

West Surrey Council

Draft Petition Scheme

Introduction

1. The Council welcomes petitions from all people, residents, those working or studying in West Surrey and recognises that petitions are one way in which people can let us know their concerns. Anyone who lives, works or studies or users of the service to which the petition relates in West Surrey may sign or organise a petition and trigger a response. This includes anyone under the age of 18. The purpose of this scheme is to establish a clear process for petitions submitted to the council to be handled.
2. West Surrey Council provides a number of ways in which petitions may be considered - depending on the subject, the actions sought, and the number of signatories. 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. There are various actions you might want to consider before deciding whether or not to raise a petition to West Surrey Council. For example, you could call our Contact Centre, as staff there may be able to offer advice and help to resolve an issue, and for some issues, you may be able to log them on the website. You may want to discuss your issue with your local Councillor, who may be able to help you with it or explain how to make representations on a particular subject to the right person at the Council. Details on how to contact your local Councillor are available on the authority's website. Alternatively, you could ask a question about your issue at a committee meeting. Information about how you can do this is also available on the Council's website.

How to submit a petition

4. All petitions submitted to the Council will receive a written acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.
5. E-petitions must be created, signed and submitted online through the Council's e petitions facility [LINK TO BE ADDED].
6. Alternatively, paper petitions can be sent to:

The Monitoring Officer

West Surrey Council

[ADDRESS TO BE ADDED]

What are the guidelines for submitting a petition?

7. Petitions submitted to the council **must** include:
 - a clear and concise statement covering the subject of the petition which must relate to the functions, powers, or duties of the Council. It should also state what lawful action the petitioners wish the Council to take;
 - the name and address (in a legible format) and signature of any person supporting the petition; and
 - contact details, including name, address, telephone number and an email address of the petition organiser.
8. The petition organiser is the person the Council will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the Council's website.
9. If a petition does not follow the guidelines set out above, the Monitoring Officer, may decide not to do anything further with it. In that case, we will write to the petition organiser to explain the reasons.

What types of petitions are excluded?

10. A paper petition or e-petition will **not** be accepted where:
 - it refers to matters that are "confidential" or "exempt" under the Local Government Access to Information Act 1985;
 - it is considered to be vexatious, abusive or otherwise inappropriate, including referring to specific individuals;
 - it refers to a planning or licensing application, development plan, or right of way matter;
 - a statutory petition (for example requesting a referendum on having a directly elected mayor);
 - a petition relating to a matter where there is already an existing recourse to a review or right of appeal, such as council tax banding and non-domestic rates and school admissions where other procedures apply.
11. In addition, the scheme specifically excludes any petition on the same or similar topic as one that the Council has received and dealt with in the previous six months. The Council will acknowledge receipt of such a petition within 10 working days and include details of its response to the previous petition on the topic. Where the Council is still considering a petition on the same or similar topic, the new petition will be amalgamated with the first received petition.

How will the Council respond to petitions?

12. 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 (minimum of 5000 signatures)
- considering the petition at an Executive or relevant committee meeting (minimum of 250 signatures)
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- consulting residents about the matter
- holding a meeting with petitioners
- referring the petition for consideration by one of the council’s overview and scrutiny committees
- writing to the petition organiser setting out our views about the request in the petition.

13. The type of response that the Council provides will be dependent on the number of signatures to the petition. The table below sets this out:

Number of signatories	Response
Fewer than 250	Response from relevant Executive Director/service area (treated as standard correspondence)
At least 250	Referred to the Executive or relevant committee for response
At least 250	Senior officers may be called to provide evidence at a committee meeting where such action is requested in the petition
At least 5000	Referred for debate at a meeting of the full Council

14. If we can do what a petition asks for, the acknowledgement to the organiser may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to be referred to the Executive or another relevant committee or to trigger a debate at a meeting of the full Council, then the acknowledgment will confirm this and inform the organiser when and where the relevant meeting will take place.

15. Where the petition is referred to the Executive, a relevant committee or the full Council, the petition organiser (or any person authorised by them) will, if they so wish, be given a period not exceeding five minutes to present the petition at the meeting and the petition will then be discussed by councillors.

16. We will contact the petition organiser before the meeting to establish whether they wish to formally present the petition at the meeting in the manner described above.

17. Where an issue relates to a ward specific issue, the local ward members will be informed and if the relevant thresholds are met, notified of where the petition will be presented.

E-Petitions

18. The Council welcomes e-petitions which are created and submitted through our website. E petitions must follow the same guidelines as paper petitions mentioned above. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.
19. When you create an e-petition, 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.
20. 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 under the 'rejected petitions' section of the website. When an e-petition has closed for signature, it will automatically be submitted.
21. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement and response will also be published on this website. This formal response will be despatched within 30 days of the petition being considered.
22. Should you choose to use an alternative e-petition system e.g. Change.org please be aware that online petition systems outside of the Council's own e-petition system do not automatically notify us when a petition has been submitted and therefore we will have to treat these in the same way as paper petitions. In these cases, the petition organiser will need to print a copy of the petition statement and the corresponding signatures and send these into us via post, in person or via email.

How Do I 'Sign' an E-Petition?

23. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible. The Council does indicate on its website how personal data of people who supports a petition will be dealt with.

Full Council debates

24. If a petition contains 5,000 signatures or more, the Council will debate it unless it is a petition asking for a senior council officer to give evidence at a public meeting. The Council will

endeavour to consider the petition at its next meeting following the submission of a paper petition or the end date of an e-petition, although on some occasions this may not be possible and consideration will then take place at the following meeting. There must be 14 days between the submission of notice of a paper petition or the end date of an e-petition and the date of the meeting.

25. The petition organiser will be given five minutes to present the petition at the Council meeting. The relevant Executive Member will then be given five minutes for a right of reply before Members have an opportunity to debate the petition for no more than 15 minutes, with each Member allowed to speak for a maximum of three minutes.
26. 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. Where the issue is one on which a council committee is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. Where the issue is one on which the 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 this decision within five working days of the meeting. This confirmation will also be published on our website

Presenting petitions to other meetings

27. Petitions can be presented to other meetings of the Council. The subject matter of the petition will determine where it is considered, as the power to enact whatever the petition requests must be within the terms of reference of the body that considers it.
28. For the Executive or any committee to consider a petition, it must contain at least 250 signatures.
29. Notice of petitions must be given in writing at least 14 days before the meeting, in the case of paper petitions. For e-petitions, no other written notice is needed, but the required number of signatures must have been reached at least 14 days before the meeting.
30. The petition organiser will be given up to three minutes to present the petition at the meeting, although the time limit may be extended if agreed by the Chair. The petition will either be responded to at that meeting, or it may be referred without discussion to the next meeting of that body.
31. No more than three petitions may be presented at any one meeting. The Monitoring Officer may amalgamate within the first received petitions other petitions of like effect on the same subject. The presentation of a petition on the same or similar topic as one presented in the last six months will not be allowed at meetings.

Petitions asking Senior Officers to provide evidence

32. 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, a 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.
33. If a petition contains at least 250 signatures and clearly states a specific issue to raise, the relevant senior officer will give evidence at a public meeting of the appropriate overview and scrutiny committee.
34. The senior officers that can be called to give evidence are:
- the Chief Executive,
 - Executive Directors,
 - Directors
35. You should be aware that the committee may decide that it would be more appropriate for another officer to give evidence instead of any officer specified in the petition. The overview and scrutiny committee may also decide to call the relevant Executive Member to attend the meeting.
36. Members of the committee will ask the questions at this meeting, but the petition organiser will be able to suggest questions to the chair of the overview and scrutiny committee by contacting Democratic Services up to five working days before the meeting. Details will be given to the petition organiser to assist with this process when receipt of the petition is acknowledged.

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

37. If a petition organiser feels that the council has not dealt with a petition properly, i.e. the process outlined above was not followed, they may request a review by the relevant overview and scrutiny committee. Such a request should be made in writing within 28 days of the dispatch of the formal response to the petition organiser, providing a short explanation of the reasons why the council's response is not considered to be adequate.
38. Within five working days of receipt of intention to appeal, the Council will determine which is the relevant overview and scrutiny committee to carry out the review. The committee will endeavour to consider the request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting or at a special meeting. The procedure for conducting the review at the meeting shall be as follows:
- a) The petition organiser (or any person authorised by them) shall be invited to address the Committee for no more than five minutes in respect of their request for review.
 - b) Councillors to ask the petition organiser any questions relevant to the review arising from their statement to the Committee.

- c) The Committee to review the steps taken by the Council in responding to the petition and to consider whether the Council has dealt with the petition adequately. Dependent on whether the formal response to the petition was given by:
- An Executive Director or Director,
 - A lead councillor, or
 - Full Council

This may include asking the relevant Executive Director/Director or relevant lead councillor to attend and answer questions from the Committee.

- d) Prior to making a decision on the review, the petition organiser (or any person authorised by them) shall have a right of reply on the debate, for which they will be given five minutes.
- e) The Committee to formally determine the review – deciding either that the Council has dealt with the petition adequately or that it has not. If the latter, the Committee must then decide one of the following options:
- f) to investigate the matter further;
- g) to make recommendations to the Leader/Executive; or
- h) to arrange for the matter to be considered at a meeting of full Council.

39. The question as to whether implementation of any decisions pertinent to a petition under review by overview and scrutiny should be deferred pending completion of the review process shall be dealt with by the Monitoring Officer on a case-by-case basis including, where necessary, convening special meetings of the relevant overview and scrutiny committee and/or full Council for this purpose.

40. 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. There is no further right of appeal through the Council.