

PART 3.1 APPENDIX 1 – PETITIONS SCHEME

Introduction

1. We particularly welcome petitions as one way in which you can let us know your concerns. In this Scheme we set out how the authority will respond to petitions which you send us, how we will acknowledge them, and what we intend to do with the petition.

What is a petition?

2. 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 10 signatories or petitioners before we treat it as a petition.

Who can petition?

3. Whilst we like to hear from people who live, work or study in Swale, this is not a requirement, and we would take equally seriously a petition from, for example, 10 visitors to the District on the subject of facilities at one of our visitor attractions or leisure facilities.

What should a petition contain?

4. A petition must include the following.

- (i) A clear statement of your concerns and what you want the authority to do. This must relate to something which is our responsibility, or over which we have some direct influence. Where a petition relates to a matter which is 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. We work with a large number of local partners and, where possible, we will work with them to respond to the petition. 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.
- (ii) The name and contact details of the 'petition-organiser' or someone we can address any correspondence to about the petition. Contact details may be either a postal address or an email address.
- (iii) 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 this is not essential. Where the petition is in electronic form, a list of the names of the petitioners will suffice. You may include the addresses of petitioners, which can be useful to the authority (for example, in assessing the degree of local support or opposition to a planning application), but this is not essential. With an e-petition the petition organiser will need to decide how long you would like the petition to be open for signatures. Most petitions are expected to last for six months, but a shorter or longer timeframe can be chosen, up to a maximum of 12 months. Action on an e-petition will only start when it has closed for signature.
- (iv) 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 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), and be received in good time to be included on the agenda for any given such meeting.

5. 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 original matter.

Who should you send a petition to?

6. Where you submit a petition in response to consultation by the authority, please address it to the return address set out in the consultation invitation. This will ensure that it is reported at the same time as the matter to which it relates is considered.

7. We have appointed a Petitions Officer who is responsible for receiving, managing and reporting all other petitions sent to the authority. For such petitions, please address them to:

The Petitions Officer, Swale Borough Council, Swale House, East Street, Sittingbourne, ME10 3HT, or to petitions@swale.gov.uk.

8. The Petitions Officer will ensure that your petition is acknowledged to the petition organiser and entered on the authority's petitions website ([Swale Petitions website](#)), 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 authority or the progress of your petition, at either of the above addresses or by telephone at 01795 417268.

Types of Petition

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

Type of petition	Description and arrangements
Consultation Petitions	<p>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 or proposals for parking restrictions or speed limits.</p> <p>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.</p>
Statutory Petitions	<p>Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils (community governance reviews), or a petition for a directly-elected Mayor (Mayoral referendums).</p> <p>Where a petition is submitted under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.</p>

<p>Petitions for Debate</p>	<p>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.</p> <p>Where a petition relates to a local issue, that is to say, it affects no more than two electoral wards within the authority's area, and it received 200 or more signatories or petitioners, then it will be referred to the relevant Committee.</p>
<p>Petitions to Hold an Officer to Account</p>	<p>If you want your petition to be considered at a meeting 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 500 signatories or petitioners (this is reduced to 200 signatories or petitioners where the petition relates to a local issue, affecting no more than two electoral wards within the authority's area).</p> <p>The authority has determined that such petitions must relate to the Chief Executive, a Director, or a Head of Service of the authority, and must be matters for which they may be held responsible.</p> <p>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 in respect of the Chief Executive) and will be considered under the authority's Disciplinary Procedures and any relevant legislation, and not under this Petitions Procedure.</p>
<p>Ordinary Petitions</p>	<p>These are petitions which do not come within any of the previous specific types.</p> <p>Please note that petitions which raise issues of possible councillor misconduct will be taken as complaints arising under the Local Government Act 2000 and so will be reported to the Standards Referrals Sub-Committee, rather than considered under this Petitions Procedure.</p>

10. Determining which category of petition a petition that is received falls into, and the validity of the petition, will be a matter for the Petitions Officer, whose decision will be final.

The Petitions Website

11. The authority maintains a petitions website at:

<http://www.swale.gov.uk/epetitions/Browse.aspx>

12. When a petition is received, within five working days the Petitions Officer will open a new public file within the website and will put in that file the subject matter of the petition, its date of receipt and the number of signatories or petitioners. The petition organiser's name and contact details will only be included on the website if they so request. Please note the exceptions in paragraphs 42 to 45, which provide details of petitions which will not be reported.

13. 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 five working days of that consideration.

14. Petitions are presented on the petition's 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 two years from the date of being posted.

The role of Ward Councillors

15. 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.

16. 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 three minutes (or three minutes each), immediately after the petition organiser.

What happens when a petition is received?

17. Whenever a petition is received, the Petitions Officer will acknowledge receipt to the petition organiser within five working days of receipt.

18. In some cases, the Petitions Officer may be able to resolve the petitioners' request directly, by asking the relevant Committee Chair 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.

19. Unless the matter has been resolved to the satisfaction of the petition organiser, the Petitions Officer will, within five 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 three 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.

20. Whilst we are committed to dealing with petitions promptly, a petition will normally need to be received before the final agenda for that meeting has been determined if it is to be reported to that meeting. This usually means at least 10 working days before a relevant 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. It is therefore suggested that, wherever possible, early contact should be made with the Petitions Officer to ensure that petitions can be reported to the earliest appropriate meeting. The Council has an agreed timetable of meetings and this is available on the council's website.

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

22. Within five working days of receipt of a petition, the Petitions Officer will open a new public file for the petition on the authority'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 so request.

23. At each stage of the consideration of the petition, the Petitions Officer will ensure that the petitions website is updated within five working days of any decision, to ensure that petitioners can track progress of their petition.

24. The process after this stage differs for the various types of petitions. These processes are set out below.

What happens to a Consultation Petition?

25. Consultations Petitions are submitted in response to an invitation from the Council for representations on a particular proposal or application, such as a planning or licensing application.

26. 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 due 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. Planning applications are determined by the Planning Committee, subject to any delegations to the Head of Planning Services who is enabled to take decisions, particularly where there are no objections. In such cases, where a petition supports the planning application, it may be determined by the Head of Planning Services and so not reported at the Planning Committee.

27. Where the petition relates to a matter which is within the delegated power of an officer, unless it is in support of the recommended decision, s/he will not exercise those delegated powers but will automatically refer the matter up to the relevant Committee or Council.

What happens to a Statutory Petition?

28. 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 a petition is submitted under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

What happens to Petitions for Debate?

29. Petitions for Debate that reach the required threshold of signatures will be reported to the next convenient meeting of Council. Petitions will not be considered at the Annual Meeting of Council, the budget setting meeting of Council or at Extraordinary Meetings of Council, which are not convened to consider the subject matter of the petition.

30. The petition organiser will be invited to address the meeting for up to three minutes on the subject of the petition. They are entitled to send a substitute if they are unable to attend or otherwise unable to address the meeting.

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

31. Petitions to hold an officer to account that are a matter for the Council and which have reached the required threshold of signatures, will be reported to the next convenient meeting of the relevant Committee.

32. In advance of the Committee meeting, 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 Chair of the Committee, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.

33. At the meeting, the Chair will invite the petition organiser (or a substitute of their choosing) to address the Committee for a maximum of three 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 Chair may invite the petition organiser to suggest questions for him/her to put to the officer.

What happens to an Ordinary Petition?

34. The Petitions Officer will arrange for each Ordinary petition to be reported to the next convenient meeting of the Council or of a Committee or Sub-Committee of Council which has the power to take a decision on the matter.

35. At the meeting, when the matter to which the petition relates is considered:

(i) 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. A maximum of 30 minutes 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 Committee Chair for consideration or deferred until the next meeting;

(ii) any petitions 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;

(iii) the Chair 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 three minutes. The 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 three minutes (each);

(iv) the 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.

36. 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. As with other petitions, the petition and what happens to it will remain on the Council's website for two years from the date of posting.

The role of the Petition Organiser

37. The petition organiser will receive acknowledgement of receipt of the petition within two working days of its receipt by the authority.

38. Where the petition is not accepted for consideration, the petition organiser will be advised by the Petitions Officer of the rejection and the grounds for such rejection.

39. Where the petition is accepted for consideration, the petition organiser will be advised by the Petitions Officer within five working days of receipt by the authority as to whom 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 three minutes. The meeting may then ask the petition organiser questions on the subject matter of the petition.

40. The petition organiser may nominate another person to address the meeting and to answer any questions on the matter.

41. 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 five working days of such decision.

Petitions which will not be reported

42. As well as petitions where the threshold number of signatures has not been reached, or that do not relate to something which is the responsibility of the authority or over which the authority has some influence, the following petitions will also not be reported.

43. **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 the petition organiser of the first petition to be received will be invited to address the relevant meeting.

44. **Repeat Petitions:** a petition will not normally be considered where they are received within six months of another petition being considered by the authority on the same matter.

45. **Rejected Petitions:** petitions will not be reported if, in the opinion of the Petitions Officer, they are rude, offensive, vexatious, defamatory, scurrilous or time-wasting.