

Scheme of Arrangements for handling Petitions

Introduction

The Council welcomes views from the public. It has robust arrangements in place for managing correspondence. The Council has always welcomed statements, questions, deputations and petitions from the public at its formal meetings and those arrangements are contained in the Council's Constitution (Procedure Rules). It actively seeks to engage with local people through its overview and scrutiny review process.

The purpose of this Scheme is specifically to set out how Bath & North East Somerset will handle petitions, whether in paper or on-line format.

The provisions of this Scheme are supplemental to and do not replace the existing arrangements whereby the public may present petitions at meetings of Council bodies.

What are the guidelines for submitting a petition?

A petition should include:

- ✚ a clear and concise statement covering the subject matter of the petition
- ✚ an indication of what action the petitioners wish the Council to take – in the case of statutory petitions this may take the form of a recommendation
- ✚ the name, address and signature of any person supporting the petition or
- ✚ (in the case of electronic petitions) the name, address and e-mail contact
- ✚ the name and full contact details of the lead petitioner/petition organiser
(these details will not be placed on the website)

*[*see note below regarding signatures]*

In the period immediately before an election or referendum, the Council may need to deal with a petition differently. If this is the case, the Council will explain the reasons and discuss the revised timescale.

Who may present a petition?

The Council welcomes petitions from anyone who lives, works or studies (*) in the Council area, including those under the age of 18.

*[*Those signing who work or study in the Council area must use this address to qualify.]*

Petitions for Debate at Council

If a petition (other than a statutory petition) contains signatures of more than 1% of the electorate it will be referred to the full Council for debate. The petition will be formally presented at the meeting by the lead petitioner who will address the meeting for five minutes. The lead petitioner may nominate a local councillor or some other person to present the petition.

It is usual for petitions to be considered at the next available Council meeting but this may not always be the case. Petitions will not be considered at the Council's budget meeting or the Annual General meeting.

Where the petition relates to a matter upon which the full Council does not have decision making powers, the debate will seek to influence the decision making body or person. If the matter is one on which only the Cabinet can make the final decision, Council is limited to making a recommendation to Cabinet.

Response to petitions

No matter what type of petition is submitted, the Council will provide the lead petitioner with an acknowledgement within 15 working days of receipt.

This acknowledgement will set out what the Council plans to do with the petition. Among the actions which the Council could choose to take in response to a petition are:

- taking the action required in the petition
- considering the petition at a meeting of the Council
- considering the petition at a meeting of the Cabinet
- referring the petition to a Cabinet Member
- holding an enquiry
- holding a public meeting
- commissioning research
- making a written response to the petition organiser setting out the Authority's views on the request in the petition
- referring the petition to a Policy Development and Scrutiny Panel.

If there is no clear lead petitioner, the Council will contact signatories to agree who should act in that role for the purpose of receiving responses.

If the petition is about a matter for which the Council has no direct responsibility (for example a local hospital or railway service) the Council will consider making representations on behalf of the community to the relevant body. The lead petitioner will be informed of the options.

The Council works with a number of partner bodies and where possible it will work with these partners to respond to the petition. If the petition triggers a debate at full Council, a representative of the partner body may be invited to attend the meeting to assist with the debate.

Local Discretion

The above arrangements include in part some statutory requirements for dealing with certain petitions in a certain way. Petitions which trigger certain actions because of their size or nature will of course be dealt with in accordance with legal requirements. There will however be local discretion and flexibility in the way other petitions are dealt with based on the principle of good administration and the Council's Constitution.

Review of the Scheme

The Council will review the Scheme from time to time, including the thresholds to trigger certain actions and generally in the light of operational experience.

Exclusions

The Council will not accept what it regards as vexatious, abusive or otherwise inappropriate petitions.

Petitions relating to a planning, licensing or other regulatory application, or decisions about a development plan document are not covered by this Scheme. This is because there are established procedures for communities to have their say on such matters.

Petitions relating to an individual or entity in respect of which that individual or entity has a right of appeal or a right of recourse to a review conferred by or under any enactment are also excluded.

Petitions relating to the conduct of an elected councillor will be taken as a complaint arising under the provisions of the Local Government Act, 2000 with regard to ethical governance. Accordingly the petition will be referred directly to the Monitoring Officer, in line with the process for handling complaints against councillors.

The Council will not accept a petition under this Scheme which is, or appears to be, the same as a petition received and dealt with within the previous 6 months. This does not apply to a petition received on a similar matter to a current live petition. In this case both petitions will be dealt with equally.