

APPENDIX A

Petitions

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 will usually receive an acknowledgement from the Council within five working days of receipt.

We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition and a reasonable person would regard it as such. The Council reserves the right to make this judgement and may decide to determine a matter under another procedure such as the internal complaints procedure. Paper petitions can be sent to:

Head of Democratic Services
Medway Council
Gun Wharf
Dock Road
CHATHAM
Kent ME4 4TR
Telephone 01634 332760
Email: democratic.services@medway.gov.uk

or be created, signed and submitted online via the Council's website.

You can also present a petition at a meeting of the Full Council or ask a Councillor to present a petition on your behalf at these meetings. Council meetings take place on a six weekly basis. Dates and times can be found on the Council's website (<http://democracy.medway.gov.uk/ieListMeetings.aspx?CId=122&Year=2010>). If you would like advice about this option please contact the Head of Democratic Services at least 10 working days before the meeting and she will explain the process. Alternatively contact details for all Medway Councillors can be found on the Council's website (<http://democracy.medway.gov.uk/mgMemberIndex.aspx?bcr=1>). If your petition has received 12,675 signatures or more it will automatically be referred to a meeting of the Full Council for debate and if this is the case we will let you know the date of the meeting in good time. (Note: the debate will not take place at the Council meeting where a petition is presented but will normally be the next ordinary meeting).

What are the guidelines for submitting a petition?

Petitions submitted 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 name, address and signature of any person supporting the petition which the Council may choose to verify. For e –petitions you must provide a valid email address, postal address and postcode.

Petitions should be accompanied by 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

council's website. If the petition does not identify a petition organiser, we will contact the first signatory to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. 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 which will apply. 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, we will write to you to explain the reasons.

The Council will not consider a petition which raises substantially the same issues as any other petition submitted in the past twelve months.

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser usually within five working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. The subject of the petition will be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example, seeking a referendum on whether the area should have an elected Mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Please contact the Head of Democratic Services for further advice if you are uncertain.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. We may also publish correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us. You can do this by emailing the Council (<http://www.medway.gov.uk/information/personalisation/signup.aspx>).

How will the Council respond to petitions?

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

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council's Overview and Scrutiny Committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition.

*Overview and Scrutiny Committees are committees of Councillors who are responsible for scrutinising the work of the Council and other partners– in other words, the Overview and Scrutiny Committee has the power to hold decision makers to account. (<http://democracy.medway.gov.uk/mggeneric.aspx?md=oandsmenu>)

As a general rule in the first instance the lead petitioner will receive a response from the relevant Director usually within ten working days of receipt of the petition by the Council which will explain the action the Council proposes to take on the issues highlighted in a petition.

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 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 calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here <http://www.medway.gov.uk/>

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

Full Council debates

If a petition contains at least the number of signatures equating to 5% of Medway's population 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. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors usually for a maximum of 20 minutes. The Council will 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 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 Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

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 to explain the advice given to Councillors to enable them to make a particular decision.

If your petition contains at least the number of signatures equating to 2% of Medway's population, the relevant senior officer will give evidence at a public meeting of the relevant Overview and Scrutiny Committee. You may ask for the Chief Executive, any Director or Assistant Director to be called to give evidence. The Head of Democratic Services can help you identify the most appropriate officer to call to give evidence in your petition. This must be the Chief Executive, a Director or Assistant Director. You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant Cabinet Member to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chairman of the committee by contacting the Head of Democratic Services up to three working days before the meeting. The Overview and Scrutiny Committee may also allow you to speak at the meeting.

E-petitions

The Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, address, a valid postcode and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to the Head of Democratic Services. In the same way as a paper petition, you will receive an acknowledgement usually within five working days. If you would like to present

your e-petition to a meeting of the Council or ask a Councillor to do so on your behalf, please contact the Head of Democratic Services within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. A summary of the response will also be published on this website.

How do I 'sign' an e-petition?

You will be able to see all the e-petitions currently available for signature on the Council's website (from 15 December 2010).

When you sign an e-petition you will be asked to provide your name, and a valid postcode, postal address and email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

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

If you feel that we have not dealt with your petition properly the petition organiser has the right to request that one of the Council's Overview and Scrutiny Committee's review the steps that the Council has taken or is proposing to take 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 final response is not considered to be adequate. You should notify the Head of Democratic Services within 10 working days of receiving a final response if you wish to request a review with reasons.

The relevant Overview and Scrutiny Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine 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 and arranging for the matter to be considered at a meeting of the Full Council.

Once the review has been completed the petition organiser will be informed of the results usually within five working days. The results of the review will also be published on our website.

(Note: Where petitioners call for a review of action taken/proposed following discussion of a petition or an officer being called to give evidence at an Overview and Scrutiny Committee, this will be undertaken by the Business Support Overview and Scrutiny Committee. Where that committee has dealt with the petition in the first instance it may decide to refer the review to Full Council if there is scope for a conflict of interest).