



## **East Suffolk Council Petition Scheme April 2019**

### **1. Introduction**

- 1.1 This Scheme sets out the details of how East Suffolk Council will deal with and respond to petitions.
- 1.2 East Suffolk Council recognises the importance of petitions as a means of engaging more meaningfully with local communities, enabling the public to let us know about their concerns and as a mechanism for generating service improvements.
- 1.3 This Petition Scheme will be reviewed every four years.

### **2. What is a petition?**

- 2.1 Any communication which is signed by, or sent to the Council on behalf of, a number of people who live, work or study within East Suffolk could be treated as a petition.
- 2.2 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.

### **3. What should a petition contain?**

- 3.1 A petition must contain the following information:
  - 3.1.1 A clear and concise statement covering the subject of the petition, the area to which the petition relates and what action the petitioners want the Council to take.
  - 3.1.2 The contact details, including an address, for the petition organiser (lead petitioner) so the Council knows who to contact.
  - 3.1.3 The name, address, postcode and signature of any person supporting a paper petition.
  - 3.1.4 The name, postcode and email address for anyone creating an electronic petition (e-petition).
  - 3.1.5 The name, postcode and email address for those persons who sign up to an electronic or e-petition.
  - 3.1.6 Date the petition was submitted.
- 3.2 Signatures for the petition should have been collected no more than 6 months before the submission of the petition to ensure that the issues raised are considered within an appropriate time frame.
- 3.3 Where a petition calls for action against the policy of the Council, the authority reserves the right to decline the request, but in doing so must clearly explain to the lead petitioner the reasons why the requested action cannot be carried out.

### **4. Exclusions**

- 4.1 The following matters are specifically excluded under this Petition Scheme and will not be considered:
  - 4.1.1 Any matter relating to a planning decision, including a development plan document or the community infrastructure levy.

- 4.1.2 Any matter relating to a licensing decision, including licensing applications under the Licensing Act 2003 and the Gambling Act 2005.
  - 4.1.3 Any matter for which the Audit, Risk Management & Standards Committee has powers for determining complaints regarding breaches of the Members Code of Conduct.
  - 4.1.4 Any matter relating to an individual or entity in respect of which that individual has a right of recourse to a review of right of appeal conferred by or under any enactment.
  - 4.1.5 Any matter which is substantially the same as a petition submitted in the previous 12 months.
  - 4.1.6 Any matter which is determined by the Council's Monitoring Officer to be vexatious, discriminatory, inappropriate or not reasonable (guidance on which can be found at Appendix A).
  - 4.1.7 Any matter which is considered to be 'exempt' under the Local Government Act 1972, Access to Information Act 1985, the Data Protection Act 1998, the Freedom of Information Act 2000 or the Environment Information Regulations 2004. This includes but is not restricted to information relating to an individual, information which is commercially sensitive, or which concerns information for which there are implications for the prevention or prosecution of a crime
- 4.2 If the issue contained within the petition is an excluded matter, the lead petitioner will be informed accordingly, explaining the reasons why the petition cannot be accepted under this scheme and where appropriate, referring the petitioner to the relevant Service area and advising them as to how their views can be expressed via alternative means.

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

5.1 Petitions can be submitted to the Council in the following ways:

5.1.1 Paper petitions

Traditional paper petitions accompanied by a dated covering letter, identifying the key information outlined above (purpose of petition, what action is called for, contact details for the lead petitioner etc.) can be sent to:

**Democratic Services  
East Suffolk Council  
Riverside  
4 Canning Road  
Lowestoft  
NR33 0EQ**

5.1.2 Email petitions

The relevant documentation can be sent by email to [democraticservices@eastsoffolk.gov.uk](mailto:democraticservices@eastsoffolk.gov.uk)

5.1.3 E-petitions

There are several external websites that enable you to create an e-petition, which can then be submitted to the Council (see further information in Section 10 below)

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

- 6.1 All petitions will receive an acknowledgement within 7 days. The acknowledgement will let you know what we plan to do with the petition and when you can expect to hear from us again. The petition will also be [published on our website](#).
- 6.2 The Council will generally accept any petition on face value but reserves the right to verify the signatures or investigate further if deemed necessary.
- 6.3 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 debate, or a senior officer giving evidence, then the

acknowledgment 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.

## **7. How will the Council deal with my petition?**

- 7.1 Depending on the number of people that have signed the petition, it will be dealt with in one of the following ways:-
  - 7.1.1 If your petition contains **less than 50 signatures** it will be treated in accordance with the [Council's Compliments & Complaints Procedure](#). This means it will be referred to the relevant Head of Service for consideration and response. It may also be passed to the relevant Ward Member(s) and town/parish council for their consideration.
  - 7.1.2 If your petition has **between 50 and 599 signatures** it will be referred to the relevant Cabinet Member and Head of Service for a response.
  - 7.1.3 If your petition has **between 600 and 1199 signatures** it will be referred to the Scrutiny Committee for consideration. The Scrutiny Committee can then, if it wishes, refer any specific recommendations to the Cabinet / Council.
  - 7.1.4 Petitions with **600 signatures or more** may call for evidence from a senior officer. Further information can be found at Section 8 below.
  - 7.1.5 If your petition has **more than 1200 signatures** it will automatically be referred to Full Council for consideration and debate. Further information can be found at Section 9 below.
- 7.2 The relevant Ward Member(s), Cabinet Members and Officers will be informed when a petition covering their Wards / areas of responsibility is received and how / when the petition will be considered.
- 7.3 The lead petitioner will be informed in writing of the Council's response to the petition and this information will also be [published on the Council's website](#). If a further meeting is to be held to consider the issues raised in the petition, the lead petitioner will be supplied with the relevant details and be given the opportunity to attend and address the meeting and, if appropriate, answer any questions posed at the meeting.
- 7.4 If the petition applies to a planning or licensing application, or is a statutory petition (for example requesting a referendum on having an elected mayor), or is about a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, then we will notify you of the other existing procedures which apply.
- 7.5 If the petition is about something for which the Council has no direct control, for example, the local railway or hospital, we will make representations on behalf of the community to the relevant body and, where possible, will work with these partners to respond to your petition.
- 7.6 If the petition is about something that a different Council is responsible for, we will give consideration as to what the best method is for responding to it. This may simply involve forwarding the petition to the other Council but could involve other steps. In any event, we will inform the lead petitioner of what action has been taken.
- 7.7 In the period leading up to an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

## **8. Officer evidence**

- 8.1 A petition containing **600 or more signatures** may request a [senior officer of the Council](#) to give evidence at a meeting of the Council's Scrutiny Committee 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.
- 8.2 The Scrutiny Committee may decide that it would be more appropriate for a different officer to give evidence instead of any officer named in the petition - for instance if the named officer

has changed jobs. The Committee may also decide to call the relevant councillor to attend the meeting.

- 8.3 You will be given due notice to enable you to attend the Committee meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chairman of the Committee by contacting the Head of Legal and Democratic Services up to three working days before the meeting (Tel: 01394 444336 or email [democraticservices@eastsoffolk.gov.uk](mailto:democraticservices@eastsoffolk.gov.uk))

## 9. Full Council debates

- 9.1 A petition containing **more than 1200 signatures** will automatically be referred to Full Council. This means that the petition will be considered at a meeting at which all Councillors can attend. The Council will then decide how the matter should best be considered.
- 9.2 If the petition has been submitted at least 10 working days prior to a scheduled formal Council meeting then it may be considered at that meeting, otherwise it will be referred to the next scheduled Full Council meeting for consideration. Petitions will not be considered at Extraordinary Council meetings. [Calendar of scheduled meetings](#)
- 9.3 The lead petitioner will be invited to address the Council, outlining the reasons for the submission of the petition and what action they would like the Council to take. The lead petitioner will be given 5 minutes in which to present this information and the petition will then be discussed by Councillors for a maximum of 30 minutes. A Ward Councillor can, at the request of the lead signatory, present the petition to Council on behalf of the relevant petitioners.
- 9.4 Should two petitions be received on the same issue (one in support and one opposing a course of action) then both petitioners would be invited to address Council at the same time.
- 9.5 There are several courses of action available to the Full Council regarding the consideration of petitions, including but not limited to:
- 9.5.1 Taking the action requested in the petition
  - 9.5.2 Undertaking research into the matters raised (this could include referring the matter to the relevant Cabinet Member or Officer of the Council)
  - 9.5.3 Holding a meeting with the petitioners
  - 9.5.4 Referring the petition to the Scrutiny Committee
  - 9.5.5 Holding a public meeting
  - 9.5.6 Holding an inquiry
  - 9.5.7 Providing a written response to the petition organiser setting out the authority's views on the request in the petition
  - 9.5.8 Considering the petition at a future Full Council meeting
  - 9.5.9 Calling for a referendum
  - 9.5.10 Undertaking any other course of action open to the authority that is specific to the subject of the petition.
- 9.6 Where possible, the consideration of a petition will be held in public but in exceptional circumstances it may be necessary for an issue to be considered as an 'exempt' item under the Local Government Act 1972, the Access to Information Act 1985 and other relevant legislation. In such circumstances the lead petitioner, public and press will be excluded from the meeting (or part of it) but the reasons for their exclusion will be clearly communicated.

## 10. Creating an e-petition

- 10.1 E-Petitions follow the same guidelines as traditional petitions and should only be submitted by people who live, work or study in the East Suffolk district.
- 10.2 There are numerous websites online that can help you to create an e-petition. You will need to ensure that you are aware of any terms and conditions on external websites regarding the

use of your data. The Council cannot be held responsible for how your personal information may be used by other websites.

- 10.3 Once you have set up your e-petition you can then notify the Council by email to [democraticservices@eastsoffolk.gov.uk](mailto:democraticservices@eastsoffolk.gov.uk) and your petition will be [posted on the Council's website](#).
- 10.4 You will need to notify the Council as to how long you wish the e-petition to run for. Most petitions run for six months, but you can choose a shorter time frame.
- 10.5 When you submit an e-petition to the Council, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
- 10.6 If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be [published on the Council's website](#).
- 10.7 Once your e-petition has closed for signature, you should notify the Democratic Services Team by email to [democraticservices@eastsoffolk.gov.uk](mailto:democraticservices@eastsoffolk.gov.uk). In the same way as a paper petition, you will receive an acknowledgement within 7 working days.
- 10.8 Details of the receipt of any petitions and the Council's response will be [published on the Council's website](#).

## **11. 'Signing' an e-petition**

- 11.1 You can see all the e-petitions currently available for signature [on the Council's website](#).
- 11.2 When you sign an e-petition you will be asked to provide your name, address, postcode and email address.
- 11.3 The names of petition signatories are not displayed on the Council's website, only the number of people who have signed the petition. For clarity, any contact details supplied are only visible to the Council's officers who administer the Petitions Scheme.

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

- 12.1 If you feel that the steps taken in response to your petition are not adequate, the petition organiser has the right to request that the Council's Scrutiny Committee reviews 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 the Council's response is not considered to be adequate.
- 12.2 The Committee 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 Committee determine that the Council 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's Cabinet and arranging for the matter to be considered at a meeting of the Full Council.
- 12.3 Once the appeal 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's website.

## **Appendix 1**

### **Explanatory notes**

East Suffolk Council welcomes the receipt of petitions as a positive initiative for engaging with local communities. However, any petition which in the opinion of the local authority (as advised by the Monitoring Officer) is considered to be vexatious, abusive or otherwise inappropriate or not reasonable will be excluded from the scheme.

Each petition will be looked at on its merits, rather than on the basis of who is submitting the petition, or whether someone thinks there is an ulterior motive for the submission of the petition.

#### Vexatious / Persistent

Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all circumstances of the case. There is no rigid test or definition for such complaints but the key overriding question will be whether the petition request is likely to cause distress, disruption or irritation without any proper or justified cause.

Issues around persistency are implied by this definition. However a persistent request may well be entirely valid - it may relate to a systematic problem that has not been effectively resolved. Similarly, a request which some Members may regard as vexatious, may actually be entirely responsible.

#### Discriminatory

A modern interpretation of the word 'discrimination' is provided at Section 45 of the Equality Act 2006, in relation to religion and belief, as follows:

A person (A) discriminates against another (B) if on the grounds of the religion or belief of (B) or of any other person except (A), treats (B) less favourably than s/he treats others. This definition can easily be amended to deal with other forms of discrimination, such as discrimination for reasons of sex and / or race. So a discriminatory petition might be one which implies or states that a group of people or an area receives better, or worse, services on account of that group's predominant religion, race, sex or other characteristic, as covered by discrimination legislation.

#### Inappropriate

Matters which may be considered 'inappropriate' include those involving ongoing legal proceedings or which target individual members of a community.

#### Not Reasonable

In the interests of transparency, the Council will not interpret 'not reasonable' as being the same as the legal word 'unreasonable'. It is best to consider 'not reasonable' as a qualifier to the word 'vexatious', as a vexatious request is likely not to be reasonable and a request that is not reasonable is likely to be vexatious.