

Existing Scheme

Operational Standing Orders - Non-Executive Bodies (S.O.12)

Petition Scheme – Epping Forest District Council

1. Introduction

Epping Forest District 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.

This Protocol sets out how the public can submit a petition, how it will be dealt with and what the Council can do to respond to the issues raised.

2. How to submit a petition

We accept paper based petitions, e-petitions or a mix of paper and e-petitions.

Paper petitions can be sent to:

Assistant to the Chief Executive
Epping Forest District Council
Civic Offices
High Street
Epping, Essex
CM16 4BZ

Or **e-Petitions** can be created, signed and submitted online by following this link to our e-petitions system www.eppingforestdc.gov.uk/petitions.

All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. 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. Exceptions to Petitions

The following are examples of petitions that do not fall within the scope of this petitions scheme:

- (a) We do not accept emailed petitions as email systems are not secure. You must use either paper or our e-petitions system.
- (b) Petitions which are considered to be vexatious, abusive, anonymous or otherwise inappropriate will not be accepted. In the period immediately before 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.

- (c) We do not accept Petitions relating to a planning decision; (as the Planning application process deals with objections to applications), including about a development plan document or the community infrastructure levy.
- (d) We do not accept Petitions relating to a licensing decision; (as the Licensing scheme deals with objections to applications)
- (e) We do not accept Petitions relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal.
- (f) Any matter for which the Standards Committee has powers for determining complaints received under the Local Assessment process.
- (g) Any complaint made against an employee of the District Council.
- (h) Any matter which is substantially the same as a petition submitted in the previous 12 months.
- (i) Where the subject matter is subject to ongoing legal proceedings.

Where a petition submitted relates to one of the categories set out above the Council will write to the lead petitioner and explain why the matter is not covered by the authority's Petitions Scheme. In appropriate circumstances, the Council may advise how the public views can be considered via alternative means.

4. What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.
- the name and address and signature of any person supporting the petition.
- contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

5. Who can sign a petition?

Anyone who lives, works or studies in Epping Forest District can sign to support a petition including those under 18. The Council may ask for a valid email address and/or postcode if you sign an e-Petition on the Council's website. For paper petitions signatories must provide their signature, name and address.

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

If the Petition is submitted fully completed, an acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If the petitioner contacts the Council to start an e-Petition, then the Council and the Lead Petitioner will agree the period over which signatures will be collected and to agree the final wording of the petition. The petition will then be available to sign 'electronically' for the agreed period on the Council's website. On the expiration of that time, the Council will respond in accordance with Section 7 below.

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.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. We will advise you if this is the case and on the correct procedure to be followed.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

7. How will the Council respond to petitions?

If your petition receives 2400 signatures or more it will also be scheduled for a council debate and if this is the case we will let you know whether this will happen

Correspondence with fewer than 20 signatures shall normally be dealt with by the appropriate Service as ordinary correspondence, unless the Service Director concerned is of the opinion that the subject matter is sufficiently important or contentious to warrant referring the matter to the appropriate Portfolio Holder.

Petitions with fewer than 2400 signatures will be considered and dealt with by the relevant portfolio holder who may:

- (a) take action if he or she has delegated powers to act alone;
- (b) refer the matter to the Cabinet or a Sub-Committee of the Cabinet for decision.

All decisions made by the Portfolio Holder will be recorded in writing and signed in the format prescribed in the Key Decision Regulations and notified to the public, the lead petitioner and all members of the Council.

In cases where a petition is received after a decision has been made by the Council on any matter, the following steps will be taken by the Service Director unless the petition meets the threshold for a Council debate:

- (a) a letter of acknowledgement shall be sent, including a statement of the action already taken by the Council;
- (b) in consultation with the appropriate Portfolio Holder, Committee or Sub-Committee Chairman a decision will be taken as to whether the petition raises new evidence requiring further consideration by the Portfolio Holder or Committee concerned;
- (c) if it is decided that no new matters are raised by the petition, the petitioners shall be advised accordingly;
- (d) if new matters are raised then the petition will be treated as new under this scheme.

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
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council's Overview and Scrutiny Committee¹ or to the Cabinet or a Cabinet Committee
- writing to the petition organiser setting out our views about the request in the petition

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the Council has no direct control (for example healthcare or transport) we will consider making representations on behalf of the community to the relevant body. Should a petition calling for support call for something that goes against stated Council policy, the District Council may choose to say 'no' to the request.

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 for which the Council is responsible on the Council's website.

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.

¹ Overview and Scrutiny Committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the Overview and Scrutiny Committee has the power to hold the Council's decision makers to account.

8. Full Council debates

If a petition contains more than 2400 signatures it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting.

This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. 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 and the petition will then be discussed by councillors for a maximum of 15 minutes.

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 the Cabinet or a relevant Cabinet committee.

Where the issue is one on which the Council executive are required to make the final decision (i.e. within the financial and policy framework), the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

9. Officer evidence

Your petition may ask for a Senior Officer² to give evidence at a public meeting 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.

If your petition contains at least 1200 signatures, the relevant Senior Officer will give evidence at a public meeting of the Council's Overview and Scrutiny Committee or if appropriate one its Panels.

You should be aware that the Overview and Scrutiny Committee 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 committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting Democratic Services up to three working days before the meeting. You will be informed when and where this meeting will take place.

10. E-petitions

The Council accepts only e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions

The petition organiser will need to provide us with their name, postal address and email address and contact details. 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 6 months.

² For the purpose of this Scheme Senior Officer means Chief Executive, Deputy Chief Executive, Service Director or Assistant Service Director

When you create an e-petition, it may take 10 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.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. Our reasons for not publishing a petition will be linked to the exceptions section above. 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 to either the relevant officer, portfolio holder or Council. In the same way as a paper petition, you will receive an acknowledgement within 10 working days.

11. How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature on the Council's website. 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.

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

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Overview and Scrutiny Committee 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 the Council's response is not considered to be adequate.

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 we 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 or Executive 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 within 5 working days. The results of the review will also be published on our website.