



## Constitution and Standards Committee

<b>Date:</b>	<b>Tuesday, 14 December 2021</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	Floral Pavillion, Marine Promenade, New Brighton, CH45 2JS

**Contact Officer:** Dan Sharples  
**Tel:** 0151 666 3791  
**e-mail:** [danielsharples@wirral.gov.uk](mailto:danielsharples@wirral.gov.uk)  
**Website:** <http://www.wirral.gov.uk>

Members of the public are encouraged to view the meeting via the webcast (see below), but for anyone who would like to attend in person, seating is limited therefore please contact us in advance of the meeting if you would like to reserve a seat. All those attending will be asked to wear a face covering (unless exempt) and are encouraged to take a Lateral Flow Test before attending. You should not attend if you have tested positive for Coronavirus or if you have any symptoms of Coronavirus.

Wirral Council is fully committed to equalities and our obligations under The Equality Act 2010 and Public Sector Equality Duty. If you have any adjustments that would help you attend or participate at this meeting, please let us know as soon as possible and we would be happy to facilitate where possible. Please contact [committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk)

This meeting will be webcast at  
<https://wirral.public-i.tv/core/portal/home>

## AGENDA

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTERESTS**

Members are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

- 3. MINUTES (Pages 1 - 6)**

To approve the accuracy of the minutes of the meeting held on 30 September 2021.

#### **4. PUBLIC AND MEMBER QUESTIONS**

##### **Public Questions**

Notice of question to be given in writing or by email by 12 noon, Thursday 9 December to the Council's Monitoring Officer ([committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk)) and to be dealt with in accordance with Standing Order 10.

For more information on how your personal information will be used, please see this link:  
[Document Data Protection Protocol for Public Speakers at Committees | Wirral Council](#)

Please telephone the Committee Services Officer if you have not received an acknowledgement of your question by the deadline for submission.

##### **Statements and Petitions**

###### Statements

Notice of representations to be given in writing or by email by 12 noon, Thursday 9 December to the Council's Monitoring Officer ([committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk)) and to be dealt with in accordance with Standing Order 11.

###### Petitions

Petitions may be presented to the Committee. The person presenting the petition will be allowed to address the meeting briefly (not exceeding one minute) to outline the aims of the petition. The Chair will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion, unless a relevant item appears elsewhere on the Agenda. Please give notice of petitions to [committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk) in advance of the meeting.

Please telephone the Committee Services Officer if you have not received an acknowledgement of your statement by the deadline for submission.

##### **Questions by Members**

Questions by Members to be dealt with in accordance with Standing Orders 12.3 to 12.8.

#### **5. REVISION OF THE PETITION SCHEME (Pages 7 - 24)**

## CONSTITUTION AND STANDARDS COMMITTEE

Thursday, 30 September 2021

6.00 - 7.56 p.m.

Present:

Councillor	P Gilchrist (Chair)	
Councillors	T Anderson (In place of P Hayes)	K Greaney
	C Cooke	S Williams
	T Cox	M McLaughlin
	C Jones	P Stuart
	S Foulkes	J Robinson (In place of J Williamson)

### 11 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Janette Williamson and Councillor Paul Hayes.

### 12 DECLARATIONS OF INTERESTS

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Councillor Chris Jones declared a personal interest in Item 5 as an employee of the NHS.

### 13 MINUTES

**Resolved – That the accuracy of the minutes of the meeting held on 23 June 2021 be agreed.**

### 14 PUBLIC AND MEMBER QUESTIONS

The Chair informed the Constitution and Standards Committee that no petitions, public questions, Member questions, or requests to make a statement had been received.

### 15 DISPENSATION

The Director of Law and Governance introduced the report, which presented to the Committee a request for a dispensation for Members in respect of an Interest under the Members Code of Conduct in relation to the National Health Service (NHS) and the proposed Integrated Care System (ICS).

The Committee was advised that given the proposed changes in the NHS and the transfer of statutory functions from Clinical Commissioning Groups to Integrated Care Boards who would then be able to delegate functions to Local Authorities, Councillors would have a number of complex interests given their involvement through undertaking statutory scrutiny and voting on pooled fund arrangements. It was therefore proposed that the dispensation was warranted on the basis that:

- there would otherwise be so many Members prohibited from participating in matters related to the NHS and the ICS that it would be likely that either or both the transaction of the business of a Committee would be impeded and the political representation would be so upset as to alter the likely outcome of any vote;
- the considerations before the Council concerning the NHS and the ICS are of such a large scale and so encompassing that any personal interest of a Member of the Council is unlikely to have a meaningful impact on the decisions of Ministers, NHS leaders or the wider Council in their dealings with any matter related the management and finances of NHS employers; and
- that any bias introduced by a personal benefit to a Member of the Council related to the NHS and the organisation of the ICS will, therefore, be outweighed by the extent of the public benefit obtained by their contribution as a councillor in the interests of persons living in the authority's area.

A detailed discussion from members ensued where concerns were raised that the absence of a dispensation would impact on the Council's ability to conduct business relating to the ICS. Other members argued that the development of the ICS was still in its infancy and that it was too early to grant a dispensation. Further comments were made in relation to the loss of expertise should the dispensation not be granted, and the requirement for members to still declare an interest with the dispensation should they have a direct bias such as directly negotiating a contract with the Council.

Following the discussion, the Chair adjourned the meeting at 7.00pm.

The meeting resumed at 7.33pm.

It was proposed by Councillor Phil Gilchrist, seconded by Councillor Paul Stuart, that –

“this committee –

- a. Thanks the Director of Law and Governance for setting out the issues facing Members in relation to the National Health Service (NHS) and the proposed Integrated Care System (ICS).

- b. Notes that a number of Members have made and regularly make the appropriate declarations at both Council and Committee meetings.
- c. Recognises the concern that the number of Members making declarations might, in certain circumstances, impact on the balance of and decisions made by the Council and, at this juncture, considers that the likely outcome of potential votes on the NHS and ICS does warrant the granting of a general dispensation relating to interests.
- d. Fully appreciates and underlines the fact that Members should always have full regard to the circumstances in which the development of the ICS and its structures have the potential over time to require specific decisions of this Council which will necessitate the need for greater caution on their part.
- e. Agrees that as greater clarity emerges over the structure of the ICS, with the proposed Board, delegated budgets, along with possible arrangements for scrutiny, the situation will require a further review of the advice provided to members. This should, ideally, be in time for the first meeting of Council in the new municipal year when new members will have received advice at induction and all members will have considered how the allocation of committee places might have a bearing on any interests.
- f. It is essential that, in receiving a dispensation, Members remain aware of perceptions that the public may have of their conduct and their remarks. They should, therefore, ensure that they are aware of this and should ensure that they act in the wider public interest at each and every occasion. If they assess that they are in doubt about how closely involved they might be they should seek further advice in sufficient time.

Accordingly, this Committee requests that officers undertake a review, which needs to be completed early in the next Municipal Year.”

The motion was put and carried unanimously.

The importance of members not becoming complacent as a result of the granting of the dispensation was stressed and the Director of Law and Governance undertook to send a note to all members advising them of the outcome and emphasising that their legal duty under the Code of Conduct remained. It was therefore –

**Resolved – That this committee –**

- a. **Thanks the Director of Law and Governance for setting out the issues facing Members in relation to the National Health Service (NHS) and the proposed Integrated Care System (ICS).**
- b. **Notes that a number of Members have made and regularly make the appropriate declarations at both Council and Committee meetings.**
- c. **Recognises the concern that the number of Members making declarations might, in certain circumstances, impact on the balance of and decisions made by the Council and, at this juncture, considers that the likely outcome of potential votes on the NHS and ICS does warrant the granting of a general dispensation relating to interests.**
- d. **Fully appreciates and underlines the fact that Members should always have full regard to the circumstances in which the development of the ICS and its structures have the potential over time to require specific decisions of this Council which will necessitate the need for greater caution on their part.**
- e. **Agrees that as greater clarity emerges over the structure of the ICS, with the proposed Board, delegated budgets, along with possible arrangements for scrutiny, the situation will require a further review of the advice provided to members. This should, ideally, be in time for the first meeting of Council in the new municipal year when new members will have received advice at induction and all members will have considered how the allocation of committee places might have a bearing on any interests.**
- f. **It is essential that, in receiving a dispensation, Members remain aware of perceptions that the public may have of their conduct and their remarks. They should, therefore, ensure that they are of aware of this and should ensure that they act in the wider public interest at each and every occasion. If they assess that they are in doubt about how closely involved they might be they should seek further advice in sufficient time.**

**Accordingly, this Committee requests that officers undertake a review, which needs to be completed early in the next Municipal Year.**

**16 MEMBERS ALLOWANCE SCHEME**

The Head of Democratic and Member Services introduced the report of the Director of Law and Governance, which provided an update in respect to the work of the Independent Remuneration Panel and requested the Committee

to refer to Council for decision a proposed change to the Members Allowances Scheme to incorporate a Special Responsibility Allowance for the Independent Member of the Audit and Risk Management Committee.

Members were advised that the proposal was for the Independent Member of the Audit and Risk Management Committee to receive a Special Responsibility Allowance of £30 per meeting or 3 hours to align with that already received by the Independent Members of Constitution and Standards Committee. Furthermore, an update was provided on the work of the Independent Remuneration Panel, where it was reported that the Panel had held a further meeting to consider the Special Responsibility Allowance for leaders of smaller groups and the potential for a Special Responsibility Allowance for Vice-Chairs. An additional meeting in October 2021 was to be scheduled and it had been hoped that a resolution would be made at that meeting in order for the Panel's recommendations to be reported back to Constitution and Standards Committee in November 2021.

**Resolved – That**

- (1) the Independent Remuneration Panel's recommendation to amend the Members Allowance Scheme to include a Special Responsibility Allowance for the Independent Member of the Audit and Risk Committee be referred to Council.**
- (2) the progress made to date by the Independent Remuneration Panel be noted and that a further update report, including any further recommendations made by the Panel, be submitted to a future meeting of the Committee.**

17 **COMMITTEE SYSTEM REVIEW**

The Chair summarised the report of the Director of Law and Governance which provided the Committee with an update on a proposal previously discussed by the Governance Working Group for that Group to undertake a review of the implementation of and continued operation of the Committee System, as well as providing details of an offer from the Local Government Association as part of their Sector Led Improvement Programme to support the Council in efforts to support the effective working of the Committee System.

**Resolved – That**

- (1) it be noted that the Governance Working Group would undertake a review on the implementation of and continued operation of the Committee System with a view to submitting an outcomes report and recommendations to a future meeting of the Committee.**

**(2) the offer to the Council of support from the Local Government Association as part of their Sector Led Improvement Programme be noted.**

**18 GOVERNANCE WORKING GROUP UPDATE**

The Chair summarised the report of the Director of Law and Governance which provided the Committee with an update on the activities of the Governance Working Group during the 2021/22 Municipal Year.

Members discussed the reference to the cross over in Terms of Reference of Committees in the report, specifically the issue of Active Travel between Economy, Regeneration and Development Committee and Environment, Climate Emergency and Transport Committee where it was reported that conversations were still ongoing between the Chairs.

**Resolved – that the report be noted.**

**19 NEW MODEL CODE GUIDANCE**

The Director of Law and Governance introduced the report which provided the Committee with the newly published supporting guidance for the New Model Code, which was aimed to help understanding and consistency of approach towards the implementation of the code. The Committee was advised that since Wirral Council had adopted the new Code of Conduct, the Local Government Association had issued an update to the New Model Code to correct some minor errors in the original version, and that a further report and recommendation would be presented to the Committee in due course. It was however reported that the guidance could still be presented as was.

It was moved by Councillor Gilchrist, seconded by Councillor Tom Anderson, that a covering note be produced to accompany the guidance to advise members of the minor amendments to be undertaken on the Code of Conduct. The motion was agreed by assent. It was therefore –

**Resolved – That the New Model Code guidance be distributed to all Councillors with a covering note to advise of the minor amendments to be undertaken to the Code of Conduct.**





## CONSTITUTION AND STANDARDS COMMITTEE

Tuesday, 14 December 2021

<b>REPORT TITLE:</b>	<b>REVISION OF THE PETITION SCHEME</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

### REPORT SUMMARY

The report provides the Constitution and Standards Committee with a proposed revised petition scheme for consideration and adoption.

The Committee resolved to undertake a review of the existing petition scheme in February 2021 to ensure that it accorded with the revised Constitution as adopted in September 2020. This report details the outcome of that review and the options available to the Committee in adopting a revised petition scheme.

### RECOMMENDATION/S

The Constitution and Standards Committee is recommended to:

1. Consider its preferred approach for a Petition Scheme in relation to:
  - a. The time allowed to present a petition
  - b. The required notice period for a petition to be considered by a Committee or Council
  - c. The inclusion of a call for evidence for officers and members and if so the number of signatories required to trigger it
  - d. The inclusion of a full council debate and if so the number of signatories required to trigger it
  - e. The inclusion of an option to prevent repetitive petitions
  - f. The inclusion of a right to review
  - g. Options for how the Council will respond
  
2. Refer to Council for decision the adoption of the revised Petition Scheme.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 To ensure that the petition scheme is fit for purpose and in accordance with the constitution that was adopted in September 2020.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 Not to review the Petition Scheme at the present time.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The Council's existing Petition Scheme sets out the framework for which residents of the borough are able to submit petitions to the Council, and how those petitions will be dealt with.
- 3.2 The requirement for a Petition Scheme of this kind to form part of the Council's Constitution no longer applies, following the repeal of the requirement to have such a scheme in that form, and was removed from the Constitution in the 2020 re-write introducing the committee system form of governance.
- 3.3 Following the adoption of a new Constitution by the Council at the Annual Meeting held on the 28th September 2020, therefore, the processes set out in the existing petition scheme no longer align with the new governance arrangements and remains as an outstanding area to be reviewed.
- 3.4 The Governance Working Group has considered proposals relating to a revised version of the scheme at its meetings on 4 August 2021 and 21 October 2021 and set out a number of key elements for inclusion within the revised scheme, which have been incorporated into the proposed scheme at Appendix 2.
- 3.5 There were a number of elements within the scheme where the Governance Working Group sought further information and tasked officers to undertake research on other authorities' petition schemes. The scheme as detailed in Appendix 2 presents several options for the Constitution and Standards Committee to consider, and Appendix 1 provides the research undertaken into other authorities' schemes to assist members.
- 3.6 The Constitution and Standards Committee is recommended to consider its preferred approach in relation to:
- a. The time allowed to present a petition
  - b. The required notice period for a petition to be considered by a Committee or Council
  - c. The inclusion of a call for evidence for officers and members and if so the number of signatories required to trigger it
  - d. The inclusion of a full council debate and if so the number of signatories required to trigger it
  - e. The inclusion of an option to prevent repetitive petitions

- f. The inclusion of a right to review
- g. Options for how the Council will respond

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are no direct financial implications arising from this report.

#### **5.0 LEGAL IMPLICATIONS**

5.1 The Constitution and Standards Committee is charged by full Council to keep the Council's constitutional arrangements under review and to make recommendations as to amendments and improvements to the Council's constitution, including codes and protocols.

5.2 The previous requirement for local authorities to have a Petition Scheme was set out in the Local Democracy, Economic Development and Construction Act 2009, alongside other initiatives such as 'calling to account'. These provisions were generally considered to be difficult to manage in practice and overly prescriptive in detail and were repealed by the Localism Act 2011. The Council's petition scheme was based on those formerly mandatory requirements.

5.3 There is no mandatory requirement for the Council to have a petition scheme.

#### **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

6.1 There are no direct resource implications arising from this report.

#### **7.0 RELEVANT RISKS**

7.1 There are no direct risks arising from this report.

#### **8.0 ENGAGEMENT/CONSULTATION**

8.1 The cross-part Governance Working Group has been engaged throughout the review.

#### **9.0 EQUALITY IMPLICATIONS**

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

9.2 There are no direct equality implications arising from this report and therefore an Equality Impact Assessment has not been undertaken.

#### **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 The maintenance of an effective e-petition system enables residents to petition the council without the need for excessive use of paper and travelling to collect signatures.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 There are no direct Community Wealth implications arising from this report.

**REPORT AUTHOR: Dan Sharples**  
Principal Democratic and Member Services Officer  
telephone: 0151 666 3791  
email: danielsharples@wirral.gov.uk

## **APPENDICES**

Appendix 1 – Research into Other Local Authorities’ Petition Schemes  
Appendix 2 – Proposed Revised Petition Scheme

## **BACKGROUND PAPERS**

Constitution  
Local Democracy, Economic Development and Construction Act 2009

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Constitution and Standards Committee	24 February 2021

### The time allowed to present a petition

<b>Council</b>	<b>Procedure</b>
Sefton	5 minutes
St Helens	5 minutes
Cheshire West and Chester	5 minutes
Stockport	Not stated
Burnley	5 minutes
Manchester	5 minutes
Sheffield	3 minutes
Birmingham	Not stated
Cambridge	5 minutes
Westminster	Not stated

### The required notice period for a petition to be considered by a Committee or Council

<b>Council</b>	<b>Procedure</b>
Sefton	Not stated
St Helens	10 working days before the meeting
Cheshire West and Chester	10 working days before the meeting
Stockport	10 working days before the meeting
Burnley	Not stated
Manchester	Not stated
Sheffield	Advance notice of the petition by 10.00 a.m. on the day of the Meeting
Birmingham	Not stated
Cambridge	10 days
Westminster	Not stated

### The inclusion of a call for evidence for officers and members and if so the number of signatories required to trigger it

<b>Council</b>	<b>Procedure</b>
Sefton	1,375 signatures
St Helens	Mentioned but number of signatures not stated
Cheshire West and Chester	750 signatures
Stockport	Not stated
Burnley	750 signatures
Manchester	Not Stated
Sheffield	2500 signatures
Birmingham	10,000 signatures
Cambridge	50 signatures
Westminster	Mentioned but number of signatures not stated

**The inclusion of a full council debate and if so the number of signatories required to trigger it**

<b>Council</b>	<b>Procedure</b>
Sefton	2,750 signatures
St Helens	Mentioned but number of signatures not stated
Cheshire West and Chester	1% of population of borough's signatures
Stockport	10,000 signatures
Burnley	1500 signatures
Manchester	4000 Signatures
Sheffield	5000 Signatures
Birmingham	20,000 Signatures
Cambridge	500 Signatures
Westminster	500 Signatures

**The inclusion of an option to prevent repetitive petitions**

<b>Council</b>	<b>Procedure</b>
Sefton	Not stated
St Helens	Not stated
Cheshire West and Chester	Not stated
Stockport	Petitions will not be accepted 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.
Burnley	Not Stated
Manchester	A petition where we have received another petition on the same issue within the previous two years. In these circumstances, we will write to the petition organiser and include a copy of the response to the first petition received.
Sheffield	Not Stated
Birmingham	Not Stated
Cambridge	Not Stated
Westminster	Not Stated

**The inclusion of a right to review**

<b>Council</b>	<b>Procedure</b>
Sefton	If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the appropriate council overview and scrutiny committee reviews 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.
St Helens	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 Commission 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 short explanation of the reasons why the Council's response is not considered to be adequate.
Cheshire West and Chester	If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that one of the Council's Scrutiny Committees 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
Stockport	Not Stated
Burnley	If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that a Council overview and scrutiny committee review the steps that the Council has taken in response to the 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. If you would like a committee to reconsider your petition, please contact the Democracy Team. The relevant committee will usually hear the petition at its next meeting, although on some occasions this may not be possible. Should the committee determine that the Council did not deal with your petition adequately, it may use any of its powers to deal with the matter. These powers include doing an investigation, making recommendations to the Council

	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 outcome within 5 working days.
Manchester	If you are unhappy with the way that your petition has been processed, you can submit a complaint to the Council via the Corporate Complaints Scheme.
Sheffield	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 Management 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 review, if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.
Birmingham	If it's felt that we have not dealt with the petition properly, the petition organiser has the right to request that one of the Council's Scrutiny Committees review the steps that the council has taken in response to your petition.
Cambridge	If it's felt that we have not dealt with the petition properly, the petition organiser has the right to request that one of the Council's Scrutiny Committees review the steps that the council has taken in response to your petition.
Westminster	If it's felt that we have not dealt with the petition properly, the petition organiser has the right to request that one of the Council's Scrutiny Committees review the steps that the council has taken in response to your petition.

**Options for how the Council will respond**

<b>Council</b>	<b>Procedure</b>
Sefton	<p>taking the action requested in the petition</p> <ul style="list-style-type: none"> <li>- considering the petition at a council meeting</li> <li>- holding an inquiry into the matter</li> <li>- holding a public meeting</li> <li>- commissioning research</li> <li>- holding a meeting with petitioners</li> <li>- referring the petition for consideration by</li> </ul>



	<p>the council's overview and scrutiny committee</p> <ul style="list-style-type: none"> <li>- writing to the petition organiser setting out our views about the request in the petition</li> </ul>
St Helens	<p>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</p> <ul style="list-style-type: none"> <li>- taking the action requested in the petition;</li> <li>- Considering the petition at a Council meeting;</li> <li>- holding an inquiry into the matter; <input type="checkbox"/></li> <li>undertaking research into the matter;</li> <li>- holding a public meeting;</li> <li>- holding a consultation;</li> <li>- holding a meeting with petitioners;</li> <li>- referring the petition for consideration by the Council's Overview and Scrutiny Commission</li> <li>- calling a referendum;</li> <li>- writing to the petition organiser setting out our views about the request in the petition.</li> </ul>
Cheshire West and Chester	<p>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:</p> <ul style="list-style-type: none"> <li>- taking the action requested in the petition</li> <li>- considering the petition at a council meeting</li> <li>- holding an inquiry into the matter</li> <li>- undertaking research into the matter</li> <li>- holding a public meeting</li> <li>- holding a consultation</li> <li>- holding a meeting with petitioners</li> <li>- referring the petition for consideration by the Council's Overview and Scrutiny Committee*</li> <li>- calling a referendum</li> <li>- writing to the petition organiser setting out our views about the request in the petition</li> </ul>
Stockport	<p>taking the action requested in the petition</p> <ul style="list-style-type: none"> <li>- undertaking research into the matter</li> <li>- writing to the petition organiser setting out our views about the request in the petition</li> </ul>
Burnley	<p>If we can do what your petition asks for, the acknowledgement may confirm that we</p>

	<p>have taken the action requested. The petition will then be closed. If the petition has enough signatures to trigger a Full Council debate or a senior officer giving evidence (for further details please see below), 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</p>
Manchester	<p>Taking the action requested in the petition</p> <ul style="list-style-type: none"> <li>-Writing to the petition organiser setting out our views about the request in the petition</li> <li>-Considering the petition at a committee of the Council</li> <li>-Holding a meeting with the petition organisers</li> <li>-Commissioning research</li> <li>-Writing to the petition organiser setting out the Council's views on the request in the petition</li> <li>-Referring the petition to a scrutiny committee for review</li> </ul>
Sheffield	<p>taking the action requested in the petition</p> <ul style="list-style-type: none"> <li>-considering the petition at a Council meeting</li> <li>-holding an enquiry into the matter</li> <li>-undertaking research into the matter</li> <li>-holding a public meeting</li> <li>-holding a consultation</li> <li>-holding a meeting with petitioners</li> <li>-referring the petition for consideration by the relevant Scrutiny Committee</li> </ul> <p>writing to the petition organiser setting out our views about the request in question</p>
Birmingham	<ul style="list-style-type: none"> <li>-taking the action requested in the petition</li> <li>- considering the petition at a meeting of the authority</li> <li>- holding an inquiry</li> <li>- holding a public meeting</li> <li>- commissioning research</li> <li>- writing to the petition organiser setting out the authority's views on the request in the petition</li> <li>- referring the petition to an Overview and Scrutiny Committee</li> </ul>
Cambridge	<ul style="list-style-type: none"> <li>-taking the action requested in the petition</li> <li>-considering the petition at a council meeting</li> <li>-holding an inquiry into the matter</li> </ul>

	<ul style="list-style-type: none"> <li>-undertaking research into the matter</li> <li>- holding a public meeting</li> <li>-holding a consultation</li> <li>-holding a meeting with petitioners</li> <li>-referring the petition for consideration by the council's overview and scrutiny committee*</li> <li>-calling a referendum</li> <li>-writing to the petition organiser setting out our views about the request in the petition</li> </ul>
Westminster	<ul style="list-style-type: none"> <li>- considering the petition at a Cabinet meeting.</li> <li>-writing to the petition organiser setting out the council's views about the request in the petition</li> <li>- submitting a formal report to the Executive/Executive Member for decision</li> <li>- taking the action requested in the petition</li> <li>- holding an inquiry into the matter</li> <li>- undertaking research into the matter</li> <li>- holding a public meeting</li> <li>- holding a consultation</li> <li>- holding a meeting with petitioners</li> <li>- referring the petition for consideration by one of the council's Policy and Scrutiny Committees*</li> <li>- in all cases where a petition has been presented by a councillor to an ordinary council meeting the relevant Chief Officer shall, within 28 days of the date of the meeting, (sooner if possible) report to the relevant Cabinet Member or Committee setting out proposals for the formal response to the petition and also advise the petition organiser.</li> <li>- petitions, which do not trigger a debate at a Cabinet meeting or have not been presented by a councillor to an ordinary council meeting, shall be acknowledged by the Head of Committee and Governance Services and referred to the relevant Chief Officer who shall advise the petition organiser, within 28 days, but sooner if possible, of the council's response, including the relevant Cabinet Member(s) and Ward Members. The Head of Committee and Governance Services will inform the relevant Cabinet Member(s) and Ward Members that the petition has been received.</li> </ul>



## **PETITIONS SCHEME**

### **How to petition the Council**

#### **Petitions**

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. You can send us a paper petition and/or set up an e-petition online.

We expect all petitioners and signatories – who may be of any age – to live, work or study in the area the area covered by Wirral Council. For this reason, we require all petitioners and signatories to provide the full postcode of either their home address or the address of the organisation they work or study at when submitting a paper petition or signing an e-petition via the Council's website.

There is an expectation that supporters of a petition which is presented via a website external to the Council also live, work and/or study in Wirral and supporters of such petitions are encouraged to include their postcode.

#### **How to submit a petition**

Petitions submitted to the Council must include –

- a clear and concise statement covering the subject of the petition;
- what action the petitioners wish the Council to take;
- the name, contact details and postcode of the petition organiser so that we can contact them to explain how we will respond to the petition;
- the name and signature of any person supporting the petition and, when submitting a paper petition or signing an e-petition via the Council's website, the full postcode of either their home address or the address of the organisation they work or study at.

Petitions must relate to what the Council does or relate to an improvement in the economic, social or environmental well-being of the area covered by Wirral Council to which any of our partner authorities could contribute. 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.

#### **Where to send a petition**

Paper petitions should be sent to Democratic Services, Wirral Borough Council, [...] **at least 10 days before the meeting at which you would like the petition to be presented.** (For full Democratic Services contact details see end of this scheme.)

**E-petitions** - follow [this link](#) to create, sign and submit an e-petition.

#### **What the Council will do when it receives a petition**

The Council will send an **acknowledgement** of all petitions to the petition organiser within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition and when they can expect to hear from us again. The petition will also be published on our website. Whenever possible, we will also publish all correspondence relating to the petition (all personal details will be removed).

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.

Once submitted, the petition organiser will be offered the choice as to whether they wish the petition to be:-

- i) presented at the next Full Council meeting to decide how we will respond; or
- ii) referred directly to the appropriate committee or sub-committee of the Council to decide how we will respond; or
- iii) responded to by the relevant officer of the Council.

If the petition organiser wishes to refer the petition to a Full Council meeting or directly to the relevant decision-making meeting, they will be invited to attend the meeting and will be offered the opportunity to either present the petition themselves or for a Councillor or someone else to present it on their behalf. Dates and times of all Council meetings can be found [here](#).

If the petition organiser would like to present their petition to the Council, or would like their Councillor or someone else to present it on their behalf, they need to contact Democratic Services on [...] **at least 10 working days before the meeting** and we will talk you through the process. If the petition organiser prefers to receive a response from the relevant officer without the petition being presented at a meeting, a response will be sent to them within 21 working days of the closure of the petition and will be posted on the Council's website.

### **Full Council debates**

If a petition contains more than **[3,000 signatures, which is approximately 1% of the electorate in Wirral]** (and is not a petition requesting officer evidence), it will be debated by the Full Council. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend before a decision is made about how we will respond. The Council will try to consider the petition at its next meeting. This may not always be possible and the petition will then be considered at the next meeting.

The petition organiser will be given **[3?]** minutes to present the petition at the meeting and the petition will then be discussed by councillors. This will usually be for a maximum of 15 minutes, however this may be extended at the discretion of the Mayor. The Council will then decide how to respond to it at this meeting and 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 a relevant committee.

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

### **Officer evidence**

A petition may ask for a senior Council officer **[or a Councillor?]** to give evidence at a public meeting about something for which they are responsible. For example, a petition may ask a senior council 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 **[1,500 signatures, which is approximately 0.5% of the electorate in Wirral]** the relevant officer or Member will give evidence at a public meeting of one of the Council's policy and service committees or its partnerships (overview and scrutiny) committee. You should be aware that the committee may decide that it would be more appropriate for another individual to give evidence instead of any officer or Member named in the petition – for instance if the named officer has changed jobs. 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 up to three working days before the meeting]**. Upon receipt of your petition it will be passed to the most appropriate policy and services or overview and scrutiny committee.

If the petition has enough signatures to trigger a Council debate, or a senior officer [or Member] giving evidence, then the acknowledgment will confirm this and tell the petition organiser when and where the meeting will take place. If the petition needs more investigation, we will tell them the steps we plan to take.

### **Exceptions**

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. Further information on this is available on the Council's website, while general information on how you can express your views is available [here](#).

We will not take action on any petition which is considered by the Council's Monitoring Officer to be vexatious, abusive or otherwise inappropriate and, if this is the case, we will explain our reasons in our acknowledgement of the petition.

A petition will not have any action taken upon it, other than to be published, if it is substantially the same or asks for the same or substantially similar outcome as a petition that has been responded to by the Council within the previous six months. Where more than one petition is received in the same period that seeks a similar outcome or is otherwise substantially the same, then we will respond to them as one combined petition and request that the petition organisers co-ordinate their approach.

In the period immediately before an election or referendum we may need to deal with a petition differently – if this is the case then we will discuss with the petition organiser the revised timescale which will apply.

If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to the petition organiser to explain the reasons. To ensure that people know what we are doing in response to the petitions we receive, we will publish the details of all the petitions submitted to us on our website. However, there may be cases where this would be inappropriate.

### **How the Council will respond to a petition**

The Council's response to a petition will depend on what it asks for and how many people have signed it. Among the options that we may consider are –

- taking the action requested in the petition;
- not to take the action requested for reasons explained;
- 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 Partnerships Committee (overview and scrutiny committee)\*
- calling a referendum (poll); or
- 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 public services in Nottinghamshire and making recommendations for improvement – in other words, the overview and scrutiny committee has the power to hold the council's decision makers (and our partners) to account.

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 a petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to a 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 tell the petition organiser the reasons for this.

Because a petition could be signed by thousands of people we will respond to the petition organiser and we would invite them to share the response with those signing the petition. We will also place the response on the internet for all to see.

Where the person providing a response does not think that they will be able to take the action requested in the petition they will share their response with all of the



Councillors for your ward. The Councillors will have the opportunity to explore other possible actions before the response is finalised.

There are also two special actions that the Council will undertake if your petition has enough signatures. This can include triggering a council debate or a senior officer or Member giving evidence on a matter. In these circumstances 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.

## **E-petitions**

The Council welcomes 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, contact details and postcode. They will also need to decide how long they would like their petition to be open for signatures. Most petitions run for 4 months, but they can choose a shorter or longer time, up to a maximum of 6 months. When creating an e-petition, it may take five working days before it is published online. This is because we have to check that the content of a petition is suitable before it is made available for signature.

If we feel we cannot publish a petition for some reason, we will contact the petition organiser within this time to explain. They will be able to change and resubmit their petition if they wish. If they 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 on the Council's website.

When an e-petition has closed for signature, it will automatically be submitted to the Council. In the same way as a paper petition, we will send the petition organiser acknowledgement of receipt within 10 working days confirming 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 petition organiser would like to present their e-petition to a meeting of the Council, or would like a Councillor to present it, they should contact the Council's Democratic Services team on 01273-291006 at least 10 working days before the meeting to find out more about the process.

## **FREQUENTLY ASKED QUESTIONS**

### **How do I start an e-petition?**

On the Council's e-petitions homepage, select the 'submit a new e-petition' option. Enter your petition title which the system will automatically check against existing e-petitions to allow you to see if a similar one has been considered recently.

There is also a drop down box which allows you to associate your e-petition with any existing issue in the Council's Committee Work Programme. The Committee Work Programme details all of the decisions to be taken by the Council in the coming months. You will then need to fill in the online form. This will be submitted to the Council's Democratic Services team who may contact you to discuss your e-petition before it goes live.

## **How do I 'sign' an e-petition?**

You can see all the e-petitions currently available for signature on the current email petitions page of our website.

- You can only sign an e-petition once.
- When you sign an e-petition you will be asked to provide your name and your postcode.
- 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.
- From time to time, the Council may also submit an e-petition itself to gauge public feeling on a particular issue.

## **Can I still submit a paper petition?**

You can submit petitions in both forms – you can have a paper version and an online version, although repeat names will be removed. Both forms should run for the same period of time and must be submitted together. When submitting an e-petition request, please let us know if you are running a paper petition as well and this can be highlighted on the website.

## **What can I do if I feel my petition has not been dealt with properly?**

If you feel that the Council has not dealt with your petition properly, the petition organiser has the right to request that an appropriate Council committee reviews the steps that the Council has taken in response to your petition.

Should that committee determine that the Council has not dealt with your petition adequately, it may use any of its powers to deal with the matter. This could include instigating an investigation, making recommendations to the relevant policy & services committee of the Council or arranging for the matter to be considered at a meeting of the full Council.

Once the request has been considered the petition organiser will be informed of the results within seven days. The results of the review will also be published on our website.