

# **Council's Petition Scheme 2016/17**

# **A p p e n d i x F**

# Petition Scheme

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

## How to Submit a Petition to the Council

Your petition must be signed by at least ten people who live, work or study in the authority's area (including under 18s) and must relate to a function of the authority, or 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 could include complaints about antisocial behaviour, or about the way we have provided a service, for instance, refuse collection or highway repairs. You can find more information on the services for which the council is responsible on the [Council's website](#).

Your petition should contain a contact name and address for the petition organiser which is clearly legible (a sample form is attached to this guidance note for your convenience). This is the person we will contact to explain how we will respond to the petition. Your petition must clearly state what action you want the Council to take. People who sign the petition **must** give their name and full address including post code (where you live, work or study). The Council will hold this information but will not disclose any personal information to any third party unless required to do so by law.

Full details of petitions received and their outcomes are published on the [Council's website](#), however, contact details of the petition organiser will not be placed on the website.

## 1. **Where to submit a petition to the Council**

Petitions from members of the public can be delivered to the Council in one of the following ways:

- (a) by delivering the petition to [a councillor](#) representing the ward in which the head petitioner resides, or where the head petitioner is not a Sandwell resident, the ward affected by the subject of the petition;
- (b) by delivering the petition to the Town Lead Member (see Appendix 1) for the town most relevant to the subject of the petition;
- (c) by delivering the petition directly to the Chief Executive or the offices of the relevant service area.

A petition will be considered closed at the date it is submitted to the Council, no further signatures can be added to the petition at a later date.

## 2. **Validity of petitions**

Your petition must contain at least ten signatures to be considered under this scheme.

Petitions will not be considered in the following circumstances:

- (1) if the petition is considered to be vexatious (tending to cause trouble or harassment by disproportionate or unjustified disruption, irritation or distress and taking into account the content and history of the request);
- (2) if the petition is considered to be discriminatory as defined within equalities legislation;
- (3) if the petition contains statements which are considered to be false or defamatory, or language considered to be offensive, abusive or aggressive;

- (4) if the petition relates to a quasi judicial matter (eg a planning or licensing decision), or is a petition submitted under specific legislation (eg requesting a petition for a referendum on having an elected mayor), or on a matter where there already exists a right of appeal (such as council tax banding and non-domestic rates), in which case the petition will be passed on to the appropriate theme for action;

However, failure to deliver services in these areas remains within the scope of the Council's duty to respond, for example, a petition on an individual planning application would not be considered, but a petition about the Council's failure to deliver an effective service for planning applications would be considered.

- (5) if the petition relates to a matter where an individual has a statutory right of appeal or legal recourse to a review;
- (6) where the Director – Governance considers that the petition relates to the personal circumstances of an identifiable resident(s), a recipient(s) of a Council service or an employee or office holder against whom there is some personal enmity, in which case the matter will be referred direct to the relevant service area for consideration;
- (7) if the petition relates to the conduct of a member or officer it will be dealt with under the Member Code of Conduct or officer disciplinary process, as appropriate;
- (8) duplicate petitions or petitions which are substantially similar to one already lodged by, or on behalf of, the same person/organisation will be inadmissible unless circumstances have changed since the response to the original petition.

The relevant Cabinet Member, in consultation with the Monitoring Officer, will make the decision on the basis of the criteria set out above as to whether a petition is rejected and the decision will be communicated to the petitioner organiser, without consideration of the issue, setting out the reasons for rejection. There is no right of appeal to the decision to reject the petition in accordance with the scheme.

If your petition cannot be dealt with under this process we will let you know and advise you of any steps you can take. If possible, the issue will be referred into the Council's customer feedback process for investigation and response.

In the period immediately before an election/referendum we may need to deal with your petition differently, if this is the case we will explain the reasons and discuss the revised timetable which will apply. The decision to defer consideration of a petition during this period will be made by the Monitoring Officer whose decision is final.

### 3. **What Happens Next**

If you hand your petition to a Councillor and the petition raises strategic/policy issues or has Borough-wide significance, the Councillor may present the petition direct to a full Council meeting. The petition will then be passed to the Council's Democratic Services Unit where it will be logged, acknowledged and passed to the appropriate service area/partner organisation for action.

If the petition relates to an issue of local concern, the Councillor will pass it straight to Democratic Services where it will be logged, acknowledged and passed to appropriate service area/partner organisation for attention.

All petitions of a non-strategic nature will be brought to the attention of the relevant neighbourhood partnership co-ordinator who will, where appropriate, work with the service area/partner organisation to try to resolve the issues raised in the petition.

Once your petition has been received by the Council, you can expect to receive an acknowledgement letter within 10 working days letting you know what we plan to do with the petition and when you can expect to hear from us again.

We aim to give you a response on the issues raised in your petition within 60 calendar days unless there are extenuating circumstances. In this case officers will apply to the relevant Cabinet Member for an extension of this timescale.

### **Full Council debates**

If a petition contains 3,000 signatures or more, it will be debated by 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. The petition organiser will be informed of the date and time of the Council meeting. 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 maximum of 15 minutes. The Council can extend the time allowed for discussion if it sees fit.

The Council will decide how to respond to the petition at this meeting. It may decide:

- to take the action the petition requests; or
- 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 or scrutiny body; or
- where the issue is one on which the Council executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

The petition organiser will receive written confirmation of the Council's decision. This confirmation will also be published on our website.

## **Officer evidence**

Your petition may ask for a senior 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 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 your petition contains 1500 signatures or more, the relevant senior officer/s will give evidence at a public meeting of the relevant scrutiny body. You should be aware that the scrutiny body 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. The scrutiny body may also decide to call the relevant cabinet member to attend the meeting. The petition organiser will be advised of the time and date of the meeting and how the meeting will be conducted. Councillors will ask the questions at this meeting. Members of the public may also ask questions at the Chair's discretion. However, it would be useful if you could provide any questions you may have to the Democratic Services Unit on 0121 569 3193 up to three working days before the meeting.

## **Other petitions**

All petitions received (with the exception of those requiring a Council debate or requesting a senior officer to give evidence) will be reported to the next available meeting of the Cabinet Petitions Committee.

The petition organiser will be advised of the date of the meeting when the petition will be considered and will be invited to attend and address the Committee in support of the petition, if they so wish.

You will be informed of the final outcome of the petition as soon as possible.



Our response to a petition will depend on what the petition asks for and how many people have signed it, but it may include one or more of the following:

- taking the action requested in the petition;
- considering the petition at a Council meeting;
- holding an inquiry into the matter;
- undertaking research into the matter;
- holding a public meeting;
- holding a consultation;
- holding a meeting with petitioners;
- referring the petition for consideration by the relevant scrutiny body (scrutiny bodies hold the Council's decision makers to account);
- calling a referendum;
- writing to the petition organiser setting out our views about the request in the petition.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in the petitions.

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 (see Appendix 2) and where possible will work with these partners to respond to your petition.

If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy) then we will set out the reasons for this to you.

If your petition is 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.

By the end of the process the petition organiser will have been notified in writing of the steps the Council has taken or proposes to take in response to the petition and of the Council's reasons for doing so.

To ensure that people know what we are doing in response to the petitions we receive, the details will be published on our [website](#), except in cases where this would be inappropriate.

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

If you feel that we have not followed the process set out in the petitions scheme properly, the petition organiser has the right to request that the appropriate scrutiny body review the matter. We will ensure that a different scrutiny body deals with the review if your petition has already been considered by a scrutiny body. You will be notified of the date of the meeting where your request for a review will be considered and your right to attend.

Should the scrutiny body decide that 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 Council Executive or arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days and the results of the review will be published on our website.

## **If you need more assistance**

If you have any queries regarding the petitions process please contact Trisha Newton in the Democratic Services Unit on 0121 569 3193.

## Appendix 1

### Town Lead Members

<b>Oldbury</b>	(Deputy: )
<b>Rowley Regis</b>	(Deputy: )
<b>Smethwick</b>	(Deputy: )
<b>Tipton</b>	(Deputy: )
<b>Wednesbury</b>	(Deputy: )
<b>West Bromwich</b>	(Deputy: )

Contact details for the above can be found on the [Council's website](#).

## **Partner Organisations**

The following are listed by the Local Government and Public Involvement in Health Act 2007 as partner authorities.

West Midlands Fire Service  
West Midlands Police  
Sandwell and West Birmingham NHS Hospital Trust  
Sandwell Mental Health and Social Care Foundation Trust  
West Midlands Ambulance Trust  
The Local Probation Board  
The Youth Offending Team  
The Arts Council for England  
The English Sports Council  
The Environment Agency  
The Health and Safety Executive  
The Historic Buildings and Monuments Commission  
(English Heritage)  
The Learning and Skills Council for England  
The Museums, Libraries and Archives Council  
Natural England

## **Other Partners**

Sandwell Leisure Trust  
Riverside Housing



## **Public Petition**

To ensure that your petition is dealt with as quickly and efficiently as possible, please complete the following information and attach it to your petition.

<b>1. Name and contact details of principal/head petitioner</b> (If applicable, please specify the name of the organisation on whose behalf the petition is raised. Please also include telephone numbers if possible)
<b>2. Petition Title</b>
<b>3. What action do you want the Council to take?</b>
<b>4. Any previous action taken to resolve issues referred to in the petition</b>
<b>5. Any additional information in support of the petition</b>

Please inform your signatories that their details will be passed to the Council or one of its partner organisations as appropriate to ensure effective consideration of the matters raised in the petition.

### **Petition title**

Signature	Name and full postal address including postcode