

Standards Committee - August 2015

Extract from : HART DISTRICT COUNCIL CONSTITUTION: PROPOSED PRACTICE NOTE FOR APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES, AND PROPOSED SCHEMES FOR PUBLIC QUESTION TIME, AND PETITIONS

Appendix 3a

PETITIONS

Extract from Hart District Council Constitution – NO CHANGE PROPOSED

“13. PETITIONS

- 13.1 Application by a Member or any other person or persons for a petition to be received at a meeting must be made to the Chief Executive not less than five clear working days prior to the meeting.
- 13.2 The subject matter of the petition shall be referred to the Cabinet, the appropriate Cabinet Member or the Committee (or such other more appropriate outside organisation) which normally deals with business of that nature.
- 13.3 Petitions may be submitted at any time to the Leader or the relevant Cabinet Member and will be referred in accordance with Rule No. 13.2.
- 13.4 Petitions will be dealt with in accordance with the process set out in Appendix 2”.

PROPOSED

Hart District Council's Petitions Scheme

The purpose of this Scheme for Petitions is to provide guidance to Members, Officers, and the public on how petitions to the Council will be dealt with. It is intended to be read alongside, and to be complementary to, Council Procedure Rule 13 (Petitions) as set out in the Hart District Council Constitution. If there is any conflict between the two, then Council Procedure Rule 13 shall take precedence.

1. What is a petition

A petition is a formal written request, typically one signed by many people, appealing to the Council in respect of a particular cause.

To fall in with the requirements of the scheme, the petition must relate to a function of the authority and partner organisations, to 'an improvement in the economic, social or environmental well-being of the authority's area to which any of the authority's partner authorities could contribute'. A petition can also be about issues that involve neighbouring authorities where there is a direct impact on people in Hart District.

2. Who can submit a petition?

A petition can be submitted by anyone who lives, works or studies in Hart District.

3. How to submit a petition?

Petitions can be submitted at any time and will be considered at an appropriate meeting 5 clear days¹ after submission. This does not necessarily mean that the petition will be considered at the first opportunity. If the petition raises an issue that requires further investigation then the petition will be considered once those investigations have reached a point that allows a debate on the request contained in the petition to be considered. Petitions should be sent to Committee Services at Hart District Council:

Email: committeeservices@hart.gov.uk

Write: Committee Services, Hart District Council, Harlington Way, Fleet, GU51 4AE

4. Number of signatures required for a petition

To comprise a petition it should be signed by many people (more than 50). The response to petitions will depend on what is being asked for and how many signatures it contains. In considering how to respond consideration will be given to what alternative action the Council can take e.g. holding a meeting with the lead petitioner, referring the petition to a cabinet member or officer. If the petition meets the following numbers, it may be presented to the following meeting:

Council/Cabinet (depending on whether the matter is a Council or Executive function) – over 1000 separate signatories

Overview and Scrutiny – between 500 and 1000 separate signatories

¹ Clear working days excludes the day the petition is received and the day of the meeting.

Petitions with less than 500 separate signatures will be dealt with by the relevant **Head of Service** in consultation with the respective Cabinet Portfolio Member, and of it relates to local issues only, the local Ward Councillors.

5. Issues which the Council will not consider in Petitions

The Council will not accept petitions that:

- are abusive, vexatious, libellous or otherwise inappropriate
- might lead to the Council acting illegally
- relate to an identifiable person
- relate to an issue which is clearly outside the control or reasonable influence of the Council (e.g. petitions on national or international issues)
- clearly support (either positively or negatively) the financial interests of the person submitting the petition
- refer to a matter which is already the subject of legal proceedings
- relate to a matter that is already, or is proposed to be, subject to public consultation (statutory or otherwise) to be carried out by the Council
- are submitted from employees about terms and conditions of employment or relates to internal management issues
- duplicates or is substantially similar to a petition received less than 6 months before, unless there has been a material change in circumstances
- activities and aims of a political party or organisation
- personal circumstances or conduct of any Officer and Councillor or conditions of service of employees;

This Petitions Scheme also does not apply to certain matters, where there are already existing processes for communities to have their say. The following matters are therefore excluded from the scope of this Petitions Scheme:

- any matter relating to a planning application/decision, including about a development plan document or the community infrastructure levy
- any matter relating to an alcohol, gambling or sex establishment licensing application/decision
- any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse (either oral or written) to a review or right of appeal conferred by or under any enactment, or the right to be heard by independent examination.

In the six-week period before an election or referendum the Council may need to deal with petitions differently to avoid taking any action that can otherwise be perceived as being advantageous to any candidates or parties in the forthcoming elections or referendum.

6. What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take. People need to know what they are signing and therefore the petition should state clearly what it is about or what you think is wrong and what you would like to

happen. It should be capable of being read in a few moments to enable people signing a petition to read it first. The petition should state that it is directed to Hart District Council.

- 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 the Council will contact to explain how we will respond to the petition.

7. **How will the Council respond to a petition?**

The Council's response to a petition will depend on what a petition asks for, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council meeting
- referring the issue to local Ward Councillors
- referring the issue to the Council's Overview & Scrutiny Committee²
- referring the issue to the Council's Cabinet³
- holding an investigation
- commissioning relevant research
- organising a public meeting
- mounting a wider public consultation
- meeting with the Petition Organiser or representatives of signatories
- providing a written response outlining the Council's views on the subject
- consulting statutory partners and local service providers
- instigating discussions with the voluntary and community sectors
- making representations to Commercial or other Interests.

If the concern is a local, ward-based issue, then the presumption will be to refer the matter to local Ward Councillors. As a matter of course, local Councillors will be formally notified of all valid petitions that relate to the residents in their respective Wards.

Details of petitions received and the final response /outcome of the petition will be published on the Council's website.

8. **Petitions with 1,000 or more Signatures - Council (or Cabinet if the matter relates to an Executive function) debate**

If a petition contains 1,000 or more signatures it will normally be debated at the next ordinary meeting of the Council/Cabinet, although on some occasions this may not be possible and consideration will take place at a subsequent meeting. At the meeting the Petition Organiser will be given three minutes to address the Council/Cabinet,

² Overview and scrutiny is an important and specialist role for all Councillors who are not part of the Cabinet arrangements. Overview and Scrutiny Committee has processes available to it which enables it to review and challenge decisions, policies and services, inform decision making and offer recommendations for the Cabinet and other agencies to consider.

³ Cabinet is the executive decision-making body within the Council's structures, which is chaired by the Leader of the Council and is responsible for taking most of the day to day decisions within agreed budgets and policies.

and the petition may then be discussed by Councillors for a maximum of 20 minutes.

The Council/Cabinet will decide how to respond to the petition at this meeting. It may decide to:

- take the action the petition requests (if it is within the Council's power to do so),
- not to take the action requested for reasons put forward in the debate, or
- to commission further investigation into the matter, for example by Overview and Scrutiny Committee or relevant Service.

9. Petitions with 500 or more (but less than 1,000) signatures – Consideration by Overview and Scrutiny Committee

If a petition contains 500 signatures or more, but less than 1,000 signatures, it will be referred to Overview and Scrutiny Committee for consideration unless it is about an issue which is resolved before the meeting to the Petition Organisers satisfaction. Overview and Scrutiny Committee will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will take place at a subsequent meeting. The Petition Organiser will be given the opportunity to present the petition at the meeting and the petition will then be discussed by Councillors. Where possible the Cabinet Member with the relevant portfolio responsibility and appropriate officers will be invited to attend.

At this meeting, Overview and Scrutiny Committee will consider and make recommendations on how the Council should respond to the issue raised in the petition. The Committee may decide to recommend (to the Council, Cabinet, officers or partners) that:

- the action the petition requests should be taken,
- no action is taken for reasons put forward in the debate,
- further investigation be commissioned into the matter, for example by a relevant Service, or
- the matter be referred to local Ward Councillors for consideration.

10. Petitions with less than 500 signatures

If a petition contains less than 500 signatures it will be referred to the appropriate Head of Service or Service Manager for consideration. The Head of Service/Service Manager may decide to use delegated powers, in accordance with existing policies and budget provision to:

- take the action that the petition requests should be taken,
- not take the action requested by the petition where this would be outside existing policies and budget provision,
- refer the matter to Cabinet, Overview and Scrutiny Committee or local Ward Councillors for consideration. The relevant Cabinet Member and appropriate local Ward Councillors will first be consulted on the action proposed to taken by the Head of Service.

11. Feedback – How will the petitioners be told the outcome?

The Petition Organiser will receive a letter or email setting out the Council's final response to the petition and the reasons for it. This will normally outline the steps taken by the Council to consider the issue, including the involvement (where applicable) of Councillors.

How to contact Committee Services

Email: committeeservices@hart.gov.uk

Write: Committee Services, Hart District Council, Harlington Way, Fleet GU51 4AE