

# Petitions Scheme

## Swindon Borough Council

How to submit your petition and what happens next.

### 1 Petitions

1.1 The Council welcomes petitions as one way in which you can let us know your concerns. We set out below how the Council will respond to petitions which you send us.

### 2 What is a petition?

2.1 A petition is any communication which is signed by or sent to us on behalf of a number of people. For practical purposes, we normally set a requirement for at least 10 names or signatures before we treat it as a petition. Whilst we like to hear from people who live, work or study in the Borough, this is not a requirement and we would take equally seriously a petition from, for example, 10 visitors to the STEAM museum on the facilities would be welcome.

### 3 What should a petition contain?

3.1 There should be a clear statement of your concerns and what you want the Council to do. This must relate to something which is the responsibility of the authority, or over which the Council has some influence. If you are not certain about what the Council does, please call our Committee and Member Services section on (01793) 463601 and someone will be happy to assist you. Also, you can look at the A to Z guide on our website [www.swindon.gov.uk](http://www.swindon.gov.uk).

3.2 It must have the name and contact details of the “petition-organiser” or someone to whom you would like any correspondence about the petition to be sent. Contact details may be either a postal address or an email address. When submitting an e-petition you will be asked for both. Without these details we cannot accept it.

3.3 It needs the names of at least 10 people (which can include the petition organiser). The minimum information we need is the person’s name, postcode and house number for a paper petition. Full address and email addresses are required to login to sign an e-petition. We will only print the name and postcode in any Council reports. This information will be used as a safeguard against bogus petitions.

- 3.4 Where the petition is in paper form, this can include an actual signature from each petitioner, but that is not essential. Where the petition is in electronic form, a list of the names of the petitioners will be displayed. You may include the addresses of petitioners on a paper petition, which may be useful to the Council, for example, in assessing the degree of local support or opposition to a problem that affects a precise geographical area.
- 3.5 If the petition is submitted electronically, or if the written petition contains an email address, the Council may use this to inform all petitions of the action the Council has taken. .
- 3.6 If you want your petition to be debated at a meeting of the Council (“A Petition for Debate”), or to trigger a public meeting of an Overview and Scrutiny Committee at which a specific officer will be required to report (“A Petition to hold an Officer to Account”), your petition will need to contain a higher number of signatories or petitioners (see below).
- 3.7 Where a petition relates to a matter which is within the responsibility of another public authority, we will ask the petition organiser whether they would like us to redirect the petition to that other authority. For example, if your issue is the responsibility of the police, the NHS, the Primary Care Trust etc, we will ask if you want us to send it to their governing body.
- 3.8 Where a petition relates to a matter over which the authority has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision.

#### 4 How do you send in a petition?

- 4.1 The Council already undertakes many consultations throughout the year on planning matters or over the opening or closing of schools. Where you submit a petition in response to such a consultation, please address it to the return address set out in the invitation. This will ensure that it is reported at the same time as the matter to which it relates is considered. If you are not certain about where to send the petition, please call us on (01793) 463601.
- 4.2 We have appointed the Director of Law and Democratic Services as the ‘Petitions Officer’, who is responsible for receiving, managing and reporting all other petitions sent to the authority. Please send paper petitions to –

The Director of Law and Democratic Services (‘Petitions Officer’)  
Swindon Borough Council  
Civic Offices  
Euclid Street

Swindon  
SN1 2JH  
Or to CommitteeServices@swindon.gov.uk

- 4.3 Alternatively a request for petition, can be made via the Council's e-petition facility. When received the Petition Officer will review the request and may suggest amendments before making it available for signature.
- 4.4 The Petitions Officer will ensure that each petition is acknowledged to the petition organiser and entered on the authority's petitions website. The Petitions Officer can also provide you with advice about how to petition the authority or the progress of your petition, at either of the above addresses or by telephone at (01793) 463601 or 463602

## 5 Types of Petition

- 5.1 There are five different types of petition, as set out below. How we deal with a petition depends on which type of petition you submit –

### Consultation Petitions

- 5.1.1 These are petitions in response to an invitation from the authority for your views on a particular proposal., Consultation petitions which are received by the response date in the consultation invitation will be reported to a public meeting of the person or body which will be taking the decision on the proposal.

### Statutory Petitions

- 5.1.2 The government requires the Council to consider some petitions in a particular manner, 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.

### Petitions for Debate

- 5.1.3 If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 1,500 signatories or petitioners (this is reduced to 750 signatories or petitioners where the petition relates to a local issue, affecting no more than 2 or 3 wards within the Council's area or 350 signatories or petitioners for a single ward issue within the Council's area).

## Petitions to Hold an Officer to Account

- 5.1.4 If you want your petition to be considered at a meeting of an 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, your petition should contain at least 750 names. The Council has determined that such petitions must relate to the Chief Executive, a Director or a Head of Service of the authority.
- 5.1.5 Where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to the Director of Human Resources and Change in respect of the Chief Executive) and will be considered under the authority's Disciplinary Procedures, and not under this Petitions Procedure.

## Ordinary Petitions

- 5.1.6 These are petitions that do not come within any of the above specific types. Please note that petitions that raise issues of possible Councillor misconduct will be taken as complaints arising under the Local Government Act 2000 and will be reported to the Standards Committee, rather than considered under this Petitions Procedure.

## 6 The Petitions Website

- 6.1 The authority will establish a petitions website by 15<sup>th</sup> December 2010.
- 6.2 When a paper petition is received, within 10 working days the Petitions Officer will log that petition on the website. The petition organiser's name will be included on the website.
- 6.3 When a request for an e-petition is submitted via the e-petition facility on the Council website, this will be made live for signature by the Petitions Officer within 10 working days of receipt, unless clarification is required on the wording from the petition. If the matter falls outside the petitions scheme, the request for a petition will be rejected and the petitioner will be informed why.
- 6.4 As soon as it is decided who the petition will be considered by within the authority, and when that consideration will occur, this information will be entered on the website at the same time as it is sent to the petition organiser. Once the petition has been considered, the authority's decision will be notified to the petition

organiser and put on the website within 10 working days of that consideration.

- 6.5 Petitions are presented on the petitions website in the order in which they are received. All petitions are kept on the website for at least 2 years from the date of receipt.

## 7 The Role of Councillors

- 7.1 When a petition is received it will be reported to the relevant decision-maker(s) within the Council (Cabinet Member, Cabinet, Officer, or Regulatory Committee) or the appropriate Overview and Scrutiny Committee.
- 7.2 When a petition is received which relates to a local matter (particularly affecting specific wards) the Petition Officer will also send a copy of the petition to each relevant Ward Councillor(s) at the same time as acknowledging receipt of the petition to the petition organiser. The relevant Ward Councillor(s) will be invited to attend and to address any meeting at which the petition is considered for up to 3 minutes, immediately after the petition organiser.

## 8 What happens when a petition is received?

- 8.1 Within 10 working days of receipt, the Petitions Officer will acknowledge receipt to the petition organiser.
- 8.2 In some cases, the Petitions Officer may be able to resolve the petitioners' request directly, by getting the relevant Cabinet Member or officer to take appropriate action. For example where the petition relates to fly-tipping and the authority can arrange for it to be cleared up directly. Where this is done, the Petitions Officer will ask the petition organiser whether s/he considers that the matter is resolved.
- 8.3 Unless the matter has been resolved to the satisfaction of the petition organiser, the Petitions Officer will within 10 working days of receipt of the petition provide a substantive response to the petition organiser setting out who the petition will be reported to for consideration. If this involves a meeting of the Council, this will include information on when and where this will take place and will invite the petition organiser to attend that meeting and to address the meeting for up to 5 minutes on the issue covered by the petition. The petitioner may appoint another person, who is also a signatory, to speak on their behalf. The invitation to the petition organiser to address the meeting is in addition to any other public speaking rights at that meeting.

- 8.4 Whilst we are committed to dealing with petitions promptly, a petition will normally need to be received at least 10 working days before a relevant meeting if it is to be reported to that meeting. Where it is necessary to undertake a significant amount of work to collect information and advice to enable the matter to be properly considered, it may be necessary for the Petitions Officer to decide that the petition will be held over until the following meeting of the relevant body.
- 8.5 At each stage of the consideration of the petition, within 10 working days of any decision, the Petitions Officer will ensure that the petitions website is updated to ensure that petitioners can track progress of their petition.

## 9 What happens to a Consultation Petition?

- 9.1 Consultations Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal or policy.
- 9.2 The petition will be reported to person or body who will take the decision on the proposal or policy at the meeting when they are to take the decision. The Council's Constitution defines who will take different types of decision, as set out in the Scheme of Delegations and the terms of Reference of Committees and Sub-Committees.
- 9.3 Where the petition relates to a matter which is within the delegated power of an officer, s/he will not exercise those delegated powers but will automatically refer the matter up to the relevant Cabinet Member for decision using the Cabinet Member Decision Note process as set out in of the Constitution).
- 9.4 Where the petition relates to a matter that is within the delegated powers of an individual Cabinet Member, s/he may decide not to exercise those delegated powers but to refer the matter to Cabinet for decision.

## 10 What happens to a Statutory Petition?

- 10.1 Particular Acts of Parliament require the Council to consider 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.

- 11 What happens to Petitions for Debate?
- 11.1 Petitions for Debate will be reported to the next convenient meeting of Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council, which are not convened to consider the subject matter of the petition.
- 11.2 As set out below, the petition organiser, or their appointed deputy, will be invited to address the meeting for up to 5 minutes on the subject of the petition.
- 11.3 The petition organiser will be notified of the outcome of the debate and of any follow-up actions that are agreed by the meeting.
- 12 What happens to a Petition to Hold an Officer to Account?
- 12.1 Petitions to hold an officer to account will be reported to the next convenient meeting of the relevant Overview and Scrutiny Committee.
- 12.2 In advance of the Committee meeting, the petition organiser will be invited to submit a list of questions that they would like put to the officer at the meeting. These questions will be provided to the Chair of the Committee, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.
- 12.3 At the meeting, the Chair will invite the petition organiser to address the Committee for a maximum of 5 minutes on the issue<sup>1</sup>, and the relevant officer will then be required to report to the Committee in relation to the conduct of the subject matter of the petition. Members of the Committee may question the officer, and the Chair may invite the petition organiser to suggest questions for him/her to put to the officer.
- 13 What happens to an Ordinary Petition?
- 13.1 The Petitions Officer will arrange for each Ordinary petition to be reported to the appropriate Cabinet Member or reported to the next convenient meeting of Cabinet, of Council or of a Committee or Sub-Committee of Council which has the power to take a decision on the matter.
- 14 At the meeting, when the matter to which the petition relates is considered –

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<sup>1</sup> *Note that the 2009 Act does not give the petition organiser a right to speak at the Committee meeting, but the Council has decided that s/he should be invited to set out the petitioners' concerns in relation to the subject matter of the petition.*

- 14.1 Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting, and will be considered in the order in which they were received, unless the Chair at the meeting determines otherwise<sup>2</sup>. A maximum of 30 minutes will be allowed at each meeting for considering all such petitions and consideration of the contents of any petitions not reached in the time allowed will be referred to the relevant Cabinet Member for consideration or deferred until the next meeting.
- 14.2 In special circumstances the Chair may ask the meeting to suspend standing orders to permit the debate on petitions to extend beyond 30 minutes.
- 14.3 Any petitions relevant to particular items of business, such as petitions relating to planning applications or proposed traffic regulation orders, will be taken together with that item of business, in the normal order of business.
- 14.4 The decision-taker or the Chair of the meeting may invite a relevant officer to set out the background to the issue before inviting the petition organiser (or deputy) to address him/her for up to 5 minutes. The Cabinet Member/Chair may then ask questions of the petition organiser, and will then invite any relevant Ward Councillors present to address him/her on the matter for up to 3 minutes (each). The Cabinet Member/Chair will then invite a relevant officer(s) to advise him/her/the meeting, after which the matter will be open for debate among members of the decision-making body or committee. Where the matter is to be determined by a Cabinet Member, s/he will take a decision on the matter. That decision may be a determination of the matter, or may be a decision to refer the matter for investigation and report back, or to refer it up to a meeting of Council, Cabinet or a Committee of the Council for determination.
- 14.5 Within 10 working days of the consideration of the petition by the relevant Cabinet Member or Council body, the Petitions Officer will notify the petition organiser of the Cabinet Member's / Council body's decision and advise him/her that if s/he is not satisfied with that decision, s/he may require the matter to be reported to the next convenient meeting of the appropriate Overview and Scrutiny Committee for review.
- 14.6 At each stage, the Petitions Officer will enter the relevant information on the website at the same time as it is sent to the petition organiser.

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<sup>2</sup> *In practice, where one person has submitted more than one petition, his/her second petition will be taken after consideration of the first petition submitted by each other person, and so on.*



## 15 Appeal to an Overview and Scrutiny Committee

- 15.1 If the petition organiser is not satisfied with the outcome of the authority's consideration of his/her petition, he/she may appeal to an Overview and Scrutiny Committee by notifying the Petitions Officer of his/her intention to appeal within 20 working days of being notified of the authority's decision on the petition.
- 15.2 Within 10 working days of receipt of intention to appeal, the Petitions Officer will determine which is the relevant Overview and Scrutiny Committee and will notify the petition organiser of the time, date and place of the next convenient meeting of that Overview and Scrutiny Committee and will invite the petition organiser (or deputy) to attend the meeting and to address the Committee for up to 5 minutes on why he considers that the authority's decision on the petition is inadequate.
- 15.3 At that meeting, the Overview and Scrutiny Committee will invite the petition organiser and Ward Councillors to make their representations and to explain why s/he considers that the Cabinet Member's / council body's response was insufficient. The Overview and Scrutiny Committee may not over-ride the Cabinet Member or Council body, but the Cabinet Member / Council body must consider any recommendations made by the Overview and Scrutiny Committee.

## 16 The role of the Petition Organiser

- 16.1 The petition organiser will receive acknowledgement of receipt of the petition or the request for an e-petition within 10 working days of its receipt by the authority.
- 16.2 Where the petition is not accepted for consideration (see Paragraph 17 below for grounds for rejection of petitions), the petition organiser will be advised by the Petitions Officer of the rejection and the grounds for such rejection.
- 16.3 Where the petition is accepted for consideration, the petition organiser will be advised by the Petitions Officer within 10 working days of receipt by the authority or the completion of an e-petition as to who the petition will be considered by, and the date, time and place of the meeting at which it will be considered, and will be invited to address the meeting for up to 5 minutes. The meeting may then ask the petition organiser questions on the subject matter of the petition.
- 16.4 The petition organiser may nominate another person to address the meeting and to answer any questions on the matter.

- 16.5 The petition organiser will be regularly informed by the Petitions Officer of any decisions in respect of the petition and will be formally notified of the outcome of the petition's consideration within 5 working days of such decision.
- 16.6 The petition organiser may notify the Petitions Officer of his / her intention to appeal to an Overview and Scrutiny Committee against the decision of the authority relating to the petition within 20 working days of being notified of that decision, and may attend and address the meeting of the Overview and Scrutiny Committee for up to 3 minutes as to why s/he considers that the authority's decision on the petition was inadequate.

17 Petitions which will not be reported

17.1 Duplicate Petitions

17.1.1 Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, the petition organisers will be asked to combine the petitions and for one petition organiser to address the meeting. If this is unacceptable to the petition organisers, the Law and Democratic Services Officer will determine which should proceed and who should be invited to address the relevant meeting.

17.2 Repeat Petitions

17.2.1 A petition will not normally be considered where it is received within 6 months of another petition being considered by the authority on the same matter.

17.3 Rejected Petitions

17.3.1 A petition will not be reported and e-petition request will be rejected if in the opinion of the Petitions Officer, it -:

- Contains intemperate, inflammatory, abusive or provocative language,
- Is rude, defamatory, scurrilous or vexatious.
- Is identical or too similar to a petition submitted in the past 6 months.
- Discloses confidential or exempt information, including information protected by court order or government department.
- Discloses material which is otherwise commercially sensitive.
- Provides information relating to the personal and private lives of individual officers of public bodies or makes criminal accusations.
- Contains advertising statements.

- Refers to an issue which is currently the subject of a formal Council complaint, Local Ombudsman complaint or any legal proceedings.
- Relates to a specific issue where there is already a right of appeal.
- Relates to a specific and individual planning or licensing decision. Such 'petitions' will be referred to the relevant Officer or Regulatory Committee in accordance with existing procedures for representations.
- Does not relate to something which is the responsibility of the authority, or over which the authority has some influence.