

# **ANNEX A – Report of the Director of Law, HR and Asset Management**

## **WIRRAL BOROUGH COUNCIL - PETITION SCHEME**

### **INTRODUCTION**

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within **14 10 working** days of receipt. This acknowledgement will set out what we plan to do with the petition.

Paper petitions can be sent to:

The Director of Law, HR and Asset Management, Town Hall, Brighton Street,  
Wallasey, Wirral CH44 8ED

Or be created, signed and submitted on line – **ePetitions (see below)**. ~~(when this facility is available)~~

Petitions can also be presented to a meeting of the Council. These meetings are all scheduled at the beginning of the Municipal Year in May. Dates and times can be found at <http://www.wirral.gov.uk/my-services/council-and-democracy>.

If you would like to present your petition to the Council, or would like your Councillor to present it on your behalf, please contact the Council's Democratic Services Manager, Shirley Hudspeth (by email: [shirleyhudspeth@wirral.gov.uk](mailto:shirleyhudspeth@wirral.gov.uk) Tel: 0151 691 8559) at least five clear working days before the meeting and she will talk you through the process.

### **WHAT ARE THE GUIDELINES FOR SUBMITTING A PETITION?**

***Petitions submitted to the Council must relate to the functions of Wirral Council; or to the improvement in the economic, social or environmental wellbeing of the Borough to which any of the Council's partner authorities (e.g. a local hospital trust) could contribute***

***Petitions submitted to the Council must not be vexatious, abusive or otherwise inappropriate.***

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 would like the Council to take.
- The name, address and signature of any person supporting the petition. 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 Council's 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.

Petitions which are considered **by the Council** to be vexatious, abusive or otherwise inappropriate will not be accepted. ***The test that will apply in such circumstances would be the same as for Freedom of Information requests, i.e. "is the request likely to cause distress, disruption or irritation without any proper or justified cause."***

***Your petition may also be rejected:***

- ***If it is identical or too similar to a petition submitted within the last six months;***
- ***If it discloses confidential or exempt information, including information protected by a Court Order or Government Department;***
- ***If it discloses commercially sensitive material;***
- ***If it provides information relating to the personal and private lives of Council Officers, or makes criminal accusations;***
- ***If it contains advertising statements;***
- ***If it refers to an issue currently subject to a formal Council complaint, Local Ombudsmen complaint or any legal proceedings;***
- ***If it relates to a specific issue where there is already a right of appeal;***
- ***If it relates to a matter over which the Council or its partners has no control; or***
- ***If compliance with it would result in an unlawful action being taken.***

***In the period immediately before an election or referendum we may need to deal with your petition differently. If this is the case we will explain the reasons and discuss the revised timescale which will apply.***

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 you to explain the reasons.

## **WHAT WILL THE COUNCIL DO WHEN IT RECEIVES MY PETITION?**

We will send an acknowledgement to the petition organiser within ~~14~~ **10** working days of receiving the petition. It will let him/her know what we plan to do with the petition and when he/she can expect to hear from us again. It will also be published on our website.

If the Council can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgement 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.

***In order not to duplicate procedures where established processes already exist for people to voice their opinions, the following matters are excluded from this Scheme:***

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. If you require information on any of these matters you should in the first instance contact Shirley Hudspeth (Tel no 0151 691 8559 email: [shirleyhudspeth@wirral.gov.uk](mailto:shirleyhudspeth@wirral.gov.uk)).

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

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

## 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
- Holding a consultation
- Holding a meeting with petitioners
- Referring the petition for consideration by the relevant Council \*Overview and Scrutiny Committee ~~or the \*\*Scrutiny Programme Board~~
- Writing to the petition organiser setting out our views about the request in question
- **Requiring a senior Council officer to answer questions at a meeting of the appropriate overview and scrutiny Committee.**

\* Overview and Scrutiny Committees are Committees of Councillors who are responsible for scrutinising the work of the Council – in other words they have the power to hold the Council's decision makers to account.

~~\*\* The Scrutiny Programme Board is made up of Councillors including the Chairs of all the Overview and Scrutiny Committees. They have the power to hold Council decision makers to account where the issue is within the remit of more than one Overview and Scrutiny Committee.~~

In addition to these steps the Council will consider other specific actions it may be able to take on the issues highlighted in a petition.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we ~~may will aim to~~ make representations on behalf of the community to the relevant body. The Council works with a large number of local partners (<http://www.wirral-lsp.org/>) and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this for you. You can find more information on the services for which the Council is responsible here <http://www.wirral.gov.uk/my-services/council-and-democracy>.

If your petition is about something that **another 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.

## FULL COUNCIL DEBATES

If a petition contains more than 1500 signatures it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. The Council may decide to take the action the petition requests, or 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. **Where the issue is one on which the Council's Cabinet is required to make the final decision, the Council may decide to make recommendations to inform that decision.** The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

## CALLING OFFICERS TO ACCOUNT EVIDENCE

Your petition may ask for a senior Council officer to **be called to account by the authority. This may mean that the senior officer will be required to** give evidence at a public meeting about something for which the officer is responsible as part of their job. For example your petition may ask a senior 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 750 signatures the relevant senior officer will give evidence at a public meeting of the relevant Overview and Scrutiny Committee. ~~If the subject matter of the petition falls within the remit of more than one Overview and Scrutiny Committee, the senior officer will give evidence at a~~

~~public meeting of the Council's Scrutiny Programme Board.~~ A list of the senior staff that can be called to give evidence can be found at <http://www.wirral.gov.uk/my-services/council-and-democracy/how-council-governed/departments>.

You should be aware that the Overview and Scrutiny Committee ~~or the Scrutiny Programme Board~~ may decide that it would be more appropriate for another officer on that list to give evidence instead of any officer 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 Overview and Scrutiny Committee/Scrutiny Programme Board by contacting Committee Services [committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk) up to five clear working days before the meeting.

***Please note that a petition requesting that an officer be called to account by the authority will not be debated by the full Council even if it exceeds 1500 signatures.***

## **ePETITIONS**

The Council welcomes ePetitions which are created and submitted through our website. ~~(when the on-line facility is implemented) and All~~ ePetitions must follow the same guidelines as paper petitions. ***To submit an ePetition you will need to be a registered user. Registration is a simple process that requires you to provide us with a number of details, including your name, address, post code and email address, in case we need to contact you about the ePetition. On the ePetitions homepage, select the 'Submit a new ePetition' option and follow the prompted steps from there. Your online form will be submitted to the Council's Committee Services section, who may contact you to discuss your petition before it goes live.***

***What information should my ePetition contain?***

***Your ePetition will need to include –***

- A title***
- A statement explicitly setting out what action you would like the Council to take***
- Any information which you feel is relevant to the ePetition and reasons why you consider the action requested to be necessary***
- A date for when your ePetition will stop collecting signatures. Most petitions will run for six months but you can choose a shorter or longer timeframe, up to a maximum of 12 months***

~~The petition organiser will need to provide us with their name, postal address, post code and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months~~

~~but you can choose a shorter or longer timeframe, up to a maximum of 12 months.~~

When you create an e-petition, it may take **14 10** working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature. However, we will make every effort to ensure that your petition is published as soon as possible. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain why. You will be able to change and re-submit your petition if you wish. If you do not do this within **14 10 working** days, a summary of the petition and the reason why it has not been accepted will be published under the "Rejected Petitions" section of the website.

When an ePetition has closed for signature, it will automatically be submitted to the Democratic Services Manager. In the same way as a paper petition you will receive an acknowledgement within **14 10** working days. ***It will let you know what we plan to do with the petition and when you can expect to hear from us again.*** If you would like to present your ePetition to a meeting of the Council please contact the Democratic Services Manager (details above) within five days of the petition closing. A petition acknowledgement and response will be emailed to everyone who has signed the ePetition and elected to receive this information. The acknowledgement and response will also be published on this website.

## HOW DO I SIGN AN ePETITION?

You can see all the ePetitions currently available for signature here (when implemented). When you sign an ePetition you will be asked to provide your name, address, post code and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your "signature" will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

## WHAT CAN I DO IF I FEEL MY PETITION HAS NOT BEEN DEALT WITH PROPERLY?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's relevant Overview and Scrutiny Committee/~~Scrutiny Programme Board~~ review the steps that the Council has taken in response to your petition. ***It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.*** The Overview and Scrutiny Committee/~~Scrutiny Programme Board~~ will consider your request within 30 days of receiving it. ***Should*** the Overview and Scrutiny Committee/~~Scrutiny Programme Board~~ determine we have not dealt with your petition adequately it may use any of its powers to ~~deal with~~ ***resolve*** the matter. These powers include instigating an investigation, making recommendation to the ~~Council and~~ Cabinet and/or arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered, the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

***Wirral Council Petition Scheme – Revised December 2010***