

1. Petitions

- 1.1 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:

The Monitoring Officer
Legal and Democratic Services
South Kesteven District Council
Council Offices
St Peter's Hill
Grantham
Lincs
NG31 6PZ

- 1.2 What is a petition?

We treat as a petition 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 20 signatories or petitioners before we treat it as a petition. Signatories of a petition have to live; work or study in the South Kesteven District area (including children and young people).

- 1.3 What should a petition contain?

A petition 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 and must be something that is the responsibility of the authority, or over which the authority 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 s/he would like us to redirect the petition to that other authority. 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;
- The name, address and contact details of the "petition organiser".

- The name, address, contact details and signature of any person supporting the petition.
- 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 along with the original matter.

2. Types of Petition

2.1 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 -

2.1.1 Ordinary Petitions

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 taken as complaints arising under the Local Government Act 2000 and will be reported to the Standards Assessment Sub-Committee, rather than considered under this Petitions Procedure.

2.1.2 Consultation/Representation Petitions

These are petitions in response to an invitation from the authority 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.

2.1.3 Statutory Petitions

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.

2.1.4 Petitions for Debate

If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 3,000¹ signatories or petitioners (this is reduced to 51% of the electorate in the affected area if less than 3,000).

2.1.5 Petitions to Hold an Officer to Account

If you want your petition to be considered at a meeting of the 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 1,500 signatories or petitioners (this is reduced to 51% of the electorate in the affected area if less than 1,500). The authority has determined that such petitions must relate to the Chief Executive, a Strategic Director or a Head of Service of the authority. Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to the Chief Executives Performance Panel in respect of the Chief Executive) and will be considered under the authority's Disciplinary Procedures, and not under this Petitions Procedure.²

3. The Role of Ward Councillors

- 3.1 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.
- 3.2 When the petition is reported to the person or body within the authority 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 3 minutes (or 3 minutes each), immediately after the petition organiser.

¹ The number of signatories or petitioners required for Petitions for Debate, and for Petitions to Hold an Officer to Account. The figures set at Council in April 2010 were 5000 for a debate and 2,500 to hold an officer to account. Members felt these figures were too high and that these figures are more realistic. These requirements will be reviewed in 12 months in the light of the number of petitions received, to ensure that the requirements are not excessive.

² Note that the Local Democracy, Economic Development and Construction Act 2009 makes no provision for handling petitions which raise issues of officer or member misconduct or officer competence, but in practice such petitions cannot be handled under the Petitions Procedure and must be handled under the procedures appropriate to such matters.

4. What happens when a petition is received?

- 4.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let the petition organiser 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.
- 4.2 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 acknowledgement may confirm that we have taken the action as requested and the petition will be closed.
- 4.3 Whilst we are committed to dealing with petitions promptly, if the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then our acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, the Petitions Officer will tell you the steps we plan to take.
- 4.4 If the petition applies to 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. In such cases the petition organiser will be directed to the appropriate Council department.
- 4.5 At the same time as responding to the petition organiser, the Petitions Officer will notify Ward Councillors of receipt of the petition when it affects their ward.
- 4.6 **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.**
- 4.7 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 will be removed). When you 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.

4.9 What happens to a Consultation/Representation Petition?

- 4.9.1 Consultation/Representation 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.
- 4.9.2 The petition will be reported to the 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 the Scheme of Delegations and the terms of Reference of Committees and Sub-Committees.
- 4.9.3 Where the petition relates to a matter which is within the delegated power of an officer, s/he will not exercise those delegate powers but will automatically refer the matter up to the relevant Cabinet Member for decision.
- 4.9.4 Where the petition relates to a matter which is within the delegated powers of an individual Cabinet Member, s/he may decided not to exercise those delegated powers but to refer the matter to Cabinet for decision.

4.10 What happens to a Statutory Petition?

- 4.10.1 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.

4.11 What happens to Petitions for Debate?

- 4.11.1 Petitions for Debate will be reported to the next convenient meeting of the Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council or during the purdah period of any type of election.

4.11.2 As set out below, the petition organiser will be invited to address the meeting for up to 3 minutes on the subject of the petition.

4.12 What happens to a Petition to Hold an Officer to Account?

4.12.1 Petitions to hold a senior council officer³ to account will be reported to the next convenient meeting of the Scrutiny Committee⁴

4.12.2 In advance of the Committee meeting (three working days before the meeting is held), the petition organiser will be invited to submit a list of questions which s/he 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.

4.12.3 At the meeting, the Chairman will invite the petition organiser to address the Committee for a maximum of 3 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 him/her to put to the officer.

4.13 What happens to an Ordinary Petition?

4.13.1 The Petitions Officer will arrange for each Ordinary petition to be sent to the Cabinet Member or delegated Officer whichever has the power to take a decision on the matter.

5. Consideration of Petitions at meetings

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Senior Council Officer refers to the Chief Executive, Strategic Directors or Heads of Service only
The Scrutiny committee is a committee of councillors who are responsible for scrutinising the work of the council – in other words, the Scrutiny committee has the power to hold the council's decision makers to account.

- 5.1 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 minutes⁵ will be allowed at each meeting for considering such petitions and any petitions not reached in the time allowed will be referred to the relevant Cabinet Member for consideration or deferred until the next meeting.
- 5.2 Any petition relevant to particular items of business, such as petitions relating to planning applications will be taken together with that item of business, in the normal order of business.
- 5.3 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 him/her for up to 3 minutes. The Chairman 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 Chairman 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. 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 to a Policy Development Group and report back to the Committee/Council with their findings/recommendations.
- 5.4 Within 5 working days of the consideration of the petition by the relevant Cabinet Member, the Petitions Officer will notify the petition organiser of the Cabinet Member'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 Scrutiny Committee for review.
- 5.5 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.
- 5.6 If your petition is about something over 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. The council works with a large number of local partners and where possible will work with them to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for

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Note that the Local Democracy, Economic Development and Construction Act 2009 does not provide for a limit on the time allowed for debating petitions – this is something that needs to be set to ensure that the authority can continue to discharge its other functions effectively.

conflicts with Council policy), then we will set out the reasons for this to you.

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

6. Full council debates

- 6.1 If a petition contains more than 5,000 signatures it will be considered 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 Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.
- 6.2 The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a recommended maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take or endorse 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 Policy Development Group. Where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The Cabinet may itself propose a response to the full Council when the petition is considered. The petition organiser will receive written confirmation of the outcome of the Council meeting. This confirmation will also be published on our website.

7. Officer evidence

- 7.1 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.

- 7.2 If your petition contains at least 2,500 signatures, the relevant senior officer⁶ will give evidence at a public meeting of the Council's Scrutiny committee. A list of the senior staff that can be called to give evidence can be found at the end of this scheme. You should be aware that the 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 [Monitoring Officer – Lucy Youles] at least three working days before the meeting.

8. E-petitions

- 8.1 The Council also plans to have in place by 15 December 2010 an e-petitions facility. Details will appear on our website later.

9. What can I do if I feel my petition has not been dealt with properly?

- 9.1 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 committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

- 9.2 The committee will endeavour to consider your request within 30 days of receiving it [at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting] 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 recommendations to the Cabinet and arranging for the matter to be considered at a meeting of the full Council.

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

⁶ Relevant senior officer refers to any of the following: Chief Executive, the Strategic Directors or Heads of Service

10. Petitions which will not be reported

10.1 Duplicate Petitions

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 one petition organiser will be invited to address the relevant meeting.

10.2 Repeat Petitions

A repeat petition will not normally be considered where they are received within 6 months of another petition being considered by the authority on the same matter.

10.3 Rejected Petitions

Petitions will not be reported if in the opinion of the Petitions Officer, they are rude, offensive, defamatory, scurrilous or time-wasting.

OFFICERS WHO CAN BE HELD TO ACCOUNT:

Chief Executive, Strategic Directors, Heads of Services (Head of Finance, Head of Legal & Democratic Services, Head of HR & Customer Service, Head of Environmental Services, Head of Assets, Head of Development & Growth, Head of Housing and Neighborhoods)

A review of this document will take place in 12 months time.