

ARTICLE 5C

PETITION PROCEDURES

The following procedures relate to the Council's Petition Scheme (the Scheme) as set out in Part B, Article 2, Paragraph 18 of the Council's Constitution.

Paragraph 1 refers to appeals in respect of petitions that have been dealt with by the Assembly and/or Cabinet.

Paragraph 2 refers to petitions where the petition is addressed to a senior Council Officer and has signatures from more than 250 separate addresses.

1. Appeals against the Council's response to a Petition

- 1.1 If a lead petitioner is not satisfied with the way the Council has dealt with their petition, then they have the right to appeal and have the matter referred to the appropriate Select Committee as determined by the Designated Scrutiny Officer. It will be for the Members of the Select Committee to review whether the steps taken were in accordance with the provisions of the Scheme set out in the Constitution.
- 1.2 The procedures to be followed are as follows:
 - (i) The appeal must be made in writing to the Designated Scrutiny Officer. It is not expected that the lead petitioner will be required to attend and speak at the meeting. The lead petitioner will of course be entitled to be present if they so wish.
 - (ii) The Designated Scrutiny Officer will acknowledge receipt of the appeal informing the lead petitioner of the date when the appeal will be heard, and if necessary will request them to provide a full explanation of the reasons why, in their opinion, the Council's response to the petition is not considered to be adequate.
 - (iii) The Designated Scrutiny Officer will consult with the officer(s) involved with the original petition and prepare an appropriate background report for submission to the Select Committee.
 - (iv) Having considered the appeal, including corresponding paperwork, the Select Committee will have the following options available to it:
 - Dismiss the appeal, or
 - Instigate a formal investigation into the matter, or
 - Refer the matter to the Assembly for a further debate, at which point the Assembly's decision will be final.
 - (v) The Designated Scrutiny Officer will write to the lead petitioner to explain the outcome of the appeal.

2. Referral of a Petition Addressed to a Senior Council Officer

- 2.1 All petitions sent to the Council that contain signatures from 250 or more separate addresses in the Borough, which request a senior council officer to provide evidence and answer questions about services for which they are responsible, will be considered by the appropriate Select Committee as determined by the Designated Scrutiny Officer. As an example this may be a petition seeking an explanation on the progress of a matter, or alternatively details of any advice presented to elected Members in the course of their decision making on a particular issue.
- 2.2 The procedures to be followed are as follows:
- (i) On receipt, the Corporate Complaints and Freedom of Information Manager will:
 - (a) check the number and, as far as possible, the validity of the households which have signed the petition,
 - (b) send an acknowledgment to the lead petitioner, or alternatively
 - (c) write to the lead petitioner explaining that the petition cannot be accepted, as either (a) above or the exemptions set out in paragraph 18.13 of the Scheme have not been met and therefore cannot be submitted to the appropriate Select Committee.
 - (ii) Upon receipt of a valid petition the Corporate Complaints and Freedom of Information Manager will refer it to the Designated Scrutiny Officer who will copy it to the relevant senior council officer, advising them of the receipt of the petition and making the necessary arrangements for the submission of the petition to the appropriate Select Committee. This will include arranging for the relevant senior officer to submit a report and attend the meeting to present the report and be questioned. Subject to consultation with the appropriate Select Committee Lead Member, any other Councillor may also be requested to attend the meeting to answer questions.
 - (iii) The Designated Scrutiny Officer will write to the lead petitioner inviting them to attend the Select Committee to present the terms of the petition. In the case where the subject of the petition is likely to lead to the discussion of confidential information bound by Access to Information legislation, the reasons will be made public in accordance with the provisions of Article 12 of Part B of the Constitution.
 - (iv) The lead petitioner will be provided with the opportunity of suggesting questions to the Lead Member of the Select Committee, subject to providing the Designated Scrutiny Officer with such questions at least three working days' before the meeting.
 - (v) At the meeting the lead petitioner will be asked to present the terms of the petition. The relevant senior council officer will present their report. Members of the Select Committee will then have the opportunity to ask any questions of the lead petitioner, the senior officer and, if present, any other

invited Councillor, including any questions to the senior officer as presented in advance by the lead petitioner.

- (vi) At the end of the questioning/debate, all parties, the public and the press, except the Designated Scrutiny Officer, the relevant Scrutiny Officer, and any other officers attending at the request of the Select Committee (excluding the senior council officer, the subject of the petition) will be asked to leave the room whilst the Select Committee considers its decision.
- (vii) All parties will be asked back into the meeting to hear the decision of the Select Committee from the Lead Member. Following the meeting, a report of the outcome, including any recommendations, will be made to the Assembly for noting or for consideration, as appropriate.
- (viii) The decision of the Assembly will be final.

NOTE: For the purposes of this procedure a senior officer will be a Chief Officer or a Head of Service even if a different officer or post title is named in a petition. It will be for the appropriate Select Committee on advice of the Designated Scrutiny Officer to decide which senior officer is called to attend the meeting.