

Draft Petition Protocol Scheme

Government guidance has been withdrawn (Local Democracy, Economic Development and Construction Act 2009) to allow local Councils more discretion on how petitions are approached locally and this is Buckinghamshire County Council's Petition Scheme.

Formatted: Justified

What is a petition?

A petition is a formal request appealing to the Council concerning a cause. The Council would like to hear from people who live, work or study in Buckinghamshire.

The Council treat as a petition any communication which is signed by or sent to the Council on behalf of a number of people.

For practical purposes, the Council normally sets a requirement for at least 20 signatories for a local issue before it is treated as a petition. However, if the petition is relating to such a small area where 20 signatures would be unrealistic; this will be taken into consideration. For a corporate issue (insert threshold decided by Members) is required. The Council would like to hear from people who live, work or study in Buckinghamshire.

The role of County Councillors

Before considering whether or not to raise a petition to the Council the petition organiser may want to discuss their issue with their Local County Councillor (include link) Their Local Member will be able to advise whether the matter is one for the Council and also whether a petition is the best form of engagement with the Council on the matter which has been raised.

When a petition is received which relates to a local matter (particularly affecting a specific electoral division), the Petition Officer will send information on the petition to each relevant County Councillor to obtain their views on how the petition should be handled, before acknowledging receipt of the petition to the petition organiser.

Formatted: Font: 11 pt

Formatted: 02-NormInd3-BB

Formatted: 02-NormInd2-BB

Formatted: Font: 11 pt

What should a petition contain makes a petition valid?

A petition should include:-

- A clear statement of the petitioners concerns and what they believe the authority should do. This must relate to something which is the responsibility of the authority, or over which the authority has some influence. Where a petition relates to a matter which is within the responsibility of another public authority, the Council will ask inform the Ppetition-Organiser whether they would like the petition- to redirected the petition to that other authority. Where a petition relates to a matter over which the authority has no responsibility or influence, the Council will return the petition to the petition organiser with an explanation for that decision;.
- The name and contact details of the "Ppetition-Organiser" or someone to whom the petition organiser would like any correspondence about the

Formatted: Font: Bold

petition to be sent. Contact details may be either a postal address or an email address;

- The **names** of at least 20 petitioners (**insert corporate threshold**) (which can include the **P**petition **O**rganiser). Where the petition is in paper form, this can include an actual signature from each petitioner, but actual signature is not essential. Where the petition is in electronic form, a list of the names of the petitioners will suffice. The Petition Organiser may include the addresses of petitioners, which may be useful to the authority, for example, in assessing the degree of local support or opposition to a planning application, but this is not essential.
- If the Petition Organiser is submitting the petition in response to a **Council consultation** on a specific matter, it is important to identify the matter which it relates to, so that the Council can ensure that the petition is considered along with **the** original matter.

Formatted: Font: Bold

Formatted: Font: Bold

Who should the Petition Organiser send a petition to? How do I submit a Petition?

The petition can be presented to the Council through the following ways:-

- ~~Through their Local Councillor who can present it at the County Council meetings (link)~~
- ~~Through Councillor call for action <http://www.buckscc.gov.uk/about-your-council/scrutiny/get-involved/>~~
- ~~At the Local Area Forum (link)~~
- ~~To a relevant body relating to the issue of the petition e.g Select Committee. A Select Committee is responsible for scrutinising the work of the Council and has the power to hold the Council's decision makers to account.~~
- ~~The Petitions Officer, who is the Monitoring Officer, Service Director (Legal and Democratic) or Democratic Services (01296 383610) (admin mailbox)~~
- ~~<http://www.buckscc.gov.uk/moderngov/mgepetitionlistdisplay.aspx>~~

You can submit a petition by post, hand delivery, e-mail or through the e-petition scheme. All petitions sent or presented to Buckinghamshire County Council will receive an acknowledgement from the Council within 7 days of receipt.

Petitions can:-

- be sent to : Anne Davies, Petitions Officer, Service Director Legal and Democratic Services, Bucks County Council, County Hall, Aylesbury HP20 1UA (01296 383610)
- emailed to admin@buckscc.gov.uk
- be set up as an e-petition
<http://www.buckscc.gov.uk/moderngov/mgepetitionlistdisplay.aspx>

Different types of Petition

There are different types of petitions which are submitted for various reasons:-

- Consultation - Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal. The petition will be taken into account either by the appropriate body or the Cabinet Member taking the decision.

Formatted: Font: Bold

If Officers have delegated powers to take a decision then the petition may be determined by an Officer. However, if it is apparent that there are a number of objections to this decision, then the Officer should not exercise their delegated powers and refer the matter up to the relevant Cabinet Member for decision.

Formatted: Indent: Left: 1.27 cm, No bullets or numbering

Formatted: Indent: Left: 1.25 cm, No bullets or numbering

- Corporate - the Officer will arrange for each petition to be reported to the next convenient meeting of Cabinet, of Council or of a relevant meeting of the Council which has the power to take a decision or influence the matter. If the petition relates to a Cabinet Member decision, this will be submitted to the Cabinet Member so that it can be taken into account in the decision making process.

Formatted: Font: Bold

- Local issues will normally be dealt with by the Local Area Forum (attach link). A report will be written giving an officer response to the petition which will be considered by the Local Area Forum. If the Forum does not agree with the officer response they can decide to refer the issue to the relevant Cabinet Member for reconsideration with an explanation of their reasoning. If there is a petition relating to a local issue which is currently being consulted upon the Petitions Officer may consider that the best route for this petition is via the Corporate /Consultation route as explained above to be taken into account by the decision taker rather than being submitted to the Local Area Forum.

Formatted: Font: Bold

The Petitions Website

The authority maintains a petitions website at www.buckscc.gov.uk

As soon as it is decided who the petition will be considered by within the authority, and when that consideration will occur, this information will be entered on the website at the same time as it is sent to the petition organiser. Once the petition has been considered, the Authority's decision will be notified to the Petition Organiser and put on the website.

Petitions are presented on the petitions website in the order in which they are received, ~~but the website can be searched for keywords to identify all petitions relating to a particular topic.~~ All petitions are kept on the website for two years from the date of receipt.

E-petitions

The Council welcomes e-petitions which are created and submitted through the e-petitions section of our website. E-petitions must follow the same guidelines as paper petitions. All e-petitions will run for 28 days (unless the Petitions Officer agrees an alternative timescale) to ensure that the Council's decision making process is not delayed. The petition will need to be checked before it is published on line and if the Council ~~isare~~ unable to publish it, an officer will contact the Petition Organiser to explain why.

Formatted: Font: Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

The role of County Councillors

~~When a petition is received which relates to a local matter (particularly affecting specific electoral division), the Petition Officer will send a copy of the petition to each relevant County Councillor at the same time as acknowledging receipt of the petition to the petition organiser.~~

What happens when a petition is received?

Before any petition is processed the Council will consider whether it is valid under the Scheme. If your petition is not valid and there is another way that your issue can be dealt with you will be advised of this.

The relevant Officer will acknowledge receipt of the petition to the Petition Organiser (7 working days). The Petitioner will then be informed of how the petition will be handled within 20 working days of receipt of the petition.

In some cases, the Petitions Officer may be able to resolve the petitioners' request directly, by getting the relevant Cabinet Member or Officer to take appropriate action. For example where the petition relates to fly-tipping and the Authority can arrange for it to be cleared up directly.

Whilst the Council is committed to dealing with petitions promptly, a petition will normally need to be received at least ten working days before a relevant meeting if it is to be reported to that meeting. Where it is necessary to undertake a significant amount of work to collect information and advice to enable the matter to be properly considered, it may be necessary for the Officer to decide that the petition will be held over until the following meeting of the relevant body and the Petition Organiser will be informed.

Different types of Petition

~~There are different types of petitions which are submitted for various reasons:-~~

- ~~• Consultation – Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal or application, such as a planning application or a proposed traffic regulation order. The petition will be reported to person or body who will take the decision on the proposal or application at the meeting when they are to take the decision on that application or proposal. However, all planning applications are determined by the Development Control Committee, and traffic regulation orders are determined by an officer. If officers have delegated powers to take a decision then the petition may be determined by an officer. However, if it is apparent that there are a number of objections to this decision, then the officer should not exercise their delegated powers and refer the matter up to the relevant Cabinet Member for decision.~~
- ~~• Particular Acts of Parliament require the Council to consider petitions, for example a petition for a directly elected Mayor. Where the Petition Organiser submits a petition under such a specific statute, the Petitions Officer will report~~

~~it to the next available meeting of the Council in accordance with the statutory requirements.~~

- ~~• The Officer will arrange for each Ordinary petition to be reported to the next convenient meeting of Cabinet, of Council or of a relevant meeting of the Council which has the power to take a decision on the matter. If the petition relates to a Cabinet Member decision, this will be submitted to the Cabinet Member to take into account before they take the decision.~~
- ~~• Local issues will normally be dealt with by the Local Area Forum. A report will be written giving an officer response to the petition which will be considered by the Local Area Forum. If the Forum does not agree with the officer response they can decide to refer the issue to the relevant Cabinet Member for reconsideration with an explanation of their reasoning.~~
- ~~• Undertaking research or holding a meeting with petitioners.~~

The role of the Petition Organiser

The Ppetition Organiser will receive acknowledgement of receipt of the petition. Where the petition is not accepted for consideration, the petition organiser will be advised by the Officer of the rejection and the grounds for such rejection.

Where the petition is accepted for consideration, the Ppetition Organiser will be advised by the relevant Officer as to who the petition will be considered by e.g. Local Area Forum, Select Committee, Cabinet Member etc, and where relevant the date, time and place of the meeting at which it will be considered.

Petitions which will not be ~~reported~~ accepted

- Duplicate Petitions
- Repeat Petitions
- Rejected Petitions – offensive, defamatory or vexatious petitions or those that do not relate to a matter of the Council's responsibility or influence will be rejected.

There are some issues that are not dealt with under this Petition Scheme as other procedures apply such as planning applications which are determined by the Development Control Committee, an existing right of appeal, or a statutory petition. In such cases the Petitions Officer will advise you of the procedures that apply and the action that will be taken.

In the period immediately before an election or referendum the Council may need to deal with the petition differently – if this is the case the Petition Officer will explain the reasons and discuss the revised timescale which will apply. Political impartiality must be maintained during election (purdah) period. If the petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In this case, the Petitions Officer will write to the Petition Organiser to explain the reasons.

What can the Petition Organiser do if they feel their petition has not been dealt with properly?

Formatted: Indent: Left: 0 cm

Contact their local member or go through the Council's complaints procedure ([add link](#)).

The Petitions Officer (Service Director Legal and Democratic Services)
Buckinghamshire County Council
County Hall
Walton Street
Aylesbury
Buckinghamshire
HP21 1UA