

## Appendix 3 - Petition Scheme

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**1. Introduction**

1.1 The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. There are several types of petitions (see 3.1 below) depending on the number of signatures and this scheme sets out how the Council will respond to petitions.

**2. What can petitions cover?**

2.1 You can submit a petition on the following issues:

- Issues which relate to the Council and/or the services it provides to local people
- Matters which affect local people or communities in Torbay more than the general public nationally
- Issues which relate to an improvement in the economic, social or environmental well-being of Torbay including issues to which any of the Council's partner authorities could contribute
- Issues which relate to services provided by partner authorities, including matters which are sub-regional and cross-authority

**3. What are the different types of petitions?**

3.1 There are three different types of petitions:

**'Ordinary' petitions**

Petitions containing at least 25 signatures. The petition organiser can present their petition to a meeting of the Council (i.e. a meeting to which the Mayor and all Councillors are invited) who will, without discussion, refer the petition to the relevant decision-maker OR the petition organiser (with two other people who signed the petition) can meet with the decision-maker direct to present their petition.

**Petitions for Council debate**

Petitions containing at least 1000 signatures will be debated (or discussed) at a meeting of the Council.

**Petitions calling for Council employees to give evidence at an Overview and Scrutiny meeting**

Petitions containing at least 1000 can call for a senior Council employee to give evidence at a public meeting of Overview and Scrutiny.

**4. Who can submit a petition?**

4.1 Anyone who lives, works or studies in Torbay, including under 18's, can sign or organise a petition.

**What must a petition include?**

5.1 Petitions **must** include all of the following:

- at least 25 signatures;
- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take;
- the subject matter of the petition on each page;
- the name, address (or place of work or study if the person does not live in Torbay) and signature of any person supporting the petition; and
- contact details, including a phone number and address, for the petition organiser – this will be the person who we will contact to explain how we will respond to the petition.

5.2 The Council may also ask for such additional information as it may require to confirm that the petition complies with the requirements of this scheme.

5.3 The Director of Adult Services and Resources (in consultation with the Council's Monitoring Officer) may decline to accept any petition where in her opinion the petition does not include any of the above.

5.4 A template to help you organise a petition is provided at the end of this document.

**6. Are there petitions which the Council will not accept?**

6.1 The vast majority of petitions will be accepted provided they meet with the requirements of 5.1 above. However, there are certain circumstances when petitions will not be accepted by the Director of Adult Services and Resources (in consultation with the Council's Monitoring Officer), including:

- Petitions considered to be vexatious, abusive or otherwise inappropriate (e.g. for political campaigning). We will explain the reasons for this in our acknowledgement of receipt of the petition.
- Petitions which are identical or very similar to a petition that has already been presented to the Council in the past 12 months.
- The period immediately before an election or referendum we may need to deal with the petition differently – if this is the case we will explain the reasons and give the petition organiser revised timescales which will apply.
- Petitions which relate to planning or licensing application, is a statutory petition (e.g. requesting a referendum on whether the Council should continue to have an elected mayor), or a matter where there is already an existing right of appeal such as council tax banding and non-domestic rates. We will advise the petition organiser what will happen to petitions under this category.

- × Petitions which relate to a subject where consultation by the Council is currently being undertaken or is due to be undertaken in the next six months. We will ensure the petition is included as part of the consultation and contact the petition organiser to give them details of the consultation.
- × Where the identities of the signatories to the petition can not be verified.

## **7. How to submit a petition**

### **7.1 Petitions can be sent to:**

Governance Support  
Torbay Council  
Torquay Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

Alternatively, you can give your petition to your local councillor who will deliver it on your behalf.

- 7.2 Please indicate which type of petition you are submitting (see 3.1 above). If you would like your petition to be presented at a Council meeting, it must be delivered to Governance Support by 4.00 p.m. 10 clear working days before the meeting.
- 7.3 Arrangements for creating, signing and submitting petitions on-line will be available in the near future. The Council will only accept petitions submitted through its own website facility.

## **8. What will the Council do when it receives my petition?**

- 8.1 All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. The acknowledgement will be sent to the petition organiser and will explain what we plan to do with the petition and when you can expect to hear from us again. Details of your petition will be provided to the Mayor, the Chairman/woman of the Council, the group leaders and the Chief Operating Officer so they are informed of the details of the petition.
- 8.2 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council meeting debate, or a senior Council employee giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.
- 8.3 If you submit an 'ordinary' petition (see 3.1 above) the Governance Support Manager will contact the petition organiser and inform them which body/decision-maker will respond to the petition and invite them to choose whether they wish to make a presentation at a Council meeting or for the petition to be referred direct to the body/decision-maker concerned. However, if the subject of the petition is due to be considered by the decision-maker before the next meeting of the Council it will be referred to the decision-maker direct and you will not, therefore, have the opportunity to present your petition at a Council meeting. If you choose to submit your petition directly to the decision-maker you will be informed who makes the decision and who will be contacting you to make arrangements for

you to meet with the decision-maker.

8.4 To ensure that people know what we are doing in response to the petitions we receive, we will publish the details of petitions we receive on our website (except in cases where this would be inappropriate). Wherever possible we will also publish all correspondence relating to the petition on our website. The name and address of the petition organiser will be published on the Council's website unless the petition organiser expressly requires their contact details to be kept confidential.

## **9. How do I present my petition at a Council meeting?**

9.1 If you wish for your petition to be presented to a meeting of the Council you have the option of speaking at that meeting. You can speak in support of your petition for up to five minutes. To register to speak you must inform the Governance Support Team (by telephone 01803 207087/207015 or e-mailing [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)) by 4.00 p.m. the day before the Council meeting.

9.2 At the meeting the Chairman/woman will invite you to speak. When you make your speech you can only refer to matters relevant to the petition and must:

- (a) not use discriminatory or offensive language;
- (b) not make any party political statements;
- (c) not use personal abuse; and
- (d) treat others with courtesy and with respect.

If the Chairman/woman considers that you have broken any of these requirements have been breached he/she may take appropriate action (including preventing you from speaking further).

## **10. How will the Council respond to petitions?**

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

- Taking the action requested in the petition.
- Considering the petition at a Council meeting (where the subject of the petition does not fall within the remit of an appropriate body or person).
- Holding an inquiry into the matter.
- Undertaking research into the matter.
- Holding a public meeting.
- Holding a consultation.
- Holding a meeting with the petitioners.
- Referring the petition for consideration by the Council's Overview and Scrutiny Board\*.
- Calling a referendum.

- Writing to the petition organiser setting out our views about the request in the petition.

\*The Overview and Scrutiny Board includes the Councillors who are responsible for scrutinising the work of the Council – in other words, the Overview and Scrutiny Board has the power to hold the Council’s decision-makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples:

Petition subject	Appropriate steps
Alcohol related crime and disorder	<p>If your petition is about crime or disorder linked to alcohol consumption, the Council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of the extra policing in that area. The Council’s response to your petition will set out the steps we intend to take and the reasons for taking this approach.</p>
Anti-social behaviour (ASB)	<p>The Council plays a significant role in tackling anti-social behaviour as the elected representatives of your local area, social landlord and licensing authority. The Council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details on the Safer Communities website: <a href="http://www.safercommunitiestorbay.org.uk/index.htm">http://www.safercommunitiestorbay.org.uk/index.htm</a></p> <p>When responding to petitions on ASB, we will consider, in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the Council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and crime and the Overview and Scrutiny Board to the issues highlighted in the petition.</p>

<p>Under-performing schools</p>	<p>We will consider, in consultation with local partners, all the options available to us when working with schools to secure their improvement. For example, on our behalf, the school improvement partner will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing we will consider whether it is appropriate in the circumstances to issue a warning notice outlining expectations and a timeframe for the school to improve it's performance standards. Other measures available to us, where schools fail to comply with a warning notice or are in an Ofsted category of notice to improve (requiring significant improvement) or special measures include; appointing additional governors, establishing an interim executive board, removal of the school's delegated budgets, requiring the school to enter into a formal contract or partnership or, only if the school is in special measures, closure.</p>
<p>Under-performing health service</p>	<p>We will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LINK) might have in reviewing and feeding back on the issue (the LINK is run by local individuals and community groups and is independently supported – their role is to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account). The Council's Health Scrutiny Board will also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue will be referred to them to consider for review.</p>

10.2 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 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. You can find more information on the services which the Council is responsible at [www.torbay.gov.uk](http://www.torbay.gov.uk).

10.3 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.

## 11. Petitions for debate at a Council meeting

11.1 If a petition contains more than 1000 signatures it will be discussed by a meeting of the Council unless it is a petition asking for a senior Council employee to give evidence at a public meeting (see 12. below). 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 given five minutes to

present the petition at the meeting (see 9. above) and the petition will then be discussed by the Mayor and councillors. The Council will decide how to respond to the petition at this meeting, it may decide to:

- take the action the petition requests
- not to take the action requested for reasons put forward in the debate
- make recommendations to the Mayor if the issue is one for him to make the decision
- commission further investigation into the matter, for example by a relevant committee.

The petition organiser will receive written confirmation of this decision and this will also be published on our website.

## **12. Petitions asking for officers to give evidence**

- 12.1 If your petition contains 1000 signatures 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. A list of the officers that can be called to give evidence is as follows:

Chief Operating Officer – Elizabeth Raikes  
Director of Adult Services and Resources – Caroline Taylor  
Director of Children’s Services– Richard Williams  
Director of Place and Resources– Charles Uzzell

- 12.2 Your petition may ask the officer to explain progress on a particular issue or to explain the advice given to the Mayor and/or councillors to enable them to make a particular decision. The petition must relate to the officer’s job and cannot relate to their personal circumstances or character.
- 12.3 The evidence will be given at a public meeting of the Council’s Overview and Scrutiny Board and not at a meeting of the Council. The officer giving evidence at the meeting may be accompanied by another officer, technical expert or a representative from a partner agency. You will be given details of the meeting so that you can attend. These meetings are normally held in public, but the Board has the option to exclude the press and public from any part of the meeting that discusses confidential information. If the Board does exclude the press and public you will also have to leave the meeting. If it is likely that the press and public will be excluded from the whole or any part of the meeting you will be notified of this and given the reason(s) why when we give you the details of the meeting. You should be aware that the Overview and Scrutiny Board 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 Board may also decide to call the Mayor or relevant councillor to attend the meeting. Only the Board will ask questions at this meeting, but you will be able to suggest questions you would like them to ask to the Overview and Scrutiny Co-ordinator by contacting the Overview and Scrutiny Manager (by telephone 01803 207014 or e-mailing [scrutiny@torbay.go.uk](mailto:scrutiny@torbay.go.uk)) by 4.00 p.m. three working days before the meeting.

## **13. E-petitions**

- 13.1 The Council welcomes e-petitions which are created and submitted through its own website



on the following link: [ePetitions](#).

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

- 14.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to appeal and request the Council's Overview and Scrutiny Board to 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 they feel the Council's response is not considered to be adequate.
- 14.2 The Board 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 Board determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These include:
- instigating an investigation
  - making recommendations to the Mayor
  - arrange for your request to be considered by a meeting of the Council if it considers the Council has seriously neglected its responsibility to listen to local people
- 14.3 Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

**15. What else can I do to have my say?**

- 15.1 There are a number of other ways you have your say and get involved in local decisions, including:
- Attending meetings
  - Public question time
  - Speaking on planning or licensing applications
  - Overview and scrutiny
  - Community partnerships
  - Become a councillor
  - Take part in consultations

To find out more go to our website:

<http://www.torbay.gov.uk/index/yourcouncil/councillorsdecisions/haveyoursay.htm>

**16. Special requirements**

- 16.1 If you need any special help with accessing any Council buildings or if you have any special requirements please advise the Governance Support Team (either by telephone 01803 207087/207015 or emailing [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)) before the meeting.

**To ask for a copy of this guide in another format or language, or for more information on petitions or Council meetings, please contact:**

**Torbay Council – Constitution**

**Petition Scheme**

**Governance Support on (01803) 207087/207015**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

<b>Subject of petition:</b>	
<b>Action required:</b>	
<b>Organiser/Main Contact for Petition</b>	
Name:	Telephone number:
Address:	

**Petition type: *please tick relevant box below***

**Ordinary (contains 25 signatures or more)**

*please indicate where you wish to submit your petition:*

Council

or

Direct to Decision Maker

If you have chosen to submit your petition straight to Council would you like to speak at the Council meeting? *please tick box below*

Yes

Name of speaker:

No

**Petitions for Council debate (contains 1000 signatures or more)**

*please indicate if you would like to speak at the Council meeting*

Yes

Name of speaker:

No

**Petitions calling an officer to give evidence (contains 1000 signatures of more)**

**Subject of petition:**

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Name	Address or place of work or study if not a resident in Torbay	Signature

*Please copy this page for further signatures*