



# Procedure for Presenting petitions to the Council

**June 2010**

If you require this document in large print, audio or braille or in a different language, please contact the Democratic Services Team on 01202 451104 or email: [democratic.services@bournemouth.gov.uk](mailto:democratic.services@bournemouth.gov.uk)

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# 1. Introduction

Bournemouth Borough Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.

This procedure sets out how the public can submit a petition, how the petition will be dealt with and what the Council can do to respond to the issues raised in the petition.

Compared with the Council's current petition scheme this new procedure allows for petitions with the required number of signatures to trigger a debate in a full Council meeting and to call officers to account. In addition, if petition organisers are not happy with the Council's response to their petition they now have a right to have the response reviewed.

## 2. How to submit a petition to the council

1. Paper petitions can be sent to:

The Democratic Services Manager  
Law and Governance  
Bournemouth Borough Council  
Town Hall  
Bourne Avenue  
Bournemouth BH2 6DY

Or you can email the petition and related documents to:

[democratic.services@bournemouth.gov.uk](mailto:democratic.services@bournemouth.gov.uk)

## 3. Who can submit a petition?

1. The Council is keen to receive feedback from all residents, visitors and from people working or studying in the Bournemouth area.
2. There are no restrictions as to who can submit a petition. School children and other young people have the same rights for their voices to be heard as well as adults. However, it is recognised that, in practice, a teacher or parent would oversee the submission of a petition from school children.
3. Signatures for the petition should have been collected no more than 6 months before the submission of the petition to ensure that the issues raised are considered within a suitable period of time.

## 4. What information must a petition include?

1. Petitions submitted to the council must include:
  - a brief and clear statement covering the subject of the petition. It should state what action the petitioners wish the Council to take

- the name, address, and signature of any person supporting the petition.
2. In addition to the petition, we need 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 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.

## 5. Relevant matters

1. As a community leaders and place shaper, the council has a key interest in issues that, although wider than its own functions, affects the local area. In view of this, it is likely that the council will be required to respond to petitions that relate to an improvement in the economic, social or environmental well-being of its area to which any of its partners could contribute. This means that as well as being able to consider petitions for which the Council has direct responsibility, we can also consider petitions that relate to the functions of partners, including those matters that are sub-regional and cross-council.
2. In practice, this may mean acting as an advocate for the local community working with partners to resolve the issue, lobbying a partner organisation on behalf of the community or instigating an overview and scrutiny review of the issue.
3. Where a petition calls for action to change a policy of the Council, the council reserves the right to decline the request but in doing we will clearly explain to the lead petitioner the reasons why the requested action cannot be carried out.

## 6. Issues specifically excluded from this petitions scheme

1. The following matters are specifically excluded under the Petitions Scheme and will not be considered:
  - Any matter relating to a planning decision, including a development plan document or the community infrastructure levy
  - Any matter relating to an alcohol, gambling or sex establishment licensing decision
  - Statutory petitions - for example requesting a referendum on having an elected mayor
  - Any matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates where other procedures apply.
  - Any matter which is **\*\*vexatious, discriminatory, inappropriate or not reasonable**

2. Where a petition relates to an excluded matter, the Council will write to the petition organiser and explain why the matter is not covered by the Council's Petitions Scheme.

NOTE: \*\* See Explanatory Notes at the end of this procedure - page 10 - for guidance on issues considered to be vexatious, discriminatory, inappropriate or not reasonable.

## 7. What will the council do when it receives my petition?

2. We will send an acknowledgement to the petition organiser within **two working days** of receiving the petition.
3. The Council will generally accept any petition on face value but reserves the right to verify the signatures or investigate further if deemed necessary.
4. We will not take action on any petition that contains an excluded matter - see section 6 above - and will explain the reasons for this in our acknowledgement of the petition.
5. To ensure that people know what we are doing in response to the petitions we receive the details of the petitions submitted to us will be published on our website. Whenever possible we will publish the correspondence we have received relating to the petition - all personal details will be removed.
6. If the petition is considered valid - see Section 6 above, the Council will endeavour to consider the petition at its next meeting. However, on some occasions, this may not be possible and it will be considered at the following meeting. The exception to this is if the petition is asking for a senior council officer to give evidence at a public meeting - see section 9 below. To enable a petition to be included on the Agenda, it should be received at least **10 working days** before a formal scheduled full Council Meeting. Dates of these meetings can be found at - [Link]
7. 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 that will apply.

## 8. How will the council respond to petitions?

### a. Petitions containing fewer than 1,500 signatures

#### i. Procedure at the full council meeting

1. The lead petitioner and up to one other person will be invited to address the Council. They will have up to **five minutes in total** to read out the action they would like the Council to take and indicate the number and description of the signatories. Alternatively, at the

petition organiser's request, a Ward Councillor may present the petition to Council on behalf of the relevant petitioners. That Councillor has 5 minutes to address the Council.

2. The relevant Ward Councillors, Cabinet Portfolio Holders and Officers will be informed when a petition covering their Wards/areas of responsibility is received and when/how the petition will be considered.
3. When the petition has been presented at the full Council meeting there will be no debate but after receiving the petition the meeting will agree:
  - a. If the contents of the petition relates to a matter on the agenda for the meeting:

‘That the contents of the petition be considered when the relevant item is debated’; or
  - b. ‘That the petition be referred - as suitable - to the:
    - Leader of the Council;
    - relevant Cabinet Portfolio Holder, or
    - Chair of the relevant meeting

for further consideration and a response that may include one or more of the options set out in section 8.a.ii below.
4. The petition organiser will be informed in writing of the Council's decision and this information will be published on the Council's website. If a further meeting is to be held to consider the issues raised in the petition, the petition organiser will be supplied with the relevant details and given the opportunity to address the meeting and answer any questions.

## ii. Options for responding to petitions

1. The response to a petition will depend on what a petition asks for and how many people have signed it. It may include one or more of the following:
  - taking the action requested in the petition
  - holding an inquiry into the matter
  - undertaking research into the matter - this could include referring the matter to the Leader, relevant Cabinet Portfolio Holder, Chair of the relevant meeting or Officer of the Council
  - holding a public meeting
  - consulting on the issue
  - holding a meeting with petitioners
  - referring the petition to the relevant Overview and Scrutiny Panel\*\*
  - calling a referendum
  - writing to the petition organiser setting out the Council's views about the request in the petition

Note - \*\* The Council currently has one overarching Overview and Scrutiny Management Panel and six other Overview and Scrutiny Panels. Collectively these Panels have responsibility for policy development, carrying out overview and scrutiny reviews and holding the Cabinet collectively and individual Cabinet Portfolio Holders to account for the decisions they make.

2. If your 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 [\[link\]](#) 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 requests conflicts with Council policy - we will set out the reasons for you.

You can find more information on the services for which the Council is responsible here [\[link\]](#).

3. If your petition is about something that a different council is responsible for we will consider what the best method is for responding to it. This might consist of simply sending 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.

## **b. Petitions containing more than 1,500 signatures**

1. If a petition contains **more than 1,500 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 - see section 9 below.
2. The petition organiser and up to one other person will be invited to address the Council. They will have up to **five minutes in total** to read out the action they would like the Council to take and indicate the number and description of the signatories. Alternatively, at the petition organiser's request, a Ward Councillor may present the petition to Council on behalf of the relevant petitioners. That Councillor has 5 minutes to address the Council.
3. The relevant Ward Councillors, Cabinet Portfolio Holders and Officers will be informed when a petition covering their Wards/areas of responsibility is received and when/how the petition will be considered.
4. The petition will then be discussed by councillors for a maximum of 15 minutes.
5. The Council will decide how to respond to the petition at this meeting. It may decide to: take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to require further investigation into the matter, for example by a relevant Board, Committee or Panel. 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. Written confirmation of this decision will be sent to the petition organiser. This confirmation will also be published on our website.

## 9. Officer evidence

1. Your petition may ask for a senior council officer 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 the advice given to councillors to enable them to make a particular decision.
2. If your petition contains at least **750 signatures**, the relevant senior council officer will give evidence at a public meeting of the Council's relevant Overview and Scrutiny Panel. A list of the senior council officers that can be called to give evidence is set out below:

The Head of Paid Service -	Chief Executive
Statutory Officers -	Director of Children's Services
	Director of Adult Services
	Section 151 Officer- Chief Finance Officer
	Monitoring Officer
Non-Statutory Officers -	Executive Directors
	Service Directors

3. The relevant Overview and Scrutiny Panel may decide that it would be more suitable for another officer to give evidence instead of any officer named in the petition - for instance if the named officer has changed jobs. The Panel may also decide to call the relevant councillor to attend the meeting. Panel Members will ask the questions at this meeting, but the petition organiser will be able to suggest questions to the Chair of the Panel by contacting the Council's Democratic Services Team up to **three working days** before the meeting.

Contact details for the Democratic Services Team are set out below:

The Democratic Services Manager  
Law and Governance  
Bournemouth Borough Council  
Town Hall  
Bourne Avenue  
Bournemouth BH2 6DY

Or you can email to [democratic.services@bournemouth.gov.uk](mailto:democratic.services@bournemouth.gov.uk)

4. After the relevant officer has appeared before the Overview and Scrutiny Panel, the Panel must make a report or recommendations to the Council. A copy of the report will be sent to the petition organiser and will be published on the Council's web site.



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

1. If you feel that the Council's response is not adequate, the petition organiser may request that the Council's relevant Overview and Scrutiny Panel reviews the action 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.
2. The Panel will try to consider your request at its next meeting. However, on some occasions this may not be possible and your request will be considered at the following meeting. Should the Panel decide that we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include starting an investigation, making recommendations to the Council's Cabinet and arranging for the matter to be considered at a meeting of the full Council.
3. Once the review has been completed the Council will inform the petition organiser of the results in **5 working days**. The results of the review will also be published on our website.
4. In a case where the petition organiser is not satisfied with the Council's response that was originally recommended by the 'relevant' Overview and Scrutiny Panel there could be a conflict of interest for that Panel to carry out the review. Should this be the case, the Council will arrange for a differently constituted Overview and Scrutiny Panel to carry out the review.

## 11. What are the alternatives to submitting a petition?

1. As an alternative to submitting a petition you can contact your local councillor [[link](#)] who may be able to raise your concerns direct with the Council under a procedure called 'Councillor Call for Action'. This procedure is designed specifically for dealing with neighbourhood or locality issues and the quality of public services at a local level.
2. If you want to find out more either click on this [[link](#)] or contact the Democratic Services Team, using the same contact details as listed under pages 3 and 8 for petitions.

### Explanatory Notes

Bournemouth Borough Council welcomes petitions as a positive initiative for engaging with local communities. However, any petition, which in the opinion of the Council - as advised by the Monitoring Officer - is considered to be vexatious, abusive, discriminatory, otherwise inappropriate, or not reasonable, will not be accepted for this Procedure.

Each petition will be looked at on its merits. Who has submitted the petition or whether someone thinks there is an ulterior motive for the submission of the petition are not relevant to this procedure.

#### Vexatious and persistent

A useful definition of what is meant by the word 'vexatious' is set out in guidance to the Freedom of Information Act. This states that:

'Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.'

The Council's Vexatious complaints policy defines a vexatious or unreasonably persistent complainant 'as a person who:

- Makes a complaint which, in the Council's opinion, is unfounded, unreasonable or trivial and is made with the intention of wasting the Council's time and resources, preventing the Council from carrying out its business, or harassing the Council and its staff, or is otherwise made in bad faith;
- Has been advised of the terms of the complaints procedure but repeatedly and, in the Council's opinion, unreasonably fails to follow that procedure;
- Repeatedly demands that the Council reconsider a decision which has been reached in accordance with the corporate complaints procedure;
- Repeatedly seeks to raise issues or present information in relation to an existing complaint which, in the Council's opinion, are not relevant to the complaint;
- Behaves in an abusive or threatening way towards any member of the Council's staff whether casual, part-time, temporary or contractor.'

However, a persistent request may well be entirely valid - it may relate to a systematic problem that has not been effectively resolved. A request that some councillors may regard as vexatious, for political reasons, may actually be entirely reasonable. It should be the subject matter, rather than personalities or the way in which the issue is presented, that is the deciding factor.

## **Discriminatory**

A modern interpretation of the word 'discrimination' is provided at section 45 of the Equality Act 2006, in relation to religion and belief. In summary, this explains that discrimination on grounds of religion or belief means treating a person less favourably than another person is or would be treated because of their religion or belief.

This definition can easily be extended to deal with other forms of discrimination, such as discrimination for reasons of sex and/or race.

Public bodies are required to comply with the Equality Act and with the various other pieces of law covering anti-discrimination, such as the Race Relations Act, the Disability Discrimination Act, the Age Discrimination Act and the Sex Discrimination Act and the legal equalities duties that arise from them.

So, a discriminatory petition might be one that implies or states that a group of people or an area receives better, or worse, services because of that group's predominant religion, race, sex or other characteristic, as covered by discrimination law.

## **Inappropriate**

Matters that may be considered inappropriate include those involving legal proceedings, a current complaint investigation or which target individual members of a community.

## **Not reasonable**

In the interests of transparency, 'not reasonable' should not be interpreted as being the same as the legal word 'unreasonable'. It is best to consider it as a qualifier to the word 'vexatious', as a vexatious request is likely not to be reasonable, and a request that is not reasonable is likely to be vexatious.

## Petitions Form

This form is intended to assist the public in setting out the issues relating to their petition. Other formats are also acceptable.

Purpose of Petition

Ward / Area the Petition Issue covers

What action do you wish the Council to take in relation to this issue?

Would you like the opportunity to present this petition to a meeting of the Council?

Yes  No

Would you like one of your Ward Councillors to present the petition on your behalf?

Yes  No

If yes, who?

<p align="center"><b>How would you like the receipt of your petition acknowledged?</b></p> <p>Letter <input type="checkbox"/>                      Email <input type="checkbox"/>                      Fax <input type="checkbox"/></p>		
<p><b>Contact Details of the Petition Organiser</b></p> <p><b>Name</b> please print</p>		
<p><b>Address</b> including postcode</p>		
<p><b>Contact Number<sub>s</sub>:</b></p>		
<p><b>Email Address:</b></p>		

<p><b>Signature of Petition organiser:</b></p>	<p><b>Date of Petition:</b></p>
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Please complete and return this form to the address below or e-mail to [democratic.services@bournemouth.gov.uk](mailto:democratic.services@bournemouth.gov.uk)

The Democratic Services Manager  
 Law and Governance  
 Bournemouth Borough Council  
 Town Hall  
 Bourne Avenue  
 Bournemouth BH2 6DY

We, the undersigned are submitting this petition calling for action in relation to .....

.....

Name print	Postal Address including postcode	Email Address	Signature