



<b>Title:</b>	<b>Constitution of the Council (Part 4J: Petitions Scheme)</b>
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Adopted by Full Council on 12<sup>th</sup> December 2022



# PETITIONS SCHEME

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## 1 INTRODUCTION

- 1.1 The Borough Council welcomes petitions as one way in which you can let us know your concerns. We set out below how the Borough Council will respond to petitions which you send us.
- 1.2 The Borough Council offers advice and assistance to any person wishing to submit a petition.

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## 2 WHAT IS A PETITION?

- 2.1 We treat as a petition any communication which is signed by or sent to us on behalf of a number of people and which is identified as a petition. For practical purposes, we normally set a requirement for at least 10 signatories or petitioners before we treat it as a petition.<sup>1</sup> ~~Whilst we like to hear from people who live, work or study in East Staffordshire, this is not a requirement. We would take equally seriously a petition from, for example, 10 visitors to the Borough on the subject of facilities at one of our events or visitor attractions.~~

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## 3 WHAT SHOULD A PETITION CONTAIN?

- 3.1 A petition should include:
  - 3.1.1 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 Council, or over which the Council has some influence. 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. Where a petition relates to a matter over which the Council has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision;

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<sup>1</sup> ~~Whilst we like to hear from people who live, work or study in East Staffordshire, this is not a requirement. We would take equally seriously a petition from, for example, 10 visitors to the Borough on the subject of facilities at one of our events or visitor attractions.~~

- 3.1.2 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;
  - 3.1.3 the names of at least 10 petitioners (which can include the petition organiser). Where the petition is in paper form, this can include an actual signature from each petitioner, but actual signatures are not essential. Where the petition is in electronic form, a list of the names of the petitioners will suffice. You must also include the addresses (including postcodes) of petitioners, which may be useful to the Council, for example, in assessing the degree of local support or opposition to a planning application. 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).
- 3.2 If you are submitting the petition in response to our consultation on a specific matter, please identify the matter which it relates to, so that we can ensure that your petition is considered alongside the original matter.

## 4 WHO SHOULD YOU SEND A PETITION TO?

- 4.1 Where you submit a petition in response to consultation by the Council, please address it to the return address set out in the consultation invitation. This will ensure that it is considered alongside the original matter.
- 4.2 We have appointed a Petitions Officer, who is responsible for receiving, managing and reporting all other petitions sent to the Council. Please address petitions to:

~~Principal Democratic Services Officer~~  
East Staffordshire Borough Council  
Town Hall  
Burton upon Trent  
Staffordshire DE14 2EB

or to [petitions@eaststaffsbc.gov.uk](mailto:petitions@eaststaffsbc.gov.uk)

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- 4.3 The Petitions Officer will ensure that your petition is acknowledged to the petition organiser and entered on the Council's petitions website ([www.eaststaffsbc.gov.uk](http://www.eaststaffsbc.gov.uk)) and that the website is regularly up-dated with information on the progress of your petition. The Petitions Officer can also provide you with advice about how to petition the Council or the progress of your petition, at either of the above addresses or by telephone at 01283 508309.

## 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.

### ORDINARY PETITIONS

- 5.2 These are petitions which do not come within any of the following specific types. Please note that petitions which raise issues of possible Councillor misconduct will be reported to the Standards Committee, rather than considered under this Petitions Scheme.

### CONSULTATION PETITIONS

- 5.3 These are petitions in response to an invitation from the Council for representations on a particular proposal or application, for example on planning or licensing applications. 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 application or proposal.

### STATUTORY PETITIONS

- 5.4 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.

## PETITIONS FOR DEBATE

- 5.5 If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 1,500<sup>2</sup> signatories or petitioners (this is reduced to 200 signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the Council's area).

## PETITIONS TO HOLD AN OFFICER TO ACCOUNT

- 5.6 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 job title, will be required to answer questions on the conduct of a particular matter, your petition should contain at least 500 signatories or petitioners (this is reduced to 100 signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the Council's area). The Council has determined that such petitions must relate to the Chief Executive or a Head of Service of the Council. Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to the Monitoring Officer if it is in respect of the Chief Executive) and will be considered under the Council's Disciplinary Procedures, and not under this Petitions Scheme.

## 6 THE PETITIONS WEBSITE

- 6.1 The Council maintains a petitions website at [www.eaststaffsbc.gov.uk](http://www.eaststaffsbc.gov.uk).
- 6.2 The Petitions Officer will ensure that all petitions received by whatever means are included on the website and that this is updated to track progress of each petition.
- 6.3 Petitions are presented on the petitions website in the order in which they are received, but the website can be searched for keywords to identify all petitions relating to a particular topic. All petitions are kept on the website for 2 years from the date of receipt.

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<sup>2</sup> The number of signatories or petitioners required for Petitions for Debate, and for Petitions to Hold and Officer to Account have been set by the Council to try to ensure that matters of genuine concern can be brought to the Council's attention. These requirements will be reviewed periodically in the light of the number of petitions received, to ensure that the requirements are not excessive.



## 7 THE ROLE OF WARD COUNCILLORS

- 7.1 When a petition is received which relates to a local matter (particularly affecting specific electoral wards), the Petition Officer will send a copy of the petition to each relevant Ward Councillor at the same time as acknowledging receipt of the petition to the petition organiser.
- 7.2 When the petition is reported to the person or body within the Council who can take a decision on the matter to which it relates, the relevant Ward Councillor will be invited to attend and to address the decision taker for no more than ~~53~~ minutes (or ~~53~~ minutes each), immediately after the petition organiser.

## 8 WHAT HAPPENS WHEN A PETITION IS RECEIVED?

- 8.1 Within 2 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 Deputy Leader or Member or~~ officer to take appropriate action. For example where the petition relates to fly-tipping and the Council can arrange for it to be cleared up directly. Where this is done, the Petitions Officer will ask the petition organiser whether they consider that the matter is resolved.

~~8.28.3~~ Once a petition is received, the Council will check the signatures contained within the petition for their validity (for example, to ascertain if there are any duplicate signatures or incomplete information provided). The Petitions Officer reserves the right to discount any entry from the petition that they deem to be invalid, in consultation with the Proper Officer.

~~8.28.4~~ Unless the matter has been resolved to the satisfaction of the petition organiser, the Petitions Officer will make all reasonable endeavours to validate petition signatures and provide a substantive response to the petition organiser within 5 working days of receipt of the petition. Where additional time is required for the validation of petition signatures, the Petitions Officer will update the petition organiser as to when they can expect to receive a substantive response. The response will set out who the petition will be reported to for consideration, when and where that 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 invitation to the petition organiser to address the meeting is in addition to any other public speaking rights at that meeting. Unless the matter has

~~been resolved to the satisfaction of the petition organiser, the Petitions Officer will within 5 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, when and where that will take place and inviting the petition organiser to attend that meeting and to address the meeting for up to 3 minutes on the issue covered by the petition. The invitation to the petition organiser to address the meeting is in addition to any other public speaking rights at that meeting.~~

8.48.5 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.

8.58.6 At the same time as responding to the petition organiser, the Petitions Officer will notify party Groups Leaders and Ward Councillors of receipt of the petition.

8.68.7 Within 5 working days of receipt of a petition, the Petitions Officer will open a new public file for the petition on the Council's petitions website, setting out the subject matter of the petition, the date of receipt and the number of petitioners. The petition organiser's name and contact details will only be included on the website if they request this.

8.78.8 As soon as it is decided who the petition will be considered by within the Council, 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 Council's decision will be notified to the petition organiser and put on the website within 5 working days of that consideration.

8.9 At each stage of the consideration of the petition, within 5 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.

~~8.8~~

8.10 The process after this stage differs for the various types of petitions – see below.

8.98.11 ~~However, in the period immediately before an election or referendum, the Council may need to deal with a petition differently – if this is the case we will explain the reasons and explain the revised timescale which will apply.~~

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## 9 WHAT HAPPENS TO A CONSULTATION PETITION?

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- 9.1 Consultation Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal or application, such as a planning or licensing application.
- 9.2 The petition will be reported to the person or body who will take the decision on the proposal or application at the meeting when they are to take the decision on that application or proposal. The Council's Constitution defines who will take different types of decision, as set out in Part 3 (Responsibility for Functions, Procedures and Delegation of Powers) 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 and they propose to make a decision contrary to the petition, they will not exercise those delegated powers but will automatically refer the matter up to the relevant ~~Cabinet Member Deputy Leader~~ or Committee for decision.
- 9.4 Where the petition relates to a matter which is within the delegated powers of an individual ~~Cabinet Member Deputy Leader~~ and they propose to make a decision contrary to the petition, they may decide not to exercise those delegated powers but to refer the matter to the 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 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 the Council. Petitions will not be considered at the Annual Meeting of the Council or at Extraordinary Meetings of the Council which are not convened to consider the subject matter of the petition.
- 11.2 As set out below, the petition organiser will be invited to address the meeting for up to ~~53~~ minutes on the subject of the petition.

## 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 which they would like put to the officer at the meeting. These questions will be provided to the Chairman 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 Chairman will invite the petition organiser to address the Committee for a maximum of 53 minutes on the issue, 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 Chairman may invite the petition organiser to suggest questions for them to put to the officer. The petition organiser may not question the officer directly.

## 13 WHAT HAPPENS TO AN ORDINARY PETITION?

- 13.1 The Petitions Officer, following consultation with the Monitoring Officer, will arrange for each Ordinary petition to be reported to the Cabinet Member Deputy Leader or the next convenient meeting of Cabinet, of the Council or of a Committee or Sub-Committee of the Council which has the power to take a decision on the matter.

## 14 MEETINGS WHEN PETITIONS ARE CONSIDERED

- 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 Chairman at the meeting determines otherwise. A maximum of 30 minutes will be allowed at each meeting for considering such petitions unless the Chairman at the meeting determines a longer period. Any petitions not dealt with in the time allowed will be referred to the

relevant ~~Cabinet Member Deputy Leader~~ for consideration or deferred until the next meeting.

- 14.2 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.
- 14.3 The decision-taker or the Chairman of the meeting may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address them for up to ~~53~~ minutes. The Chairman may then ask questions of the petition organiser, and will then invite any relevant Ward Councillors present to address them on the matter for up to ~~53~~ minutes (each). The Chairman will then invite a relevant officer(s) to advise the meeting, after which the matter will be open for debate among members of the decision-making body.
- 14.4 Within 5 working days of the consideration of the petition, the Petitions Officer will notify the petition organiser of the decision and advise them that if they are not satisfied with that decision, they may require the matter to be reported to the next convenient meeting of the appropriate Overview and Scrutiny Committee for review.
- 14.5 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.

## 15 REVIEW BY AN OVERVIEW AND SCRUTINY COMMITTEE

- 15.1 If the petition organiser is not satisfied with the outcome of the Council's consideration of their petition, they may refer the matter to an Overview and Scrutiny Committee for review by notifying the Petitions Officer of their intention to request a review within 20 working days of being notified of the Council's decision on the petition.
- 15.2 Within 5 working days of receipt of intention to request a review, 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 to attend the meeting and to address the Committee for up to ~~53~~ minutes on why they consider that the Council'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 they consider that the response was insufficient. The Overview and Scrutiny

Committee may not override the decision-taker, but the decision-taker 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 within 2 working days of its receipt by the Council.
- 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 ground(s) for such rejection.
- 16.3 Where the petition is accepted for consideration, the petition organiser will be advised by the Petitions Officer within 5 working days of receipt by the Council 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 ~~53~~ 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 their intention to request a review by an Overview and Scrutiny Committee against the decision of the Council 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 ~~35~~ minutes as to why they consider that the Council's decision on the petition was inadequate.

## 17 PETITIONS WHICH WILL NOT BE REPORTED

### DUPLICATE PETITIONS

- 17.1 Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be

treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

#### REPEAT PETITIONS

- 17.2 A petition will not normally be considered where it is received within 12 months of another petition being considered by the Council on the same matter.

#### REJECTED PETITIONS

- 17.3 Petitions will not be reported if, in the opinion of the Petitions Officer, they are rude, offensive, defamatory, vexatious, scurrilous or time-wasting, or do not relate to something which is the responsibility of the Council, or over which the Council has some influence.