

PART 4.3

CHELMSFORD CITY COUNCIL PETITION SCHEME

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4.3.0 INTRODUCTION

- 4.3.0.1 Chelmsford City Council welcomes petitions as a way for people to let us know about their concerns and to enable them to participate in the democratic process. This scheme sets out how the Council will deal with petitions that meet the criteria set out in the scheme.
- 4.3.0.2 The type of petition determines how it will be responded to. There are three types:
- a) Ordinary petitions – with 50 or more valid entries.
 - b) Petitions requiring a debate at, or asking for an officer to give evidence to, the Overview and Scrutiny Committee - these require 500 or more valid entries.
 - c) Petitions requiring a debate at full Council – these require 2000 valid entries.
- 4.3.0.3 More detail about how the Council will respond to each of these is found in section 4 of this scheme. We will be as flexible as we can when handling your petition so that it is considered quickly and in the most appropriate way.
- 4.3.0.4 If something is clearly intended to be a petition but does not meet the requirements set out in this scheme, we will ask the relevant service area to provide a response directly to the petition organiser. More detail about how we will deal with petitions that fall outside of the scheme is in section 5.
- 4.3.0.5 Paper petitions can be sent to:
- Legal and Democratic Services Manager
Chelmsford City Council
Civic Centre
Duke Street
Chelmsford
CM1 1JE
- 4.3.0.6 The Council does not provide an online or electronic petitions system but if you have created a petition by this means its existence and submission should also be notified to the Legal and Democratic Services Manager.
- 4.3.0.7 The Council will consider all petitions that fall within the scope of this scheme. A petition template is attached at appendix 1. This sets out the information we need to consider your petition under the terms of the Council scheme.

- 4.3.0.8 If you need any advice, please contact the Democracy Team Manager on 01245 606923 or email committees@chelmsford.gov.uk

4.3.1 SECTION 1 – HOW TO START A PETITION

Who can submit a petition?

- 4.3.1.1 Anyone who lives, works or studies in Chelmsford can organise or sign a petition, including those under the age of 18.

Can I sign a petition?

- 4.3.1.2 Any individual signing a petition may be any age and should provide an address which shows that they live, work or study in Chelmsford.

How do I sign a petition?

- 4.3.1.3 For paper petitions, the petition organiser will gather signatures until a specific date that they have decided. These will then be submitted to the Council.

How do I start an e-petition?

- 4.3.1.4 The Council welcomes e-petitions. E-petitions follow the same guidelines as paper petitions and the petition organiser and those who sign it must live, work or study in Chelmsford.
- 4.3.1.5 Whilst the Council does not operate its own e-petition system, it is happy to receive e-petitions created using someone else's online or electronic petition system. Once your e-petition is closed and has been passed to the Council we will write to you to acknowledge its receipt. We may also ask you to explain some of the petition's information if the purpose of the petition is not clear to us. We will review the wording of the petition to ensure it is appropriate before we publish the content on our website.
- 4.3.1.6 Please see section 3 for further guidance on the type of petitions that cannot be accepted. If the petition is rejected under this scheme, we will inform the petition organiser within 10 working days, but sometimes we may need more time to assess the content of the petition to ensure it is appropriate. We will inform you if more time is needed.
- 4.3.1.7 You can run an online petition at the same time as a paper petition, combining the two before sending them to the Council. You should send the paper petition to the Council at the same time as the closing date of the online petition so that all of the signatures will be counted at the same time.

What can a petition be about?

- 4.3.1.8 Petitions should be relevant to a matter over which the Council has direct responsibility or statutory duties. Details of those can be seen in the Council's constitution at <http://www.chelmsford.gov.uk/constitution> or you can contact the Democracy Team (01245 606923 or committees@chelmsford.gov.uk) if you need further advice.
- 4.3.1.9 If the petition does not fall within the remit of the Council's powers, we will return your petition to you and, where possible, try to identify the correct organisation for you to send the petition to.

4.3.2 SECTION 2 – REQUIREMENTS OF THE PETITION SCHEME

What should a petition contain?

- 4.3.2.1 To be considered, a petition should contain:
- 4.3.2.2 a title and short statement about the subject matter of the petition. The petition statement should be clear about what action you want the Council to take. If this is not clear, we may have to return the petition to you for further clarification;
- 4.3.2.3 the name and postal address or email address of the petition organiser. This is the person we will contact to explain how we will respond to the petition. The petition organiser should be someone who lives, works or studies in Chelmsford. 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. If no such person can be identified the petition may not be accepted; and
- 4.3.2.4 the name, signature and Chelmsford address or postcode of each person who signed the petition. We **must** be able to identify that the people signing the petition live, work or study in Chelmsford. If you prefer, people signing the petition can put their work or study address, as long as this is based within the geographical boundaries of the Council. Entries that do not meet these requirements will be rejected and not counted towards the total number. You can use the template that is appended to this document.
- 4.3.2.5 **Paper petitions** must clearly display the above information. Petitions received that meet the criteria of this scheme will be published on the Council's website. The contact details of the petition organiser will not be placed on the website. Where possible, we will also publish the Council's response to petitions on the website.

4.3.2.6 **E-petitions** must clearly display:

- the title/subject of the petition;
- the name and address or postcode of any person supporting the petition (users must indicate that they live, work or study in Chelmsford); and
- the starting and closing date of the petition, and whether there is a paper petition collecting signatures in conjunction with the e-petition.

4.3.2.7 Petitions that do not meet these criteria will not be considered under this scheme. How we will respond to those that fall outside of the scheme is detailed in section 5.

How do I submit a petition?

4.3.2.8 Paper petitions can be submitted to the Legal and Democratic Services Manager at the address on page 1 of this scheme. You can also submit a petition at a committee meeting or to your local councillor. They will pass the petition to the Legal and Democratic Services Manager for processing under this scheme.

4.3.2.9 The Council does not provide an online or electronic petitions system but if you have created a petition by this means its existence and submission should also be notified to the Legal and Democratic Services Manager.

4.3.2.10 A petition which is partly in paper form and partly electronic should have both parts submitted at the same time.

4.3.3 SECTION 3 – EXCEPTIONS TO THE PETITIONS SCHEME

Are there any petitions that the Council cannot accept?

4.3.3.1 The majority of petitions we receive will be accepted but there are some circumstances where we will not be able to deal with your petition under this scheme. Petitions that fall outside of this scheme include:

- a) Any matter that the Council is not directly responsible for. We will return the petition to you and where possible direct you to the correct organisation.
- b) Any matter relating to a planning decision, including a development plan document. These will be dealt with using existing procedures. For further information about making representations about planning decisions, please contact the planning team at:
planning.comments@chelmsford.gov.uk
- c) Any matter relating to a licensing application. These will be dealt with using existing procedures. For further information about making representations, please contact the licensing team at:
licensing.email@chelmsford.gov.uk

- d) A statutory petition (for example, a petition for a directly elected mayor)
 - e) Any matter where there is already an existing right of appeal or a separate complaints process, e.g. council tax banding or non-domestic rates. These will be dealt with using existing procedures
 - f) A petition where we have received another petition on the same issue within the previous six months. In these circumstances, we will write to the petition organiser and include a copy of the response to the first petition received.
 - g) Any petition which we consider to be vexatious, abusive or otherwise inappropriate. You should not include potentially libellous, false or defamatory statements or which may cause personal offence, distress or loss.
 - h) Any petition that is asking the Council to do anything unlawful.
 - i) Any petition relating to the subject of any legal action taken by the Council or an individual.
 - j) A petition which contains confidential information, for example about a specific individual.
- 4.3.3.2 Different procedures apply to all these types of petition; for example, there are some situations where there are existing ways of making representations. Those petitions will be dealt with in accordance with existing procedures in place.
- 4.3.3.3 Anyone trying to create an e-petition that falls outside the scheme will be informed that their petition is excluded. We will write to the petition organiser within 10 days of becoming aware of the petition to explain why it cannot be considered. Where possible, we will advise the petition organiser of the appropriate channel through which they can pursue their concerns.
- 4.3.3.4 It may also be inappropriate for the Council to deal with certain petitions during periods when it is subject to restrictions, such as immediately before elections or referendums. In these circumstances, the petition organiser will be informed when the petition will be considered, or when any material relating to it will be published on the Council's website.
- 4.3.3.5 If we decide that a petition is not acceptable for any of the reasons listed above then we will inform the petition organiser of the reasons when we write to them. If you are not satisfied with the reason for your petition being rejected, you can make a complaint under the Council's corporate complaints procedure or ask that the Overview and Scrutiny Committee look at that decision.

How will the Council deal with petitions about issues that it is consulting Chelmsford residents on?

- 4.3.3.6 If the Council receives a petition about an issue that it is already consulting with residents about (for example, about changes to services or the formal consultation on a new or revised policy), the petitions scheme will be suspended for that petition and:
- a) All petitions received that relate to the subject of a formal consultation will automatically be incorporated into the formal consultation process at the earliest stage possible.
 - b) Petition organisers will be informed of this and the petition will be submitted to the service area managing the consultation for them to respond in accordance with the Council's policy.
- 4.3.3.7 This approach will also be taken for petitions that are received relating to any issue about the Council's budget during the Council's annual budget setting process will be
- a) incorporated into the formal consultation process: and
 - b) made available for inspection at the budget meeting of the Council so that they can properly inform the Council's budget decisions.
- 4.3.3.8 Sometimes we receive petitions after the consultation deadline has passed but before the final decision has been made. In these circumstances, the decision maker will be asked to take your petition into consideration when they make the decision.
- 4.3.3.9 Petitions received after a decision has been made on a matter that the Council has consulted residents on will not be considered under the scheme but will be passed to the relevant senior officer to respond.

4.3.4 SECTION 4 – HOW THE COUNCIL WILL RESPOND TO THE PETITION

What happens after the petition is submitted?

- 4.3.4.1 We will send an acknowledgement within 10 working days to the petition organiser. This acknowledgement will also say as much as we can at that stage about what we have done, or plan to do, with the petition. In some circumstances, more time will be needed to clarify some details about what action the Council can take but we will inform you of this in our acknowledgement letter. The petition will then be referred to the appropriate service area for consideration.

How will the Council respond to my petition?

- 4.3.4.2 The response to a petition will depend on what a petition asks for and what type of petition it is but may include one or more of the following actions:
- a) taking the action requested in the petition

- b) considering the petition at a Council meeting
- c) holding an inquiry into the matter
- d) undertaking research into the matter
- e) holding a public meeting
- f) holding a meeting with petitioners
- g) writing to the petition organiser setting out our views about the request in the petition

4.3.4.3 Below are the ways in which the Council will respond to different types of petitions.

Ordinary petitions (50 or more signatures)

When is a Petition Valid?

4.3.4.4

Petitions will only be valid where:

- a) All the signatures are from people that live, work or study in Chelmsford.
- b) Petitions with fewer than 50 valid signatures fall outside of the scheme altogether so will not be considered by councillors, but will still be passed onto the relevant service area for response.
- c) The Legal and Democratic Services Manager, following consultation with the relevant Director and Cabinet Member, concludes that even though there are fewer than 50 valid signatures, there is still clear local support for a specific course of action.

Procedure:

4.3.4.5 The following procedure will be followed:

- a) The Legal and Democratic Services Manager will write to the organiser of an Ordinary petition within 10 working days of its receipt to acknowledge its receipt.
- b) The petition will be sent to the appropriate senior officer in the service area concerned.
- c) That officer will consult the relevant Cabinet Member and prepare a response for the Legal and Democratic Services Manager to send to the petition organiser within three weeks of the date of the acknowledgement letter.

- d) The response will clearly set out what action (if any) the service concerned has taken or will take on the request in the petition.
- e) If more time is required, the service concerned will inform the Legal and Democratic Services Manager who will write to the petition organiser to advise them that more time is needed and the date by which a response will be provided to you.

Petitions requiring debate at the full Council

When is a Petition Valid?

4.3.4.6 Such petitions will only be valid where:

- a) the petition specifically requests that the issue is dealt with at Full Council, and
- b) all the signatures are from people that live, work or study in Chelmsford.

Petitions with fewer than 2000 valid signatures cannot be considered at Full Council but may be dealt with if valid under paragraphs 4.3 above.

Procedure:

4.3.4.7 On receipt of the petition:

- a) the Monitoring Officer in consultation with the Chief Executive will decide if the subject matter is something on which only the Cabinet can make a decision (an Executive function) or it is appropriate that it is discussed at Full Council (a Council function); and
- b) the Chief Executive in consultation with the Mayor will decide whether the Council has sufficient information to hold an informed debate at the next available Full Council meeting.

4.3.4.8 If the Chief Executive and the Mayor agree that the Council has all the necessary information before it to make an informed decision, the petition organiser will be notified and advised that they will be given up to 10 minutes to present the petition at the Full Council meeting and then either:

- a) where the subject matter relates to a Council function, councillors will debate it for up to 20 minutes and take a decision;
- b) if the subject matter relates to a function that Full Council has delegated to a Committee, it will stand referred to that Committee without discussion; or
- c) if the subject matter relates to an Executive function, it will stand referred to the Cabinet without discussion.

4.3.4.9 If the Chief Executive and the Mayor decide that the Council does not have all the necessary information it requires to make an informed decision, the petition organiser will be notified and advised that they will be given up to 10 minutes to present the petition at the Full Council meeting, but the debate by councillors will then be limited to deciding where the petition should be considered at a future meeting of either:

- a) Full Council, where the subject matter relates to a Council function;
- b) Another Committee if the petition relates to a function that Full Council has delegated to it; or
- c) The Cabinet, if the subject matter relates to an Executive function;

4.3.4.10 The petition organiser will be notified in writing as to what was agreed.

4.3.5 SECTION 5 – HOW THE COUNCIL WILL RESPOND TO PETITIONS OUTSIDE OF THIS SCHEME

4.3.5.1 The Council sometimes receives correspondence that is intended to be a petition but does not necessarily meet the criteria set out in this scheme. We intend to be as flexible as possible when we are dealing with this correspondence but it will not be possible for it to be dealt with under the formal requirement of this scheme.

What are the main reasons for petitions to be rejected?

4.3.5.2 The specific criteria for petitions are set out in section 2.1 of the scheme and general exceptions are set out in section 3. If a petition does not meet these criteria, it will not be considered under the scheme.

4.3.5.3 Outside the general exceptions, there are several reasons why a petition may not fall within the scheme but the most common examples are:

- a) the petition statement is not clear;
- b) the subject matter of the petition is not within the remit of the Council;
- c) the entries contain incomplete or invalid information such as no full address or postcode;
- d) we are not able to identify that people signing the petition live, work or study in Chelmsford;
- e) there are not enough valid entries to meet the threshold for an ordinary petition.

What will happen to petitions that fall outside of the scheme?

- 4.3.5.4 The Legal and Democratic Services Manager will have discretion to decide whether a petition meets the criteria set out in the scheme or not.
- 4.3.5.5 If a submitted petition does not fall within the criteria, we will explain the reason why in our acknowledgement letter and set out what action we will take in response to your submission.
- 4.3.5.6 Petitions that fall outside of the criteria of the scheme will be treated as correspondence and sent to the relevant service area for a response. The Director of the service will have discretion to decide how to reply to this correspondence and take the most appropriate action.

4.3.6 SECTION 6 - WHAT TO DO IF YOU ARE NOT HAPPY WITH THE WAY YOUR PETITION WAS DEALT WITH

- 4.3.6.1 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 Committee reviews the steps that the Council has taken in response to your petition.

Procedure:

- 4.3.6.2 The following procedure will be adopted:
 - a) Within 21 days of being notified of the decision on the petition, you should inform the Legal and Democratic Services Manager in writing of your wish for the matter to be referred to the Committee.
 - b) Within five working days of receipt of the request for a referral, the Legal and Democratic Services Manager will determine which is the most appropriate Overview and Scrutiny Committee to consider it and will notify you of the time, date and place of the meeting.
 - c) You will be allowed to attend the meeting and to address the Committee for up to five minutes on why you consider that the decision on the petition is inadequate or that it has not been considered properly.
 - d) Should the Committee determine that we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Cabinet or arranging for the matter to be considered at a meeting of the Full Council. Once the referral 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.

4.3.6.3 If you remain unhappy with the way that your petition has been processed, you can submit a complaint to the Council via the corporate complaints scheme. You can find more guidance at:
<http://www.chelmsford.gov.uk/complaintsprocedure>

4.3.7 SECTION 7 – WHAT ELSE YOU CAN DO TO HAVE YOUR SAY

4.3.7.1 Chelmsford City Council welcomes feedback as this helps us to review and develop the services that we provide. There are a number of other ways that you can have your say, including by:

- a) writing to the appropriate Director or Cabinet Member
- b) contacting your local Councillor
- c) making a suggestion through the Council's website
- d) responding to consultations

4.3.7.2 Visit the Council's website for more information at:

<http://www.chelmsford.gov.uk/haveyoursay>

PETITION TO CHELMSFORD CITY COUNCIL – SIGNATURE SHEET

We the undersigned petition the Council to:

Each person signing the petition should provide their name, signature and a home, work or study address that is in the boundaries of Chelmsford City Council. Any signatures that do not include this information will not be counted.

Name (please print)	Address or postcode (this should be in the Chelmsford City area)	Signature	Live/work/study address or postcode (please indicate which)

