

# ROTHERHAM BOROUGH COUNCIL



## PETITION SCHEME

1. [Guidelines for submitting a petition](#)
2. [How the petition will be dealt with](#)
3. [Matters excluded from the petition scheme](#)
4. [The Council's response to petitions](#)
5. [Review](#)
6. [E-petitions](#)

## 1. Guidelines for submitting a petition

### 1.1 Petitions to the Council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take. The petition should be directed at the Council, not to specific Members or officers.
- The subject matter of the petition must relate to a function of the Council, or its partner authorities if the petition relates to an improvement in the economic, social or environmental well being of the borough which a partner authority could contribute to. Petitions may also relate to matters which are sub-regional and cross-authority.
- The petition should contain the name, address and signature of at least 20 people who either are resident, work or study in the borough of Rotherham. This includes under 18 year olds.

1.2 Petitions should be accompanied by the contact details of the lead petitioner, including an address and/or telephone/email details. This is the person the Council will contact to explain the process for considering petitions. The contact details of the lead petitioner or any of the petitioners will not be published by the Council. If the petition does not identify a lead petitioner, we will contact signatories to the petition to agree who should act as the lead petitioner.

1.3 If the petition does not follow the guidelines set out above a letter will be sent to the lead petitioner explaining that the guidelines have not been met and that the petition has been forwarded to the appropriate Strategic Director for consideration.

## **2. How the petition will be dealt with**

- 2.1 The petition will normally be acknowledged in writing within 5 working days of receipt although there may be a delay if it is not clear from the petition who the lead petitioner is.
- 2.2 The lead petitioner will need to confirm how he/she would prefer the petition to be dealt with and assistance will be provided by [Democratic Services](#) to help the lead petitioner decide which is the most appropriate route. Petitions will be progressed in one of the following ways:

### **Officer (relevant Strategic Director)**

On receipt the petition will be forwarded to the relevant Strategic Director who has responsibility for the subject matter of the petition. The Strategic Director will nominate a Named Senior Officer to deal with the petition and the Named Senior Officer will contact the lead petitioner within 3 weeks to inform them of what action will be taken on the petition. As a lead petitioner you will be informed within the 3 week period if action has already been taken on the matter before the petition was received, or is in the process of being taken.

The Named Senior Officer will consult with the councillor who is the Member of the Cabinet holding the relevant portfolio for the service area, and if the subject matter of the petition is concerned with a particular locality, the ward councillors, to determine the action to be taken. The lead petitioner will be notified of the outcome in writing. However, it may be appropriate for the Named Senior Officer to take a report to a meeting of the Cabinet or another council committee. The lead petitioner and local ward councillors will be informed of the date of the meeting with an invitation to attend. After the meeting the Named Senior Officer will confirm the outcome to the lead petitioner, local ward councillors and any other relevant Member in writing within 10 working days.

### **Meetings of Full Council**

Petitions can be presented to a meeting of [Council](#). All Councillors on the Metropolitan Borough Council of Rotherham are Members of Council, so attending one of these meetings will provide the opportunity for the views in the petition to reach all Councillors.

The ordinary meetings of Council are held approximately every six weeks, and as a limit of 5 petitions are considered at each meeting, the lead petitioner should contact [Democratic Services](#) at the earliest opportunity. If there are more than 5 petitions then it will be necessary to consider the petitions that were received latest at the next meeting. At the Council meeting, a representative of the petitioners may speak on the subject matter of the petition for 5 minutes after presenting their petition to the Mayor. Council will not debate the petition but can refer the petition to the appropriate committee, panel or officer for response.

### **Full Council debates**

If a petition contains more than 2,000 signatures it will be debated at a meeting of Council. Normally the petition will be considered at the next ordinary meeting of the Council, although on some occasions this may not be possible and consideration will then take place at the following meeting. A representative of the petitioners will be given 5 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 then decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for the 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 will decide whether to make recommendations to inform that decision. The petition organiser will be sent written confirmation of this decision within 10 working days. This confirmation will also be published on the Council's website.

### **Consideration by Overview and Scrutiny Management Board**

If the petition contains at least 600 signatures, the call for action will be considered by the [Overview and Scrutiny Management Board](#). The Overview and Scrutiny Management Board may decide to call a relevant councillor to attend the meeting such as the member of the Cabinet who holds the portfolio for the service mentioned in the petition.

A report will be presented to a meeting of the Overview and Scrutiny Management Board setting out the background to the matter. The lead petitioner will be able to attend the meeting to present the petition for up to 5 minutes. At the meeting the relevant councillor and/or senior officer will be questioned by the Committee members. If the public is to be excluded during any part of the meeting under the provisions of Schedule 12A of the Local Government Act 1972 this will be set out in the attendance notification to the lead petitioner. The Committee will then make recommendations in accordance with the Council's Constitution to the relevant decision making body. It may be necessary for the Committee to defer making the recommendations to a future meeting, for instance, if further information is requested. When the Committee has finalised its recommendations written notification will be sent to the lead petitioner within 10 working days and be published on the Council's website.

### 3. Matters excluded from the Petitions Scheme

3.1 A petition cannot be dealt with through this scheme if it addresses or includes:

- a planning or licensing application for which other arrangements are in place.
- Matters subject to prescribed statutory requirements, e.g. an elected mayor.
- Matters where there is already an existing right of appeal, such as council tax banding and non-domestic rates, where other procedures apply.
- Repetitive or vexatious correspondence
- Potentially libellous, false or defamatory statements.
- Material which is commercially sensitive
- Material generated by local political parties
- The names of individuals in relation to criminal accusations or information which easily identifies an individual
- Statements which contravene equalities and anti-discrimination legislation
- Matters subject to appeal processes or legal actions, e.g. enforcement action, investigation by a public body, court cases or tribunals.
- Refers to a particular official of a public body
- Material which is vexatious, abusive or is deemed otherwise inappropriate by the Monitoring Officer. A petition will be deemed to be vexatious where it is manifestly unjustified, inappropriate or improper use of a formal procedure.

3.2 Where a petition raises issues of possible competence or misconduct by an officer, the petition will be considered under the eCouncil's complaints and/or disciplinary procedures, and not under this petitions scheme.

3.3 If the petition contains any of the above the lead petitioner will be informed of the reason for not accepting the petition in writing.

3.43 If the petition is about a matter over which the Council has no direct control your petition will be forwarded to the relevant organisation. However, if the petition relates to a partner organisation the Council 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 your petition. The lead petitioner will be informed of any action the Council has taken to progress the petition.

Please consult with [Democratic Services](#) if clarification is required.

#### 4. The Council's response to petitions

4.1 The Council's response to a petition will depend upon what the petition is asking for and which of the options is taken for dealing with the petition, but the response will include one or more of the following:

- Writing to the lead petitioner and relevant Ward Councillors setting out the Council's views about the request in the petition
- Taking the action requested in the petition
- Commissioning research on the matter
- Holding a consultation
- Holding a meeting with petitioners
- Holding a public meeting
- Undertaking a referendum in a locality
- An inquiry
- Referring the petition for consideration by the Cabinet or relevant Scrutiny Committee (committees responsible for scrutinising the work of the Council and holding the decision makers to account)
- Discussing the petition with other relevant organisations
- Publish notification on the Council's website on how the petition is being dealt with.

#### 5. Review

5.1 There is no right of review to the response of the Council in respect of petitions. Where a lead petitioner is dissatisfied with the response provided by the Council, they may submit a complaint and it will be considered under the Council's complaints procedures, and not under this petitions scheme.

#### 6. E-petitions

6.1 The Council welcomes petitions which are created and submitted through the Council's [website](#). E-petitions must follow the same guidelines as paper petitions as outlined above. The petition organiser will need to provide the Council with their name and email address. They will also need to decide how long they would like their petition to be open for signing.

6.2 When an e-petition is created, it may take five working days before it is published online. This is because the Council has to check that the content of the petition is suitable before it is made available for the public to sign. If the Council feels it cannot publish the petition for some reason, they will contact the petition organiser within this time to explain why. The petition organiser will then be able to change and re-submit their petition if they wish.

6.3 When an e-petition has closed for signing, it will automatically be submitted to [Democratic Services](#) in the same way as a paper petition and the petition organiser will receive an acknowledgement within five working days. It will ask them how they prefer to progress the petition in line with the Council's petition

scheme. Assistance will be provided to help them decide which is the most appropriate route.