

5K PETITIONS SCHEME

5K.1 PETITIONS

Nuneaton & Bedworth Borough Council welcomes petitions and recognises that petitions are one way in which people are able to let us know their concerns.

5K.2 WHAT IS A PETITION?

We will treat as a petition any communication that is signed by or sent to us on behalf of 25 people. Less than 25 signatures will be considered a complaint and dealt with under the Council's Complaints Procedure.

5K.2.1 Types of Petitions

There are different types of petition, as set out below.

- a) Petitions between 0 – 24 signatures will be dealt with as a Complaint.
- b) Ordinary Petitions – requiring 25 – 499 signatures will be dealt with by the appropriate Service Unit at the Council.
- c) Petitions of 500 – 2999 signatures will be referred to the relevant Overview & Scrutiny Panel. An officer, identified either by name or by post title either in the petition or as nominated by the Petitions Officer, will be required to answer questions on the conduct of a particular matter at the Panel.
- d) Petitions for Debate – Petitions of 3000 or more will be referred to a meeting of the Council.

5K.2.2 What should a petition contain?

A petition should include:–

- a) A clear statement covering the subject of the petition and what you want the Council to do. This must relate to something which is the responsibility of the Council, or over which the Council has some influence. Where a petition relates to a matter which is within the responsibility of another Public Authority, we will redirect the petition to that other Authority. Where a petition relates to a matter over which the Council has no responsibility or influence, we will return the petition to the petition organiser with an explanation of that decision;
- b) The full name and contact details of the “petition-organiser” must be provided. Contact details must be a full postal address where the

signatory lives. If a petition does not identify a petition organiser, we will contact the first or second signatories to the petition to agree who should act as the petition organiser. If no signatory can be identified from the petition and hence no petition organiser can be contacted, the Council will consider the petition to be frivolous or vexatious and deal with it accordingly within the terms of this Scheme.

- c) Each signatory to a petition must state their full name, full postal address and signature.
- d) The Petitions Officer shall consider any petition over 25 signatures and determine (a) its validity and (b) the process to be followed in dealing with the petition having regard to the criterion in this Scheme. If the Petitions Officer considers a petition to be frivolous or vexatious, abusive, unlawful or otherwise inappropriate, it will be rejected.

In the period immediately before an Election or Referendum a petition will be dealt with differently. This is to comply with the Code of Practice on Local Authority Publicity used by the Secretary of State under S. 2 of the Local Government Act 1986.

5K.2.3 What will the Petitions Officer do when he or she receives your petition?

The response to a petition will depend on what a petition seeks and how many people have signed it. The range of possible outcomes are:-

- a) taking the action requested
- b) considering the petition at a Council meeting
- c) holding an inquiry into the matter
- d) holding a public meeting
- e) commissioning research
- f) Referring the petition to an Overview & Scrutiny Committee
- g) rejecting the petition.

Petitions will be acknowledged within 10 working days. The Petitions Officer will let the petition organiser know what will be happening with the petition and when he or she can expect to hear from the Petitions Officer again. That notification will be published on the website unless the Petitions Officer considers that in all the circumstances it would be inappropriate to do so.

If the outcome requested in a petition can be undertaken immediately, the acknowledgement may confirm this and the petition will be closed.

In some cases, the Petitions Officer may seek to resolve the request directly, by getting the relevant Cabinet Member or officer to take appropriate action.

Unless the matter has been resolved immediately the Petitions Officer will provide a substantive response to the petition organiser setting out how the petition is to be handled. This substantive response will be provided as quickly as possible and no later than 15 working days after the date the petition is acknowledged.

At the same time as providing a substantive response to the petition organiser, the Petitions Officer will inform Group Leaders and relevant Ward Members (if appropriate) of receipt of the petition.

Within five working days of acknowledging a petition, the Petitions Officer will publish details of the petition on the Council's website, setting out the subject matter of the petition, the date of receipt and the number of petitioners. The petition organiser's name and contact details will be included.

The Petitions Officer will ensure that the website is kept up to date to ensure that petitioners can track progress of their petition.

5K.2.4 The role of Ward Members

When a petition is received which particularly affects a specific Ward, the Petitions Officer will send a copy of the petition to each relevant Ward Member at the same time as providing a substantive response to the Petitions Organiser.

5K.2.5 What happens to Petitions for Debate at Council?

Petitions for Council debate will be reported to the next convenient Ordinary Meeting of the Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council, which are not convened to consider the subject matter of the petition.

The Petition Organiser will be invited to address the meeting for up to three minutes on the subject of the petition.

5K.2.6. What happens to a Petition at an OSP?

Petitions will be reported to the next convenient meeting of the relevant Overview & Scrutiny Panel.

In advance of the Panel meeting, the petition organiser will be invited to submit a list of questions that he/she would like put to the officer at the meeting. These questions will be provided to the Chair of the Panel, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.

At the meeting, the Chairperson will invite the petition organiser to address the Panel for a maximum of three minutes. The relevant officer will report to the Panel in relation to the petition. Members of the Panel may question the officer, and the Chairperson may invite the petition organiser to suggest questions for him/her to put to the officer. After the relevant person has attended before the Overview & Scrutiny Panel, the Panel will make recommendations to the Council and a copy of the minutes will be sent to the petition organiser.

5K.2.7. What happens to an Ordinary Petition?

The Petitions Officer will arrange for each Ordinary petition to be considered by the relevant Director in consultation with the relevant Portfolio Holder. Where a formal decision is required, the relevant Director will be responsible for ensuring that an item is placed on the next appropriate Cabinet Agenda; or Single Member Decision (as appropriate).

The petition organiser will be invited to the meeting at which the decision is to be considered and given the opportunity to address the decision maker for three minutes. The Chair may then ask questions of the petition organiser. Where appropriate, Ward Members present may also address the Chair on the matter for up to three minutes (each).

Cabinet/Single Members will ask the relevant officer(s) to advise the meeting, after which the matter will be open for debate among members of the decision-making body. Where the matter is to be determined by a Cabinet Member, he/she will take a decision on the matter. That decision may be a determination of the matter, or may be a decision to refer the matter for investigation and report back, or to refer it up to a meeting of Council or Cabinet.

Within five working days of the consideration of the petition, the Petitions Officer will notify the petition organiser of the decision and advise him/her that if he/she is not satisfied with that decision, he/she may require the matter to be reported to the next convenient meeting of the appropriate Overview & Scrutiny Panel for review. The petition organiser must notify the Petitions Officer of his/her intention to appeal to an Overview & Scrutiny Panel against the decision relating to the petition within 10 working days of being notified of that decision. The petition organiser may attend and address any meeting for three minutes whenever the petition is on the agenda for consideration.

Upon review, if required, the Panel can refer the issue to the Cabinet for further consideration together with the Panel's recommendations upon how the matter should be determined. Cabinet shall consider the matter afresh, having regard to any recommendations from the Panel. Cabinet is free to make any decision that it feels is appropriate, including accepting the Panel's recommendations; confirming the original decision

that led to the review, or substituting a different decision. For the avoidance of doubt, there is no further right of review of Cabinet's decision and the decision shall be considered final. At this stage the petition shall be treated as disposed of and the website amended to reflect this.

At each stage, the Petitions Officer will enter the relevant information on the website at the same time as it is sent to the petition organiser.

5K.2.8. The role of the Petition Organiser

The petitions organiser will maintain contact details with the Petitions Officer whilst the petition is being considered.

Where the petition is not accepted for consideration, the petition organiser will be advised by the Petitions Officer of the rejection, and the grounds for rejection.

The petition organiser may nominate another person to address any meeting and to answer any questions on the matter.

The petition organiser must notify the Petitions Officer of his/her intention to appeal to an Overview & Scrutiny Panel against the decision relating to the petition within 10 working days of being notified of that decision. The petition organiser may attend and address any meeting for three minutes whenever the petition is on the agenda for consideration.

5K.2.9. Petitions, which will not be accepted or published

- a) Frivolous or vexatious petitions or timewasting
- b) Rude or abusive
- c) Unlawful Petitions

Any petition which, in the opinion of the Council's Monitoring Officer would require the Council to do something that is or is likely to be unlawful if carried out.

- d) Otherwise inappropriate
- e) Defamatory.

i) Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

ii) Repeat Petitions

Where a petition will not normally be considered where they are received within six months of another petition being considered by the Council on the same matter.

ii) Rejected Petitions

Petitions will not be reported if in the opinion of the Petitions Officer, they are rude, offensive, defamatory, scurrilous or time wasting, or do not relate to something which is the responsibility of the Authority, or over which the Authority has some influence.

- f) Petitions that do not affect the functions of the Council or the Borough.
- g) Decisions about regulatory matters, eg. Individual decisions of Planning or Licensing matters.
- h) Employee related matters.

The Head of Paid Services will inform the petitions organiser for the non-acceptance in the Council's acknowledgement of the petition.

5K.2.10 Who should you send a petition to?

The Petitions Officer shall be the Head of Paid Services, who is responsible for receiving, managing and reporting petitions received by the Council. Please address petitions to –

The Petitions Officer
Nuneaton & Bedworth Borough Council
Coton Road
Nuneaton
CV11 5AA

Or to petitions@nuneatonandbedworth.gov.uk

The Council does not accept e-petitions.

5K.2.11 What can you do if you feel your petition has not been dealt with properly?

If you feel that your petition has not been dealt with properly, the petition organiser has the right to request that the relevant Overview & Scrutiny Panel reviews the steps taken in response to the petition. The Panel will endeavour to consider your request at its next Ordinary Meeting or the following meeting. Should the Panel determine that your petition has not

been dealt with adequately, it may use any of its powers to deal with the matter.

These powers include instigating an investigation, making recommendations to Cabinet and 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. The results of the Review will also be published on the website.