

Petition Scheme

The petitions process allows members of the public to have direct influence on the political process and to raise concerns that are important to them.

A petition is defined as a communication in writing or using an electronic facility which is signed by the appropriate number of qualifying persons.

Members of the public can submit petitions on the following.

- Issues relating to the District Council's responsibilities.
- Issues which affect the Braintree District or communities within the district, as long as the Council is in a position to exercise some degree of influence.

The Council will respond to all the petitions it receives providing the petition follows the guidelines set out in this scheme. We will be as flexible as we can when handling your petition so that it is considered quickly and in the most appropriate way.

Essentially there are three types of petitions:

- **“Ordinary” petitions**

These must be signed by at least 20 people

- **Petitions requiring debate**

A single petition containing 1000 signatures or more will trigger a debate at full council.

- **Petitions to hold council employees to account**

Petitions which call for evidence from a senior council employee and have at least 500 signatures will trigger that response.

How do I Submit a Petition?

Paper petitions can be sent to:

Assistant Chief Executive
People & Democracy
Braintree District Council
Causeway House
Braintree
Essex
CM7 9HB

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 (the address can be an address where a signatory lives, works or studies)

Petitions should be accompanied by 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.

Paper petitions must include a signature and the signatory's name and address. This can be an address where the signatory lives, works or studies.

Before submitting a petition you should first check with your local councillor or with the Council so see if the Council is already acting on your concerns and that the District Council is the most appropriate body to receive your petition as sometimes your petition may be more appropriate for another public body such as Essex County Council.

Who can submit a petition?

Anyone who lives, works or studies in the Braintree District, including under 18s, can sign or organise a petition. Petitions cannot be submitted by an elected Member of the District Council.

What will the council do when it receives my petition?

All petitions sent or presented to the council will receive an acknowledgement from the council within 7 working days of receipt. This acknowledgement will set out what we plan to do with the petition. It will also be published on our website.

If the petition needs more investigation, we will tell you the steps we plan to take.

Once a petition has been validated and acknowledged, it will be assigned to the relevant senior officer and Cabinet Member who will then be responsible for dealing with the petition. The relevant local councillor will also be informed that a petition affecting their ward has been received.

In the vast majority of cases your petition will be submitted to one of the Council's formal member meetings where elected councillors will decide how to respond to the petition.

These meetings will be held in public and petitioners are welcome to attend the meeting to observe the proceedings. The petition organiser will be entitled to briefly address the meeting.

Depending on the subject matter your petition will be submitted to either the Council, the Cabinet or one of the three Local Committees. There are two exceptions to this:

- If your petition contains more than 1000 signatures then it must be debated by the Council.
- If your petition is asking for a senior council employee to give evidence at a public meeting then it will be considered by the Council's Overview and Scrutiny Committee provided it contains at least 500 signatures.

Every effort will be taken to consider your petition at the next available meeting of the relevant committee but there may be occasions where this is not possible. In these circumstances, consideration will take place at the following meeting. For petitions

triggering a debate at Council, the petition will be included on the next agenda to be published.

Full Council debates

If a single petition contains more than 1000 signatures it will be debated by the full council unless it is a petition asking for a senior council employee 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 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 30 minutes.

At the end of the debate, the Chairman of the Council will ask the petition organiser if they would like to make a closing statement. In responding to the petition, Members will have the following options available to them:-

- (1) To move a motion that no further action is required;
- (2) To move a motion that the petition be referred to Cabinet or appropriate committee; or
- (3) To move a motion that some other action be taken in response to the petition.

In seeking a motion, the Chairman of the Council will invite the Cabinet Member to move one of the above motions. The motion once seconded will then be put to the vote unless a Member of full council moves an amendment. If there is no majority vote in favour of that motion, then a Member of full council can move one of the other motions stated above.

The petition organiser will receive written confirmation of this decision which will also be published on our website

Evidence from senior council employees

Your petition may ask for a senior council employee to give evidence at a public meeting about something for which they are responsible as part of their job. For example, your petition may ask a senior council employee to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision. The petition must relate to the employee's job, it cannot relate to their personal circumstances or character.

If your petition contains at least 500 signatures, the relevant employee will give evidence at a public meeting of the council's overview and scrutiny committee.

Only the following senior employees of the Council can be called to give evidence:

- Chief Executive
- Corporate Directors
- Assistant Chief Executive and Monitoring Officer

The Overview and Scrutiny Committee may decide that it would be more appropriate for another member of staff to give evidence instead of any person named in the petition. 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 the Council's Scrutiny Manager up to three working days before the meeting.

After the meeting the Committee will submit a report to Cabinet. This report will be considered at the next meeting of the Cabinet. The petition organiser will receive a copy of this report.

Are there any petitions which the Council cannot accept?

We believe that the vast majority of petitions we receive will be accepted but in certain circumstances petitions may not be accepted, including:-

- 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 or a separate complaints process
- Any petition which we consider to be vexatious, abusive or otherwise inappropriate.

Please note that it may be inappropriate for us to deal with certain petitions during periods when we are subject to restrictions immediately before elections or referendums. In these circumstances we will inform you of the date when the petition can be published on our website and will be considered.

- Where a person or organisation (or someone on their behalf) has submitted a petition which is the same or substantially the same as one submitted within the previous 12 months

If we decide that a petition is not acceptable then we will let the petition organiser know our reasons.

If a petition relates to the responsibilities of one of our partners then the petition will be forwarded to that authority within 7 working days of receipt for them to deal with.

How will the council respond to petitions?

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
- carrying out consultation
- holding a meeting with the petitioners
- referring the petition for consideration by the council's overview and scrutiny committee*
- writing to the petition organiser setting out our views about the request in the petition

**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.*

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. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition. For example if your petition related to crime and disorder linked to alcohol consumption, the case for a designated public place order could be considered. The Council may also decide to consult local partners to consider a wider range of powers to tackle the issues raised in your petition.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will aim to make representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible we 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 at www.braintree.gov.uk

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. It 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.

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 Overview and Scrutiny Committee review the steps that the council has taken in response to your petition.

The petition organiser should put their request in writing, listing the reasons for the request and setting out what action they would like the Overview & Scrutiny Committee to take. The request must be made within 10 working days of receiving the Council's written response.

The Chairman of Overview and Scrutiny will, in consultation with the Monitoring Officer and the Scrutiny Manager, determine if the request should be placed on the Overview and Scrutiny Committee's agenda. A request will not be accepted if it is considered vexatious, abusive or otherwise inappropriate.

If the request is accepted then consideration will be given as to who should attend the meeting and whether any other information other than the original petition, the Council's response and the request will be required to assist the Committee in determining what action it should take.

The request will be considered by the Overview and Scrutiny Committee within 30 days of receiving it. The petition organiser will be invited to attend the meeting to address the Committee for up to 5 minutes. Members of the Overview and Scrutiny Committee will have the opportunity to ask questions of the petition organiser.

The petition organiser will be informed in writing of the action agreed by the Overview and Scrutiny Committee within 10 working days of the meeting.

Is there anything else I can do to have my say?

As a Council we try to identify and solve problems at an early stage. We are committed to receiving feedback as this helps us to develop and review services. We recognise that petitions are just one way in which people can let us know about their concerns. There are a number of other ways in which you can have your say including:

- contacting your local district councillor
- participating in Question Time at Committee meetings
- making a complaint through the Council's complaints system
- joining and commenting on our Facebook and Twitter pages
- joining our People's Panel