involve other steps. In any event you will always be notified of the action taken.

## **7. Full Council debate**

If a petition contains 1,000 or more signatures and meet the criteria at section 1 above it will be debated by full Council. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at a following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of fifteen minutes. The Council will then decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee. Where the issue is one on which the Cabinet are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the website.

## **8. Officer evidence**

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

The petition must contain at least 500 signatures. The relevant senior officer will give evidence at a public meeting at one of the Council's Overview and Scrutiny Committees. A list of the senior staff that can be called to give evidence is set out below –

- ***Chief Executive***
- ***Executive Director Corporate Resources***
- ***Solicitor to the Council and Monitoring Officer***

You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of the officer named in the petition. The Committee may also decide to call the relevant elected Councillor with responsibility for the service area to attend the meeting.

The petition organiser will be given five minutes to present the petition at the meeting following which there will be an opportunity for the senior officer to respond for a further

five minutes and the petition will then be discussed by Councillors for a maximum of fifteen minutes. The Committee will then decide how to respond to the petition at this meeting and may

- request Cabinet to undertake the action the petition requests, or not, for reasons put forward in the debate, or
- recommend that further investigation is undertaken into the matter by Cabinet.

An Overview and Scrutiny Committee has no power to make decisions on actions to be undertaken by Council or Cabinet

### **9. Are there any petitions the Council cannot accept?**

The vast majority of petitions received will be accepted but in certain circumstances petitions may not be accepted, including:-

- If the petition applies to a planning application,
- If the petition relates to a matter where there is already an existing right of appeal or a separate complaints process
- If the petition is considered to be vexatious, abusive, defamatory, contains offensive language or is otherwise inappropriate.
- If the petition is the same or substantially the same as one submitted in the previous 12 months.
- If the petition relates to an individual's circumstances
- If the petition is from or on behalf of a political organisation

If it is decided that a petition is not acceptable then the petition organiser will be contacted and advised of the reasons.

### **10. What can I do if I feel my petition has not been dealt with properly?**

If you feel that we have not dealt with your petition properly, the petition organiser has the right within 10 working days of obtaining the decision, to request that the one of the Council's Overview and Scrutiny Committees review 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.

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 that your petition have 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 Cabinet and arranging for the matter to be considered at a meeting of full Council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on the Council website.

### **11. Is there anything else I can do to have my say?**

The Council recognises that petitions are just one way in which people can let us know about their concerns. There are a number of other ways in which you can have your say, asking questions at Council, Cabinet and Scrutiny meetings through the Council's compliments, comments and complaints system (Tell Us Scheme). Several Councillors also hold local surgeries, contact details for your local Councillor can be found on the Council website