

PART 4C - PETITION SCHEME

1. Petitions

1.1 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 that meet the requirements below will receive an acknowledgement from the council within 10 working days of receipt, setting out what the council plans to do with the petition. Something will be treated as a petition if it is identified as being a petition, or if it seems to the council that it is intended to be a petition.

1.2 There are three types of petitions:

- (a) Petitions of 2,500 or more signatories (to which sections 4 to 10 of this scheme applies)
- (b) Petitions of fewer than 2,500 signatories (see section 2)
- (c) Petitions made in relation to planning, licensing or other statutory provisions (see section 3).

1.3 The council's response to a petition will depend on what it asks for and how many people have signed it, but may include one or more of the following:

- (a) taking the action requested in the petition
- (b) considering the petition at a council meeting (the consideration of the petition may be deferred to a subsequent meeting if the council considers that it requires further information)
- (c) holding an inquiry into the matter
- (d) commissioning research into the matter
- (e) holding a public meeting
- (f) holding a meeting with petitioners
- (g) referring the petition for consideration by the council's scrutiny committee
- (h) writing to the petition organiser setting out our views about the request in the petition

1.4 In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

1.5 If a petition is about something which is the responsibility of another authority, the petition organiser will be asked whether they would like the petition to be redirected to that other authority. Where a petition relates to a matter over which the council has no responsibility, control or influence, the petition will be returned to the petition organiser with an explanation for that decision.

2. Petitions of fewer than 2,500 named persons

2.1 Petitions containing fewer than 2,500 named persons should be given or sent direct to the relevant Cabinet member who will deal with the request contained within the petition as they consider appropriate.

2.2 Details of the relevant Cabinet member and how to contact them can be found here:

[Cabinet posts - Modern Council \(moderngov.co.uk\)](http://moderngov.co.uk)

2.3 The petition must contain the name and address of the petition organiser and the Cabinet member shall inform the petition organiser what they intend to do with the petition. This can include:

- (a) Noting its contents
- (b) Agreeing some form of action
- (c) Meeting with some or all of the petitioners to discuss the matter
- (d) Taking its contents into account when making any subsequent decisions.

2.4 If there is no named petition organiser than the first-named on the petition will be deemed to be the petition organiser.

3. **Petitions made in relation to planning, licensing or other statutory provisions**

3.1 Petitions that are made under enactments are excluded from this scheme. Other exclusions are where the petition applies to a planning or licensing application, is a statutory petition (for example, requesting a referendum on having an elected mayor), or is on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, or other procedures apply.

4. **Petitions of 2,500 or more named persons**

4.1 The rest of this scheme relates to petitions containing 2,500 or more named persons.

4.2 Petitions of 2,500 or more named persons should be sent in hard copy to:

Democratic Services
Isle of Wight Council
County Hall
Newport
PO30 1UD

or by email to democratic.services@iow.gov.uk

4.3 Petitions may be presented to a meeting of the council either in person by a petitioner organiser or by a councillor on their behalf.

5. **Guidelines for submitting a petition**

5.1 Petitions submitted to the council must include:

- (a) a clear and concise statement covering the subject of the petition
- (b) a statement clearly setting out what action the petitioners wish the council to take, including whether the petitioners are seeking a debate at Full Council or an officer to give evidence at a scrutiny committee
- (c) the names of all persons supporting the petition and preferably their postcode
- (d) the contact details, including an address, of the petition organiser (the person who will be contacted to explain how the council will respond to the petition). If the petition does not identify a petition organiser, the first signatory on the petition will be treated as the petition organiser.

5.2 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted.

5.3 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, the petition organiser will be provided with the reasons. Paragraphs 7.2 and 7.3 provide further explanation.

5.4 In the period immediately before an election or referendum, the council may need to deal with petitions differently if they relate to a potentially controversial matter. If this is the case, reasons will be provided to the petition organiser and a revised timescale agreed.

6. **Signing a petition**

6.1 A petition can be signed by a person of any age.

6.2 A person may only sign a petition once. The list of persons on the petition will be subject to sample checks by officers and any duplicate or inappropriate names will be removed.

7. **What the council does when it receives a petition**

7.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what the council plans to do with the petition and when they can expect to receive further contact.

7.2 The Proper Officer will agree with the petitioner, in consultation with the chairman, the wording of the motion to be put to Full Council for members to debate and vote on, which should reflect the wording used in the petition.

7.3 The council will not take action on any petition which it considers to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in any acknowledgement. For example, a petition may be rejected if the Monitoring Officer considers that it:

- (a) contains intemperate, inflammatory, abusive or provocative language
- (b) is defamatory, frivolous, vexatious, discriminatory or otherwise offensive
- (c) contains false statements
- (d) does not relate to a subject matter which is within the direct control of the council, e.g. request to lobby central government
- (e) is too similar to another petition submitted within the past six months
- (f) discloses confidential or exempt information, including information protected by a court order or government department
- (g) discloses material that is commercially sensitive
- (h) names individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies, or makes criminal accusations
- (i) contains advertising statements
- (j) refers to an issue which is currently the subject of a formal council complaint, local ombudsman complaint or any legal proceedings

7.4 When considering whether a petition is vexatious, the council will use as a starting point the guidance under the Freedom of Information Act 2000, which states: *“Deciding whether a Freedom of Information 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.”*

- 7.5 Details of all the petitions submitted to the council will be published on its website. Whenever possible, all correspondence relating to the petition will also be published (all personal details will be removed, including petitioners' addresses).
- 7.6 When a petition is received that relates to a local matter (particularly affecting specific electoral divisions), a copy of the petition will be sent to each relevant councillor at the same time as acknowledging receipt of the petition to the petition organiser.

8. Full Council debates

- 8.1 If a petition contains 2,500 or more named persons, it will be debated by the Full Council unless it is a petition asking a senior council officer to give evidence at a public meeting or if it is on a subject matter that the council is currently consulting on. If there is a current consultation on the same subject matter, then the petition will be referred to the relevant Cabinet member to consider as part of the consultation. If the petition does proceed to Full Council debate, then this means that the issue raised in the petition will be discussed at a meeting which all councillors can attend.
- 8.2 The council will endeavour to consider the petition at its next meeting, if the meeting is due to take place no less than seven working days ahead and there is sufficient time on the agenda to consider the petition. A petition will not be debated at a Full Council meeting at which there is a related report. However, where there are fewer than seven working days until the meeting, consideration will take place at the meeting following that. Petitions will not be considered at the annual meeting of Full Council or at Extraordinary Meetings of Full Council, which are not convened to consider the subject matter of petitions.
- 8.3 The petition organiser will be given three minutes to present the petition at the meeting and the Leader will then be given three minutes to reply. The petition will then be discussed by councillors for a maximum of 15 minutes. The Leader will then be invited to sum up for no more than two minutes. The council will then vote on the motion as agreed with the petitioner. There shall be no right by petitioner or members to amend the motion.
- 8.4 The petition organiser will receive written confirmation of the council's decision. This confirmation will also be published on our website.

9. Evidence to Corporate Scrutiny Committee

- 9.1 A petition may ask 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, a petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected councillors to enable them to make a particular decision.
- 9.2 If a petition contains at least 2,500 named signatories, the relevant senior officer will give evidence at a public meeting of the council's Corporate Scrutiny Committee. The senior officers who can be called to give evidence are Directors or their nominees.
- 9.3 At the meeting, the petition organiser will be invited to address the committee for a maximum of five minutes on the issue and, where the petition relates to a division matter, the relevant councillor will also then be invited to comment on the petition for up to three minutes. The relevant officer will then be required to report to the committee in relation to the subject matter of the petition.

10. **What can I do if I feel my petition has not been dealt with properly?**
- (a) The petition organiser has the right to request that the Corporate Scrutiny Committee review the steps that the council has taken in response to their petition if they feel that the council has not dealt with their petition properly. Requests for such a review should be made to the Monitoring Officer within 20 working days of being notified of the council's decision on the petition. The petition organiser must give a short explanation of the reasons why the council's response is not considered to be adequate.
- 10.2 The committee will endeavour to consider a request at its next meeting, if the meeting is due to take place no less than seven working days ahead. However, where there are fewer than seven working days until the meeting, consideration will take place at the meeting following that.
- 10.3 Should the committee determine the council has not dealt with a petition adequately, it may
- (a) instigate an investigation
(b) make recommendations to the Cabinet
(c) arrange for the matter to be considered at a meeting of the Full Council
- 10.4 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 the council's website.
11. **Information and advice**
- (a) The council accepts petitions in hard copy or online (e-petitions). There are many online websites that offer support or guidance on creating e-petitions, e.g. <http://www.change.org/en-GB>.