



**South  
Derbyshire  
District Council**

# **Protocol for the Submission of Petitions**

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## **Contents**

|  | <u>Page Nos</u> |
|--|-----------------|
| 1. Introduction  | 3               |
| 2. Who can submit a petition?  | 3               |
| 3. What information must a petition include?                             | 3 – 4           |
| 4. Relevant matters  | 4               |
| 5. Issues specifically excluded from the Petitions Scheme                | 4 – 5           |
| 6. How do I submit a petition to the Council?                            | 5               |
| 7. What happens when I submit my petition?                               | 5 – 7           |
| 8. What can I do if I feel my petition has not been dealt with properly? | 7               |

## **Appendices**

|                                      |        |
|--------------------------------------|--------|
| Appendix A – Explanatory Notes       | 8      |
| Appendix B – Petitions Form          | 9 – 11 |
| Appendix C – List of Senior Officers | 12     |

## Protocol for the Submission of Petitions

### Introduction

South Derbyshire District Council recognises the importance of petitions as a means of engaging more meaningfully with local communities, enabling the public to let us know about their concerns and as a mechanism for generating service improvements.

This Protocol sets out how the public can submit a petition, how it will be dealt with and what the Council can do to respond to the issues raised.

### Who can Submit a Petition?

The Council is keen to receive feedback from all residents, visitors and from people working or studying in the South Derbyshire area.

It is considered that the requiring of a specified percentage of signatories within a given area would be difficult to quantify and so **a minimum of 5 signatories from 5 separate households** is required to trigger a petition response. This will also ensure that the more rural areas of the district are not disadvantaged, there being a higher density of population in the urban areas.

There are no restrictions as to who can submit a petition and this includes the ability for school children and other young people to have the same rights for their voices to be heard as well as adults. However, it is recognised that in practice, a teacher or parent would oversee the submission of a petition from school children.

Whilst the Council welcomes petitions as a means of highlighting concerns within a local area, the lead petitioner has a responsibility to ensure that any petition submitted is done so under the principle of good faith and be decent, honest and respectful.

Signatures for the petition should have been collected no more than 6 months before the submission of the petition to ensure that the issues raised are considered within an appropriate time frame.

### What Information must a Petition Include?

Any petition must contain the following information:-

- A clear and concise statement covering the subject of the petition, the area to which the petition relates and what action the petitioners want the Council to take.
- The contact details for the petition organiser (lead petitioner) so the Council knows who to contact.
- The name, address, postcode and signature of any person supporting the petition.
- Date the petition is submitted.

## Relevant Matters

As community leaders and place shapers, local authorities have a key interest in issues which, although wider than their own functions, affect the local area. In view of this, it is anticipated that local authorities will be required to respond to petitions which relate to an improvement in the economic, social or environmental well-being of the authority's area to which any of its partner authorities could contribute. This means that as well as being able to consider petitions for which the Council has direct responsibility, we can also consider petitions which relate to the functions of partner authorities, including those matters which are sub-regional and cross-authority.

In practice, this may mean acting as an advocate for the local community working with partners to resolve the issue, lobbying a partner organisation on behalf of the community or instigating an Overview and Scrutiny review of the issue. Alternatively, the petitioner can be referred to the most relevant authority / organisation, for example, a health-related issue could be referred to the Derbyshire County Council Adult Health and Care Improvement & Scrutiny Committee.

Where a petition calls for action against the policy of the Council, the authority reserves the right to decline the request but in doing so must clearly explain to the lead petitioner the reasons why the requested action cannot be carried out.

## Issues Specifically Excluded from the Petition Scheme

The following matters are specifically excluded under the Petitions scheme and will not be considered:-

- Any matter relating to a planning decision, including a development plan document or the community infrastructure levy.
- Any matter relating to a licensing decision, including licensing applications under the Licensing Act 2003 and the Gambling Act 2005.
- Any matter for which the Standards Committee has powers for determining complaints received under the Local Assessment framework.
- Any matter relating to an individual or entity in respect of which that individual has a right of recourse to a review or right of appeal conferred by or under any enactment.
- Any matter which is substantially the same as a petition submitted in the previous 12 months.
- Any matter which is \*vexatious, discriminatory, inappropriate or not reasonable.
- Any matter which is considered to be 'exempt' under the Local Government Act 1972, Access to Information Act 1985, the Data Protection Act 1998, the Freedom of Information Act 2000 or the Environment Information Regulations 2004. This includes but is not restricted to information relating to an individual, information which is commercially sensitive, or which concerns information for which there are implications for the prevention or prosecution of a crime.

Where a petition submitted relates to an excluded matter, the Council will write to the lead petitioner and explain why the matter is not covered by the authority's Petitions Scheme. In appropriate circumstances, the Council may advise how the public views can be considered via alternative means.

NOTE: \* See Explanatory Notes at Appendix A for guidance on issues considered to be vexatious, discriminatory, inappropriate or not reasonable.

### How do I Submit a Petition to the Council?

- Traditional paper petition accompanied by a dated covering letter, identifying the key information outlined above re purpose of petition, what action is called for, contact details for the lead petitioner etc.
- Any petition needs to be submitted at least 7 working days prior to a formal Council Meeting. Any valid petition received after this time will be referred to the next scheduled Council meeting for consideration.

Please address petitions to:   The Head of Legal & Democratic Services  
Civic Offices  
Civic Way  
Swadlincote  
Derbyshire DE11 0AH

### What Happens When I Submit my Petition?

- Each petition will be formally acknowledged within 7 working days of its receipt.
- The Council will generally accept any petition on face value but reserves the right to verify the signatures or investigate further if deemed necessary.
- If the issue contained within the petition is an excluded matter, the lead petitioner will be informed accordingly, explaining the reasons why the petition cannot be accepted under this scheme and where appropriate, referring the petitioner to the relevant Department and advising them as to how their views can be expressed via alternative means.
- If the petition is considered valid, it will be included on the Agenda for the next appropriate Council meeting and details of the receipt of the petition will be published on the Council's website (except where this is considered to be inappropriate). To enable a petition to be included on the Agenda, it should be submitted at least 7 working days prior to a formal scheduled Council Meeting or Overview and Scrutiny Meeting if it is a petition which asks for a senior officer to give evidence at a public meeting. Petitions will not be considered at Extraordinary Council Meetings.
- There are several courses of action available to the Council regarding the consideration of petitions including:-
  - Taking the action requested in the petition
  - Undertaking research into the matters raised (this could include referring the matter to the relevant Committee or Officer of the Council)
  - Holding a meeting with the petitioners
  - Referring the petition to the \*\*Overview and Scrutiny Committee
  - Holding a public meeting

- Holding an inquiry
- Providing a written response to the petition organiser setting out the authority's views on the request in the petition
- Considering the petition at a future Council meeting
- Calling for a referendum

NOTE: \*\* The Council currently has one over-arching Overview & Scrutiny Committee. This Committee has responsibility for undertaking scrutiny reviews and holding the Council's Committees to account for the decisions they make.

- If the petition is about something for which the Council has no direct control, for example, the local railway or hospital, we will consider making representations on behalf of the community to the relevant body and where possible, will work with these partners to respond to your petition.
- If the petition is about something that a different Council is responsible for, we will give consideration as to what the best method is for responding to it. This may simply involve forwarding the petition to the other Council but could involve other steps. In any event, we will inform the lead petitioner of what action has been taken.
- The appropriate course of action in respect of any petition containing more than 5 signatures from 5 separate households will be delegated to the Chief Executive, in consultation with the Group Leaders. This could include any of the options highlighted above.
- If a petition contains more than 1,000 signatures, it will be debated by Full Council, unless it is a petition asking for a senior officer to give evidence at a public meeting. This means that the petition will be considered at a meeting which all Councillors can attend. The lead petitioner will be invited to address the Council, outlining the reasons for the submission of the petition and what action they would like the Council to take. 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 requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. At this meeting, the lead petitioner will be given **5 minutes** in which to present this information, and the petition will then be discussed by Members for a maximum of 15 minutes.
- If a petition asks 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, it must contain at least 500 signatures. The officer will then be requested to give evidence at a public meeting of the Overview and Scrutiny Committee. A list of senior staff that can be called to give evidence can be found at Appendix C. 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. Committee members will ask questions at this meeting, but the lead petitioner will be able to suggest questions to the Chairman of the Committee by contacting the Chief Executive up to three working days before the meeting. The Chairman of the Committee will decide whether the questions are appropriate.
- The relevant Ward Member(s), and officers will be informed when a petition covering their Wards / areas of responsibility is received and when / how the petition will be considered.

- The lead petitioner will be informed in writing of the Council's decision and this information will also be published on the Council's website. If a further meeting is to be held to consider the issues raised in the petition, the lead petitioner will be supplied with the relevant details and, if appropriate, be given the opportunity to attend the meeting.
- Where possible, the consideration of a petition will be held in public but in exceptional circumstances it may be necessary for an issue to be considered as an 'exempt' item under the Local Government Act 1972, the Access to Information Act 1985 and other relevant legislation. In such circumstances the lead petitioner, public and press will be excluded from the meeting (or part of it) but the reasons for their exclusion will be clearly communicated.
- All Members of the Council will be informed when a petition has been received and if rejected, the reasons why. If the petition is valid, this notification will usually be through the attendance of the lead petitioner at Council in accordance with this Protocol and the Council's Constitution but may also be reported verbally.
- A schedule will be compiled and maintained for all petitions received under the new Petitions Protocol. The schedule will be available for public inspection on request and the name (but not contact details) of the lead signatory will be listed on the schedule.

#### What Can I do if I Feel my Petition has not been dealt with Properly?

Petition organisers can prompt a review of the local authority's response to a petition if the response given is felt to be inadequate. Any such request should be submitted in writing giving full details of where the response was considered to be inadequate.

In these circumstances, the Council's Overview and Scrutiny Committee will review the steps the Council has taken in response to the petition. A meeting of the Overview and Scrutiny Committee will be held within 28 days of receiving such a request and will determine whether the response given or action taken was reasonable in the circumstances. In particular, consideration will be given as to whether the lead petitioner was given sufficient opportunity in which to outline the concerns raised in the petition.

If the Overview and Scrutiny Committee feels that it is unable to determine whether the steps taken by the authority in response to the petition were adequate, due to the fact that the Overview and Scrutiny Committee was involved in the earlier decision and that, therefore, there is a conflict of interest and it is unable to carry out the review, it may refer the matter to the Council's Standards Committee.

The Overview and Scrutiny Committee or the Standards Committee will determine what, if any, further action is needed. This could include referring the matter back to the body that first considered it, making recommendations to the appropriate Committee or back to Full Council.

Once the appeal has been considered, the petition organiser will be informed of the outcome within 5 working days of the Overview and Scrutiny Committee or the Standards Committee having considered the appeal. The results of the appeal will also be published on the Council's website.

### Explanatory Notes

South Derbyshire District Council welcomes the receipt of petitions as a positive initiative for engaging with local communities. However, any petition which in the opinion of the local authority (as advised by the Monitoring Officer) is considered to be vexatious, abusive or otherwise inappropriate or not reasonable will be excluded from the scheme.

Each petition will be looked at on its merits, rather than on the basis of who is submitting the petition, or whether someone thinks there is an ulterior motive for the submission of the petition.

#### Vexatious / Persistent

Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all circumstances of the case. There is no rigid test or definition for such complaints but the key over-riding question will be whether the petition request is likely to cause distress, disruption or irritation without any proper or justified cause.

Issues around persistency are implied by this definition. However, a persistent request may well be entirely valid – it may relate to a systematic problem that has not been effectively resolved. Similarly, a request which some Members may regard as vexatious may actually be entirely responsible.

#### Discriminatory

A modern interpretation of the word 'discrimination' is provided at Section 45 of the Equality Act 2006, in relation to religion and belief, as follows:-

*A person (A) discriminates against another (B) if on the grounds of the religion or belief of (B) or of any other person except (A), treats (B) less favourably than s/he treats others.* This definition can easily be amended to deal with other forms of discrimination, such as discrimination for reasons of sex and / or race. So a discriminatory petition might be one which implies or states that a group of people or an area receives better, or worse, services on account of that group's predominant religion, race, sex or other characteristic, as covered by discrimination legislation.

#### Inappropriate

Matters which may be considered 'inappropriate' include those involving ongoing legal proceedings or which target individual members of a community. Any petition which calls for a senior officer to give evidence should relate to the role of the individual in delivering public services and not matters relating to an officer's personality or private life.

#### Not Reasonable

In the interests of transparency, the Council will not interpret 'not reasonable' as being the same as the legal word 'unreasonable'. It is best to consider 'not reasonable' as a qualifier to the word 'vexatious', as a vexatious request is likely not to be reasonable and a request that is not reasonable is likely to be vexatious.



## Petitions Form

The Council has a 'Petitions Protocol' in place which sets out how local people can submit a petition to highlight issues of concern within their local area. The Protocol also sets out what essential information needs to be included and how the Council can respond to the issues raised.

This form is intended to assist the public in setting out the issues relating to their petition but other formats are also acceptable.

All residents, visitors and people working or studying in the South Derbyshire area can submit a petition but a minimum of **5 signatories from 5 separate households** are required in order to trigger a petition response from the Council.

**Purpose of Petition**

**Ward / Area the Petition Issues covers**

**What Action do you wish the Council to take in relation to this issue ?**

|   |  |
|---|--|
| <p><b>Would you like the opportunity to present this petition to a meeting of the Council ?</b></p> <p>Yes <input type="checkbox"/>      No <input type="checkbox"/></p>                  |  |
| <p><b>Would you like your Ward Councillor to present the petition on your behalf ?</b></p> <p>Yes <input type="checkbox"/>      No <input type="checkbox"/></p>                           |  |
| <p><b>How would you like the receipt of your petition acknowledged ?</b></p> <p>Letter <input type="checkbox"/>      Email <input type="checkbox"/>      Fax <input type="checkbox"/></p> |  |
| <p><b>Contact Details of the Petition Organiser (Lead Petitioner)</b></p> <p><b>Name</b><br/>(please print)</p>   |  |
| <p><b>Address</b><br/>(including postcode)</p>  |  |
| <p><b>Contact Number:</b></p>   |  |
| <p><b>Email Address:</b></p>  |  |

|   |                                 |
|---|---------------------------------|
| <p><b>Signature of Lead Petitioner:</b></p> | <p><b>Date of Petition:</b></p> |
|---|---------------------------------|

Please complete and return this form to the address below:

Andrea McCaskie  
Head of Legal & Democratic Services  
South Derbyshire District Council  
Civic Offices  
Civic Way  
Swadlincote  
Derbyshire  
DE11 0AH

We, the undersigned, are submitting this petition calling for action in relation to .....

.....

| <b>Name<br/>(print)</b> | <b>Postal Address<br/>(including postcode)</b> | <b>Email Address</b> | <b>Signature</b> |
|-------------------------|--|----------------------|------------------|
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| <b>Senior Officers</b>                  |                  |
|---|------------------|
| <b>Job Title</b>                        | <b>Name</b>      |
| Chief Executive                         | Frank McArdle    |
| Director of Corporate Services          | Jayne Jones      |
| Director of Community Services          | Mark Alflat      |
| Head of Legal & Democratic Services     | Andrea McCaskie  |
| Head of Planning Services               | Gill Hague       |
| Head of Environmental Services          | Peter McEvoy     |
| Head of Finance & Property Services     | Kevin Stackhouse |
| Head of Leisure & Community Development | Stuart Batchelor |
| Head of Housing Services                | Bob Ledger       |
| Head of Organisational Development      | David Clamp      |
| Head of IT & Business Improvement       | Nigel Glossop    |
| Head of Customer Services               | Pam Carroll      |