



PETITION SCHEME

A petition is one way in which you can let the Council know your concerns.

1.0 What is a petition?

1.1 A petition is any communication which is signed by 10 or more people either on paper or in electronic format. There are no restrictions on who can submit or sign a petition. For details of the e-Petition scheme, see paragraphs 8 & 9 below.

2.0 What should a petition contain?

2.1 A clear statement of your concerns

This must relate to something which is the responsibility of this Council. 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. Where a petition relates to a matter which is within the responsibility of another public authority (e.g. Lancashire County Council), we will ask the petition organiser whether s/he would like us to redirect the petition to that other authority.

2.2 A statement of what action you would like the Council to take

What would you like the Council to do?

2.3 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.

2.4 The names of at least 10 petitioners

This can include the petition organiser. Where the petition is in paper form, this must include the full name, postal address and actual signature from each petitioner. Where the petition is in electronic form, this must include the full name, postal address and e-mail address of each petitioner. A 'Petition for Debate' and a 'Petition to hold an Officer to Account' will need to contain a higher number of petitioners (see paragraphs 5.2 and 5.3).

[Note: A petition template is attached as an Appendix to this Scheme.]

3.0 Who should you send the petition to?

3.1 Paper petitions should be sent to:

Member Services
West Lancashire Borough Council
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Or alternatively you can complete your petition using the e-petition facility (see paragraphs 8 and 9 below) or you can electronically scan your petition and e-mail it to member.services@westlancs.gov.uk

3.2 Member Services will ensure that an acknowledgement is sent to the 'petition organiser' within 5 working days, that relevant details are entered on the Council's website and that the website is regularly up-dated with information on the progress of the petition. Member Services can also provide advice about how to petition the Council and the progress of a petition, at the postal and e-mail addresses above or by telephone at 01695 585384.

4.0 What steps can the Council take to deal with my petition?

How we deal with a petition depends on which type of petition you submit. Steps that may be taken, in consultation with the relevant Cabinet Portfolio Holder, include:

- Take the action requested
- Give a written response setting out the Council's views about the request
- Refer to the relevant overview and scrutiny committee
- Refer to Cabinet (executive functions)
- Consider at a meeting of the Council
- Hold an inquiry
- Undertake research
- Hold a public meeting
- Hold a consultation
- Hold a meeting with petitioners
- Call a referendum

5.0 Types of petition

5.1 'Active Petition'

For a petition to be 'active' it must meet the criteria in paragraph 2 above. When a petition is received by Member Services it will be circulated to the relevant Director and relevant Head of Service, the relevant Cabinet Member(s) and relevant Ward Councillors. The relevant Director, in consultation with the relevant Cabinet Member(s) will consider what steps should be taken to deal with the petition request and advise Member Services accordingly.

Member Services will write to the 'petition organiser' within 15 working days of receipt to advise on what steps the Council will take to deal with your petition, copies of the formal response will also be sent to the relevant Cabinet Member(s) and the relevant Ward Councillors.

In the period immediately before an election or referendum we may need to deal with your petition differently and if this is the case we will explain the reasons and discuss the revised timescale that will apply. If a petition does not follow the guidelines set out in paragraph 2 above or if it meets any of the criteria at paragraph 7 below, the Council may decide to deal with your petition differently. In that case, we will write to you to explain the reasons.

5.2 'Petition for Debate'

If you want your petition to be reported to and debated at a meeting of the Council, it must meet the criteria in paragraph 2 above and must contain at least 1,500 signatories/petitioners. The petition must not be a 'Petition to Hold an Officer to Account' identified in paragraph 5.3 below.

Member Services will write to the 'petition organiser' within 15 working days of receipt to notify him/her at what meeting of the Council the petition will be debated. Copies of the notice will also be sent to the relevant Director, relevant Head of Service, relevant Cabinet Member(s) and relevant Ward Councillors. The 'petition organiser' or his/her nominee, will be given three minutes to present the petition at the meeting if they so wish, it will then be open to all Councillors to debate. Petitions will not normally be submitted to Annual Council or Extraordinary meetings.

5.3 'Petition to Hold an Officer to Account'

If you want your petition to be considered at a meeting of the Executive Overview and Scrutiny Committee, where an officer as specified in the next paragraph, identified either by name or by post title, will be required to answer questions on a particular matter, your petition must meet the criteria in paragraph 2 above and must contain at least 750 signatories/petitioners.

The Council has determined that such petitions must only relate to the Chief Executive, a Director, Head of Service or the Borough Treasurer. Please note that petitions raised in this category must relate to something for which the officer is responsible as part of their job. In some instances another more appropriate officer may give evidence to the Committee. The relevant Portfolio Holder could also be in attendance at the meeting to answer questions.

Member Services will write to the 'petition organiser' within 10 working days of receipt to notify him/her of the time, date and place of the Committee, copies of the notice will also be sent to the relevant Director and relevant Head of Service, relevant Cabinet Member(s) and relevant Ward Councillors. The 'petition organiser' will be advised that any questions from signatories/petitioners should be submitted to the Chairman, via Member Services, by 12 noon on the Monday of the week of the meeting. Members of the Committee will be able to ask questions at the meeting. With the permission of the Chairman the 'petition organiser' and relevant Ward Councillors may be allowed to address the committee under usual procedures.

The Committee may decide to refer the matter for investigation and report back, or to refer it to a meeting of Council, Cabinet or a Committee of the Council for determination. Any report or recommendations from the Committee will be sent to the 'petition organiser' and the website will be updated accordingly.

6.0 How will I know what stage my petition is at?

6.1 Information on petitions and up-to-date information on what stage your petition is at will be available on the Council's website or alternatively you can contact Member Services (contact details at paragraph 3).

The website will give details of:

- When the petition was received
- The subject matter and details of the petition
- Number of signatories/petitioners
- The petition organiser's name
- The Council's decision, once the petition has been considered

7.0 Petitions received that may be dealt with differently

7.1 Duplicate Petitions

Where more than one petition is received each supporting the same outcome on one matter, the petitions will be combined and the 'petition organiser' of the first petition received will be the person invited to address any relevant meetings.

7.2 Repeat Petitions

Petitions received within 6 months of another petition being considered by the Council on the same matter will not normally be considered.

7.3 Rejected Petitions

Petitions will not be taken forward if they do not relate to something which is the responsibility of the Council, or to something over which the Council has some influence.

7.4 Planning and Licensing Decisions

Any matters relating to a licensing decision or a planning decision are excluded from the scheme unless the petition consists of an allegation that a function for which the Council is responsible has not been discharged or there has been a systematic failing.

7.5 Appeals

Any matter relating to an individual or entity that has a right of review or appeal under any other enactment is excluded from the scheme unless the petition consists of an allegation that a function for which the Council is responsible has not been discharged or there has been a systematic failing. This exclusion does not include any right to complain to the Local Government Ombudsman.

7.6 Consultation Petitions

Where petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal the petition will be referred to the relevant officer dealing with that consultation and Member Services will notify the 'petition organiser' accordingly.

7.7 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 which are not included in the scheme and are subject to other statutory provisions. However, a petition which has been submitted but does not meet those statutory provisions of the relevant Act (e.g. Not enough signatures) will be considered under this scheme.

7.8 Vexatious, abusive or inappropriate petitions

Petitions that are considered to be vexatious, abusive, offensive, defamatory, scurrilous or time wasting will not be accepted.

8.0 E-Petition

8.1 The e-petition facility was introduced on 15 December 2010 to enable people to create, submit and sign petitions through the Council's website. E-petitions follow the same guidelines as paper petitions as detailed above. The 'petition organiser' will need to register on the site before he/she can create a petition on line and will need to provide their name and contact details. S/he will also need to decide how long the petition should be open for signatures. Six months would probably be sufficient, but a shorter or longer timeframe can be chosen, up to a maximum of 12 months.

8.2 Once you have created your online petition, you will then submit it. When you submit an e-petition, it may take up to 5 working days before it is published online before other people can sign it. This is because we have to check that the content of your petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you to explain. You will then be given 15 working days to change and resubmit your petition if you wish. After these 15 working days, if you do not resubmit, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

8.3 When an e-petition has closed for signature, it will automatically be submitted to Member Services and will be dealt with in the same way as a paper petition as detailed above.

9.0 How do I 'sign' an e-petition?

9.1 E-petitions available for signature will be available on the website at http://www.westlancs.gov.uk/council_democracy/democracy_and_decision_making/petitions.aspx. Petitioners will be asked to provide their name, address and a valid email address. Once this step is complete the petitioners 'signature' will be added to the petition. People visiting the e-petition will be able to see the petitioner's name and town/city in the list of those who have signed it but other contact details will not be visible. Once the result of the e-petition is known an automated e-mail will be sent to the Petition organiser and all petitioners who have made a request on line to be informed of the outcome.

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

10.1 If you feel that we have not dealt with your petition properly, the 'petition organiser' has the right to request, within 20 working days of being notified of the Council's decision on the petition, that the Executive Overview and Scrutiny Committee review the adequacy of the steps that the Council has taken, or proposed to be taken, in response to the petition. It is helpful to everyone, and can improve the prospects for a review of the

decision, if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

10.2 On receipt of the review request, Member Services will write to the 'petition organiser' within 5 working days to notify him/her of the time, date and place of the next Committee meeting, he/she will also be asked if they would like to speak at that meeting on why s/he considers that the authority's decision on the petition is inadequate, subject to the permission of the Chairman. A copy of the letter will be sent to the Chairman of the Committee, the relevant Director/Head of Service/Cabinet Member(s)/Ward Councillors for information. (The Committee will endeavour to consider your review request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting.)

10.3 At the meeting, Members of the Committee will be able to ask officers questions, through the Chairman. Should the 'petition organiser' wish to speak, with the permission of the Chairman, s/he will be able to address the Committee in accordance with Overview and Scrutiny procedure rules. With the agreement of the 'petition organiser', Members of the Committee may be able to ask him/her questions through the Chairman

[Note: The Chairman will normally allow the 'petition organiser' to address the Committee at the beginning of the item, for a maximum of three minutes. Member Services will contact the 'petition organiser' if this is the case.]

10.4 Following consideration of the steps taken, the request for a review of the steps taken and the comments of the relevant officer, the Executive Overview & Scrutiny Committee will decide if it considers the petition was dealt with adequately or it may use any of its powers under the Local Government Act 2000 to deal with the matter.

10.5 If the Committee considers that the petition was not dealt with adequately it can:

- Request the relevant officer to bring back a more detailed report on the issue.
- Make a recommendation to Cabinet / Council as appropriate
- Request the Corporate / Environmental Overview & Scrutiny Committee to undertake a Review on the subject matter (subject to current work programmes and resources).
- Set up a Working Group to look at the issue in more detail (subject to the Committees work programme and resources).

10.6 Once the appeal/review has been considered the 'petition organiser' will be informed of the results within 5 working days. The results of the review will also be published on the Council website.

Gill Rowe
Director of People and Places
30 August 2011

(Note: Any significant amendments to this scheme will be subject to Cabinet/Council approval.)