

# Colchester Borough Council

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## Petition Procedure Rules

### Introduction

The Council at its meeting on 19 May 2010 approved these Petition Procedure Rules and will keep them under review.

### Requirements for a valid petition

1. Any petition must contain six or more signatures of people who live, work or study in the Borough, including anyone under 18.

2. A petition should include:

- (a) A reason for petitioning the Council (what the Council is being asked to do);
- (b) The name and address and signature of any person supporting the petition;
- (c) An indication of the person designated as the lead petitioner or petition organiser.

3. A valid petition must:

- (a) Relate to a function of the Council;
- (b) Relate to an improvement in the economic, social or environmental well-being of the Council's area to which any of the Council's partner authorities could contribute;
- (c) Not be a statutory petition (for example requesting a referendum on having an elected mayor);
- (d) Not relate to a planning or licensing decision;
- (e) Not relate to a matter where a right of recourse or right of appeal is already provided for in law.

4. A petition will not be accepted as valid, and the lead petitioner will be informed as such, in the following circumstances:

- (a) In the opinion of the Monitoring Officer, the petition is vexatious, abusive or otherwise inappropriate to be dealt with;
- (b) A petition to the same or substantially similar effect has been made to the council within the previous six months of the petition being received.

### To whom the petition must be addressed?

5. The petition must be sent to the Democratic Services Manager at 33 Sheepen Road, Colchester, CO3 3WG who will:

- (a) Arrange for details of the petition to be communicated to all Councillors;

- (b) Send a copy to Ward Councillors where the petition relates to or affects particularly part(s) of the borough;
  - (c) Send a copy to the relevant Portfolio Holder(s);
  - (d) Send a copy of the petition to the relevant Head(s) of Service;
  - (e) Within five working days, formally acknowledge receipt by the Council.
6. Petitions can be presented to any meeting of the council, including Cabinet, Planning Committee and Scrutiny Panels. These meetings generally start at 6pm, details of dates and times can be found from the Council and Democracy pages of the Council's website: Borough Councillors and Committees

### **How will the Council respond to the petition?**

- 7. Within a further ten working days from the period referred to in 5(e) above, the lead petitioner will be informed by the relevant Head of Service of the course of action being proposed;
- 8. Within six weeks of a petition being received the lead petitioner will be informed by the relevant Head of Service of the decision of the Council.

### **What actions will be taken?**

- 9. All petitions will be reported to the Cabinet with a note of the action taken or recommended which could include:
  - (a) taking the action requested in the petition;
  - (b) considering the petition at a council meeting;
  - (c) holding an inquiry into the matter;
  - (d) holding a public meeting;
  - (e) commissioning research;
  - (f) referring the petition to an overview and scrutiny committee.
- 10. The appropriate Portfolio Holder(s) after consulting with the appropriate Head(s) of Service and ward councillors will determine the most appropriate course of action which could be:
  - (a) To decide the council's response using delegated powers and then report on this to the Cabinet;
  - (b) To report the petition to the Cabinet setting out the action taken/options/recommendations.
- 11. Action taken in response to a petition and brief reasons why will be communicated in writing by the Head of Service to the lead petitioner/petition organiser and to all councillors.
- 12. Where a petition is reported to the Cabinet in open session – other than for noting – the lead petitioner (or substitute) will, at the Chairman's discretion, be permitted to speak for up to 3 minutes before the report is debated. In the interests of fairness, the Chairman may also invite one other speaker from the public to speak for up to 3 minutes against

the petition. The Cabinet will not normally delay considering a matter if the petitioner does not attend the meeting to speak.

13. If the subject matter of a petition is included in the papers already published for a meeting of the Cabinet by the time the petition is received then the petition will be circulated at the meeting at which the report is considered (along with any written comments on the petition that officers may wish to make).

### **Full council debates**

14. If a petition contains at least 1,800 signatures it will be debated by the full council at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.
15. The lead petitioner will be given three minutes to present the petition at the meeting and the petition will then be discussed by councillors in accordance with the usual rules of debate. 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.
16. 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.

### **Officer evidence**

17. A 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. If a petition contains at least 900 signatures and calls for an officer to give evidence, the appropriate officer in the Council's Senior Management Team will attend the meeting of the Strategic Overview and Scrutiny Panel.

### **E-petitions**

18. The council is making arrangements to provide for petitions to be submitted and viewed through its website, in accordance with the same guidelines as paper petitions.

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

19. If the lead petitioner feels that the Council has not dealt with a petition properly, the lead petitioner has the right to request that the Strategic

Overview and Scrutiny Panel reviews the steps that the council has taken in response to the petition. The prospects of this request will be improved where it is accompanied by an explanation of the reasons why the council's response is not considered to be adequate.

20. The Strategic Overview and Scrutiny Panel will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Panel determine the Council has 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 requesting that the matter be considered at a meeting of the full council.