

NORTHUMBERLAND

Northumberland County Council

PETITIONS PROTOCOL (UPDATED FEBRUARY 2017)

1. Introduction

Northumberland County Council is committed to engaging with its citizens, getting closer to communities and improving services. We particularly welcome petitions as one way in which you can let us know your concerns or ideas. Petitions are commonly used to air an objection or service complaint. They can also be a positive measure. For example, residents or service users may request new facilities and in so doing become more involved in securing benefits for their communities. Even if residents do not get the exact result they want, petitioning ensures that their concerns are listened to and taken seriously.

2. What is a petition?

(i) We treat as a petition any communication which is signed by and sent to us on behalf of a minimum number of 50 individuals for local issues and 100 or more signatures for countywide / corporate issues.

(ii) In the vast majority of cases, the issue will relate to something which is the responsibility of the Council or something over which it has some influence. Valid signatories will be limited to people who live, work, study or use services in Northumberland. There is no minimum age. Democratic Services publicise the procedure and can provide a standard form for petitioners to use; a copy is also available on the Council website. Petitioners can use their own format if they prefer. An officer in Democratic Services will carry out the role of the Petitions Officer.

(iii) Where the petition is in paper form, each person must include their name, address (including postcode) and signature. If the Petitions Officer is not satisfied that these requirements have been adequately met, the petition may be rejected if the number of invalid signatures reduces the total beneath the minimum signature threshold. If there are sufficient signatures to make the petition valid, the Petitions Officer has the discretion to rule that any further signatures will not be counted towards the total if there is no evidence that they qualify as valid.

(iv) Only one signature is allowed per person per petition and people cannot sign on behalf of others. The Petitions Officer will need to be satisfied that petitions contain the minimum number of valid signatures before action is taken to respond. If the intended petition contains less than the required number of valid signatures, the Petitions Officer will forward the document to the relevant head of service asking them to consider the request outwith the petitions process. This will not necessarily require action to be taken or a formal response provided unless the head of service agrees to do so.

(v) Electronic petitions may be submitted using the Council website. Petitioners are requested to include their postcode, email address and indicate whether they live, work, study or use services in Northumberland. Only one signature is allowed per each individual email address. E-petitions can be open for signatures on the Council's website for two calendar months from first publication date, with the option to allow the lead petitioner to ask to keep it open longer, up to a maximum of six months in total. Petitions may include a combination of both paper and electronic signatures, using the e-petitioning service on the Council's website. The total number of electronic and paper signatures will be combined and recorded. Reports will be produced in response to qualifying petitions whether they contain electronic or handwritten signatures (or a combination of the two).

3. What else should a petition contain?

The petition should include a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take. In addition to the minimum number of signatures, a petition should include the name and contact details (including a postal or email address) of the "petition organiser" (or "lead petitioner") to which correspondence about the petition can be sent. Due to the costs involved we cannot write to all the signatories on paper petitions, however e-petitioning does enable updates to be emailed to everybody who signs.

4. Who should you send a petition to?

Petitions should be addressed to The Petitions Officer, Democratic Services, Northumberland County Council, County Hall, Morpeth, Northumberland, NE61 2EF; or email scanned copies to Petitions@northumberland.gov.uk. Petitions Officer will lead in the administration of petitions.

5. Types of Petition

How we deal with a petition depends on the subject matter of a petition submitted:

(i) If the petition concerns a local issue, it will be considered by the relevant Area Committee responsible for the local area (subject to the exceptional reasons listed in 5 (ii) below).

(ii) Petitions of a corporate or county wide nature which do not fall within the remit of the area committees, planning and other regulatory committees will be considered by the Petitions Committee, which can make appropriate recommendations to full Council, the Cabinet, or regulatory committees depending upon the subject matter. The committee can also consider petitions about local issues in exceptional circumstances when agreed by the Chair.

(iii) Some issues might have a local element, for example a school closure or repair works to a school, but if it requires a Cabinet decision, or will incur other significant expenditure, it will qualify as a Petitions Committee issue. Any such judgements will be taken by the Petitions Officer in discussion with the Petitions Committee Chair.

(iv) Petitions responding to consultation on licensing, planning applications or rights of way matters will be considered by the relevant planning committee or licensing hearing/subcommittee when they consider the applications in question. In such cases, a

petition is classed as one written representation, so the signature threshold identified in section 2(i) above does not apply. This protocol does not apply to planning or licensing consultation petitions.

(v) Petitions in response to planning and licensing policy matters, but not consultations, can be considered by the Petitions Committee when the Chair considers it appropriate, unless there are considered to be quasi-judicial implications in which case they should just be referred to the relevant senior director for their consideration.

(vi) Petitions responding to other consultation processes initiated by the County Council will be reported to the committee responsible for making a decision on the matter in question and will be considered alongside the other letters of representation and correspondence received. Petitions regarding other matters for which the Council has other established processes for considering requests (for example the Local Transport Plan) will be reported to the officer/committee responsible for taking decisions. In this way, petitions feed into the established consultation processes (consultation petitions have no right of veto over any council decision). If a petition is received which concerns an issue that the Council is shortly about to consult on / take a decision about, it will also be considered by the relevant committee amongst the other letters of representation/views received.

If a petition is received after a consultation has closed but before the issue in question has gone to the committee, it should be accepted as another response. Consultation petitions will not automatically require a response to be produced for an area committee or Petitions Committee. If a request is made for one of these committees to discuss a consultation petition due to exceptional circumstances, this decision will be at the discretion of the respective Committee Chair. This will not include planning or licensing applications. If the issue being petitioned about concerns a decision delegated to officers, the petition will be reported to the officer responsible amongst the other representations received. The named officer is responsible for the final decision.

(vii) Where a petition is submitted arising from a specific statute of Parliament, it will be reported to the next meeting of the Petitions Committee. It may need to be referred as part of a report to full Council later, but only if it requires a change in the Council's policy framework, budget or constitution.

6. What happens when a petition is received?

(i) Petitions should be submitted to Democratic Services officers at committee meetings, or presented in person, posted or emailed to Democratic Services. Lead petitioners may wish to hand their petitions in at the council headquarters; petitioners are welcome to have their photograph taken handing a petition in but the Council reserves the right for officers not to be photographed if it is considered inappropriate in the circumstances (one for example being to avoid any possible accusation of bias). The lead petitioner should seek permission from the officer collecting the petition at least one working day in advance of the day they are requesting that the photo be taken. The officer may assist the petitioner by taking a photo of them outside the HQ rather than participate. A response to a petition will not be organised until Democratic Services have received a handwritten petition, or they have been notified directly that an e-petition has closed for signatures. If officers in other service areas receive petitions (excluding ones about licensing and planning applications), they should redirect them to Democratic Services immediately.

(ii) Area Committees have a permanent item on their agendas for both the receipt of and the reporting of petitions. If a petition is handed in at an area committee meeting the petition organiser can introduce it for five minutes, but the Committee cannot debate the issue until an officer report has been produced for a future meeting (petition organisers are advised that there will likely be a minimum of three weeks between a petition being handed in and a report on it being considered at a meeting). The local county councillor may be given a brief opportunity to speak after the lead petitioner has introduced their petition, but this is at the discretion of the Committee Chair. The Petitions Committee meets quarterly; any additional meetings will be organised if it is essential that any petitions need to be considered urgently, subject to the agreement of the Committee Chair.

(iii) After the petitioner has introduced the petition at the Area Committee meeting, the petition should then be passed to the Democratic Services Officer present, who will refer it to the Petitions Officer without any further discussion. Officers can however provide a short statement acknowledging receipt of a petition, with the Chair's permission. If it is subsequently judged to be an invalid petition, this will be dealt with outside of the meeting (see section 10 of this protocol).

(iv) If the petition meets the required criteria for acceptance, the Petitions Officer will ask officers (in the service area responsible) to produce a report responding to the issues raised. This should ideally be considered at the next available meeting of the appropriate committee. Where it is necessary to undertake a significant amount of work to investigate the issue and/or collect information, the issue will be considered at a later meeting instead. If there are other exceptional reasons why the consideration of a petition might be delayed, this should be agreed with the respective Committee Chair.

(v) The Petitions Officer will also send a copy of any petitions about local issues for information/comment to the relevant ward councillor/s, portfolio holder, Area Committee chair and the local parish/town council. Countywide and corporate issues are sent to the portfolio holder and Petitions Committee chair.

(vi) If there is likely to be a delay in the response being presented to an area committee or Petitions Committee, or an urgent update is considered appropriate, an interim update can be provided to the lead petitioner, and also by email to anybody who has signed the relevant e-petition.

7. Notifications to the petition organiser before the meeting

(i) The Petitions Officer will acknowledge receipt of the petition to the petition organiser (in writing or email) within seven working days of receipt by the authority.

If possible the petition organiser will also be advised which meeting will consider a report on the petition, the date, time and place of the meeting at which it will be considered, and that they may address the meeting for up to five minutes. If at the time of receipt it can't be confirmed which meeting the petition will be considered at, it will be acknowledged and the petition organiser written to again at a later date when details of the meeting are confirmed.

(ii) A week in advance of the meeting, the Petitions Officer will send a copy of the report to the lead petitioner for their information and ask them to confirm whether they wish to attend.

8. Procedure to be followed at the Area Committee or Petitions Committee meeting

(i) The petitioners may present their petition at either at an area committee or the Petitions Committee in person and speak about the matter for a maximum of five minutes. The Chair may curtail a petitioner's speech in exceptional circumstances if the petitioner is disclosing information that should not be heard in public as defined by the Access to Information Act. Petitions will be considered in the order in which they were received, unless the Chair determines otherwise. The time taken by the committee to discuss reports on petitions will be at the Chair's discretion.

(ii) The Chair will firstly invite the lead petitioner to speak. Committee members may then ask questions of the lead petitioner. The Chair will then invite a relevant officer(s) to respond, after which the matter will be open for debate among members. The area committee or the Petitions Committee will decide on the appropriate action to take in respect of the petition. This may involve making recommendations to full Council, Cabinet, a regulatory committee or another body, or to officers.

(iii) There may be limited circumstances following a petition being considered by either an Area Committee or Petitions Committee, whereby the issue in question is referred for further consideration to another committee. For example, if a local issue is considered by an Area Committee following which corporate, countywide or budgetary implications arise, it may then be referred on to the Petitions Committee. Any such possible further referrals will be at the discretion of the Business Chair or Council Leader.

9. Required actions following the meeting

(i) After the meeting, the Petitions Officer will notify the lead petitioner of the decision by sending an extract from the draft minutes on the matter.

(ii) The lead petitioner will also be advised to contact the Petitions Officer for any further updates, particularly if they have petitioned about an issue which needs longer term action/investigation. The responsibility for the action in response to the petition lies with the council service which is responsible for the subject matter of the petition.

(iii) There is no right of appeal to another committee. If a petition organiser is dissatisfied with how their petition has been handled, they should resort to the corporate complaints process.

(iv) From September 2016 onwards, once a petition has been considered (not including planning or licensing petitions), it will be retained by Democratic Services for the same timescales as committee minutes and reports. Once the petition has been considered, the personal information contained will not be made public due to the requirements of the Data Protection Act.

10. Petitions that will be rejected / for which a report will not be produced

a) Issues not within the remit of Northumberland County Council

Where a petition relates to a matter which is within the responsibility of another public authority or organisation, the Petitions Officer will either suggest redirection of the petition to that other authority or forward the petition on to the other authority when appropriate. A report will not be produced. However, if the Petitions Officer considers it appropriate, the committee responsible for considering petitions may consider making

representations to another authority on the petitioner's behalf. It may also consider the petition if it is felt to be an important local issue. This will be at the discretion of the Chair of the respective committee.

b) Duplicate Petitions

Where more than one petition is received in time for a particular area committee or Petitions Committee meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser. However, the right for more than one lead petitioner to address the relevant meeting will be at the Chair's discretion. (There are separate public speaking arrangements for planning committees and licensing hearings/sub-committees.)

c) Repeat Petitions

A petition will not normally be considered by an Area Committee or the Petitions Committee if it is received within 12 months of the meeting where another petition on the same matter was considered. In such cases, the petition will be reported for information to the relevant head of service.

d) Counter Petitions

Petitions should be considered in a timely process, irrespective of whether the matter concerned is the subject of wider controversy or other petitions. Counter-petitions must close five days before the published meeting of the relevant committee in order to be considered at that committee (and for the lead petitioner to have speaking rights). Considering counter arguments is a normal part of the petitions process, and should be covered by the officers report, so the 12 month rule (for repeat petitions) shall apply to prevent further consideration of the topic once a petition has been considered by the relevant committee.

e) Rejected Petitions

Petitions will not have a report provided in response at a committee meeting if in the opinion of the Petitions Officer, they are offensive or use other inappropriate language which might offend, include false, misleading, inaccurate or defamatory statements. Petitions will not be considered if they concern categories of Freedom of Information/Access to information exemptions, such as any considered commercially sensitive or disclose confidential material, include complaints or other issues about individuals whether employed by the authority or not, or include issues which are the subject of judicial proceedings. They will not be considered if they concern appeals or enforcement matters. Petitions will not be responded to separately if they are received whilst also being addressed through the corporate complaints process.

If a petition is subsequently rejected following its presentation, the Committee Chair and ward member will be advised as to why it is not being considered. In limited circumstances a petition or an e-petition request may be dealt with by a written response when there is a simple explanation to be provided, if the appropriate chief officer considers this appropriate (in consultation with the Petitions Officer).

f) Requests with less than 50 signatures

By definition, communications which include less than 50 signatures are not petitions so will not be dealt with through this procedure. The Petitions Officer will treat any such correspondence as a 'written request' which will in the first instance be sent to the respective head of service for their attention. Such requests may also be progressed through other means such as discussion with the local elected member or the responsible portfolio holder.

g) Late Petitions

If a petition is received whose subject matter relates to a decision imminently due to be taken by the Council, and the subject matter would usually require consideration by the Petitions Committee or an Area Committee, reference will be made to the petition at the committee meeting taking the respective decision. If it is an officer decision, details of the petition will be reported to the officer responsible.

h) Insufficient detail included on paper petitions

Petitions must include the details required detailed in 2 (ii) and (iii) above. If the Petitions Officer is not satisfied that these requirements have been met, the petition may be rejected.

i) Petitions about Planning and Licensing Applications

These must be treated separately and will be reported direct to the planning and licensing committees where applications are considered.

Action taken on rejected petitions

Where the petition is not accepted for consideration, the Petitions Officer will advise the petition organiser, local councillor and area committee / Petitions Committee Chair of the rejection and the grounds for it.