

ARTICLE 16 – Petition Scheme

Petitions

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.

Paper petitions can be sent to:

Chief Legal Officer
Epsom and Ewell Borough Council
The Town Hall
The Parade
Epsom
Surrey
KT18 5BY

By the end of November 2010, people will also be able to create, sign and submit petitions on-line.

Petitions can also be presented to a meeting of the Council. There are normally four ordinary meetings every year. If you would like to present your petition to the Council, or would like your Ward Councillor or someone else to present it on your behalf, please contact Legal and Democratic Services on 01372 732000 at least 5 working days before the meeting and an officer will talk you through the process.

What are petitions?

A petition is a communication which is signed by or sent to the Council on behalf of a number of people. There are different types of petitions:

(a) **Ordinary Petitions:** These are petitions which do not fall within the other two categories set out below and will normally relate to the day-to-day services or facilities provided by the Council. Such petitions must be signed by at least 20 signatories.

(b) **Petitions for debate:** If a petitions calls for something to be reported to and discussed at a meeting of the full Council, it must contain at least 1,500 signatures

(c) **Petitions calling for an officer to give evidence:** If a petition calls for an officer to give evidence at a meeting of the Scrutiny Committee or Crime and Disorder Committee and to answer questions on a specific issue, it must contain at least 800 signatures.

Petitions not covered by this Scheme

The following petitions will not be accepted by this Council:

- The subject matter of the petition is deemed likely to cause distress, disruption or irritation without any proper or justified cause.
- The subject matter of the petition relates to a matter which upon which legal proceedings are possible
- The petition relates to an individual member of the community or the personal circumstances of councillors or Council employees.
- Petitions made under any enactment other than the Local Democracy, Economic Development and Construction Act 2009
- The subject matter of the petition is about something for which this Council is not responsible or cannot influence
- Petitions about a planning decision, including a development plan document, any matter relating to a licensing decision

If the Council decides that a petition does not fall within this scheme, the petition organiser will be informed and given the reason why it is not being accepted.

In addition a petition will not normally be considered if it is received within six months of another petition on the same matter. If two or more petitions on the same subject are received at the same time, each will be treated as a separate petition but only the organiser of the first petition received will be invited to address the relevant meeting.

What are the guidelines for submitting a petition?

The Council will accept a petition if it is signed by the required number of people who live, work or study in the Borough. A petition submitted to the Council must include:

- A clear and concise statement covering the subject of the petition.
- It should state what action the petitioners would like the Council to take.
- The name, address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

The contact details of the petition organiser will not be placed on the Council's website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

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

What will the Council do when it receives my petition?

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. It will also be published on our website.

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.

If the petition is about a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor) 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 from the Council.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible, we will also publish all correspondence relating to the petition (all personal details removed). When you are able to sign an e-petition, you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How will the Council respond to petitions?

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
- Considering the petition at a Council meeting
- Holding an enquiry into the matter
- Undertaking research into the matter
- Holding a public meeting
- Holding a consultation Holding a meeting with petitioners
- Referring the petition for consideration by the Audit, Crime & Disorder and Scrutiny Committee *
- Writing to the petition organiser setting out our views about the request in the petition

* The Audit, Crime & Disorder and Scrutiny Committee is a Committee responsible for scrutinising the work of the Council – in other words it has the power to hold the Council's decision makers to account.

If your petition is about something that a different council or body is responsible for we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other council or body but could involve other steps. In any event, we will always notify you of the action we have taken.

Full Council debates

If a petition contains more than 1,500 signatures it will be debated by the full council unless it is a petition asking for a senior Council officer to give evidence at a public meeting.

This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The petition organiser will be given five minutes to present the petition at the meeting. The Council will 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 for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

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.

If your petition contains at least 800 signatures, the relevant senior officer will give evidence at a public meeting of the Council's Scrutiny or Crime and Disorder Committee, as appropriate. The senior staff who can be called to give evidence are:

- The Chief Executive
- Monitoring Officer
- Chief Operating Officer/Directors
- Chief Finance Officer
- Any deputies who report directly to those officers

You should be aware that the Audit, Crime & Disorder and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting the Scrutiny Officer up to three working days before the meeting.

E-Petitions

The Council is working to put in place an e-petitions scheme by the end of November 2010. Petitions can then be created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and e-mail address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months but you can choose a shorter or longer timeframe, up to a maximum of twelve months.

When you create an e-petition, it may take five working days before it is published online. This is because we will have to check that the content of your petition is suitable before it is made available for signature. If you feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change or re-submit your petition if you wish. If you do 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.

When an e-petition has closed for signature, it will automatically be submitted to the Democratic Services team. In the same way as a paper petition, you will receive an

acknowledgment within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact Legal and Democratic Services on 01372 732000 within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement will also be published on this website.

Details of how to sign an e-petition will be given on the Council's website when it is possible to create and submit them later in 2010.

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 to request that the Council's Scrutiny or Crime and Disorder Committee, as appropriate, review the steps that the Council has taken in response to your petition. It is helpful to everyone and can improve the prospects of 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 appropriate Committee will endeavour to consider your request within 30 days of receiving it. Should the Committee determine we have not dealt with your petition adequately it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendation to the appropriate Committee or arranging for the matter to be considered at a meeting of the full Council.

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