

# **ANNEX B – Report of the Director of Law, HR and Asset Management – Petition Scheme**

## **Rules of Procedure**

### **Council Procedure Rules – Standing Orders**

#### **9. Motions which may be moved without notice having been given under Standing Order 8 or objection having been notified under Standing Order (5)(1)(h)**

The following motions may be moved without notice, but must be seconded. The mover must confine any remarks to the form of the motion:

(a) to (r) (inclusive) **NO CHANGE**

(s) Any motion or amendment relating to the referring of petitions or their debate at Council pursuant to Standing Order 34.

#### **21. Petitions**

Any member of the Council may following the Mayor's Announcements present a petition to Council. Any such petition shall be dealt with in accordance with Standing Order 34. Save as permitted by Standing Order 34 no person shall be entitled to speak to a petition at Council

#### **34. Petitions**

(1) If an active petition\* contains more than 1500 qualifying signatures under the Council's Petition Scheme and does not require a senior Council Officer (as defined in the Petition Scheme) to be called to account by the authority, the petition shall normally be debated by the full Council at the next ordinary meeting of the Council (normally excluding Budget Council); and, following that debate, the Council may take such action as it considers appropriate. The referral of the petition to a future Council meeting shall be without debate, save as to the question/s of: (a) whether the petition is an active petition\*; and/or (b) the most appropriate meeting at which the petition should be debated by the Council.

(2) If an active petition\* contains at least 750 qualifying signatures under the Council's Petition Scheme and requires a senior Council Officer (as defined in the Petition Scheme) to be called to account by the authority, the Council shall refer the petition to the Overview and Scrutiny Committee it considers most appropriate; and instruct that Committee to:

- (a) Use its power under section 21(13)(a) of the Local Government Act 2000 to require the relevant person\*\* to attend before it to answer questions; and
- (c) Submit a report (or recommendations) to a future ordinary meeting of the Council (normally excluding Budget Council); and
- (d) Send a copy of that report (or those recommendations) to the Petition Organiser.

And following consideration of the Committee's report (or recommendations) the Council may take such action as it considers appropriate. The referral of the petition to the Committee shall be without debate, save as to the question/s of: (a) whether the petition is an active petition\*; and/or (b) the most appropriate Overview and Scrutiny Committee to which the petition should be referred.

(3) Any other active petition\* addressed to the Mayor, to the Council or to a committee shall, immediately it is received, be referred to the appropriate chief officer(s) for investigation. The referral of the petition shall be without debate, save as to the question/s of: (a) whether the petition is an active petition\*; and/or (b) the question of the most appropriate chief officer to whom the petition should be referred.

(4) Unless it relates to a planning application (in which case it shall be dealt with as if it were an objection to the granting of planning permission) or the matter has already been disposed of by the Council, the petition shall be dealt with as follows:

- (a) if the chief officer(s) concerned is able to effect a remedy to the complaint, the petitioners shall be advised accordingly;
- (b) if the chief officer(s) cannot effect a remedy to the complaint within a reasonable time, the chief officer(s) shall submit, and report on, the petition to the next convenient meeting of the appropriate Overview and Scrutiny Committee or ordinary committee and shall advise the petitioners accordingly.
- (c) if a petition is referred to committee in accordance with paragraph (b) above a representative of the petitioners shall be entitled to address the committee on the subject of the petition for a period of up to five minutes (or, exceptionally, for such longer period as the committee may allow).

(5) The question whether any petition constitutes an active petition\* shall normally be determined by the Director of Law, HR and Asset Management following consultation with the Mayor and Group Leaders. In the event that the Director is unavailable (or conflicted) the question shall normally be determined by another officer (nominated by the Mayor) following consultation with the Mayor and Group Leaders. In cases where determination of the question is itself likely to be contentious, the applicable officer may refer determination of the issue to the full Council.

*\* 'an active petition' is defined in the Local Democracy and Economic Development Act 2009 as a petition that relates to the functions of Wirral Council; or to the improvement in the economic, social or environmental wellbeing of the Borough to which any partner authority could contribute; and which is (in either case), in the Council's opinion, not vexatious, abusive or otherwise inappropriate.*

*\*\* 'the relevant person' is defined in the Local Democracy and Economic Development Act 2009 as the officer identified in the petition or, if the Committee considers that it would be more appropriate, another officer.*