

## **PETITIONS**

### **1 SUMMARY**

- 1.1 This report invites Members to review the arrangements for handling petitions received by the Council from local residents. It also suggests amendments to Standing Order 11 – Presentation of Petitions and Hearing of Deputations at Full Council.
- 1.2 There is no statutory requirement for the Council to adopt procedures for handling petitions but it is administrative good practice to have such procedures in place.

### **2 INTRODUCTION**

- 2.1 In common with most other Councils, this Authority has adopted a Standing Order (No 11) to regulate the submission of petitions to meetings of the full Council. Some confusion has arisen in recent years as to whether this Standing Order requires all petitions to be submitted to the full Council or whether it is simply a procedure for dealing with those which the petitioner requests to be placed before the Council.
- 2.2 Further, some Members have expressed concern that a petition is not currently considered unless the petitioner attends the meeting to make a formal presentation of the petition.
- 2.3 Concern has also been expressed that Standing Order 11 is currently unclear that a petition presented to Council is subsequently referred to a Committee for consideration and report.

### **3 ARRANGEMENTS FOR HANDLING PETITIONS**

- 3.1 The Council's Standing Order for handling petitions is based on the model standing order adopted by the majority of local authorities. The usual interpretation placed on the Standing Order is that it applies only to those petitions where the petitioner has specifically requested that it be placed before the full Council. The reason for this interpretation is that it is not always possible to distinguish between a letter with multiple signatures and a petition. Very often all that the person submitting a petition requires is for the Council to undertake a certain action which in many cases may be something that is already delegated to Officers to deal with.
- 3.2 In recent years, a practice had evolved at this Council to treat all multiply signed documents as petitions and to submit these to the Council irrespective of whether this was what the person submitting the document wanted. The drawback of this interpretation is that where

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the person submitting a document wants speedy action the matter is delayed while the document is placed before the Council. The delay is increased by the fact that once a petition has been presented at Council, it is automatically referred to the appropriate Service Committee for consideration and report back. It is therefore possible for an issue to take up to 5 months before a final decision is taken when it may be possible for it to be dealt with under existing delegated powers much sooner.

- 3.3 To avoid the scenario described in paragraph 3.2 above, Heads of Service in receipt of such a document could immediately contact the originator to check whether the document should be treated as a petition and whether the originator wishes it to be dealt with by the full Council. In the event that the document is a petition to be submitted to the Council, assistance could then be provided to the petitioner to ensure that this happens. Where there is no desire for the document to be treated as a petition or for the petition to be submitted to full Council, Heads of Service could then either deal with the matter raised under their delegated powers or, where the matter is not covered by these powers, refer the matter to the appropriate Service Committee. If a matter raised concerns a particular part of the District, the Ward Councillor(s) could be informed both of the receipt of the petition and the proposed course of action.

- 3.4 In order to facilitate this process and clarify the interpretation of Standing Orders, it is suggested that the following amendment be made to Standing Order 11:

Add new Clause 1 to read

“In the event of the Council receiving a petition where the petitioner asks that it be submitted to a meeting of the full Council, the provisions of Clauses (2), (3) and (4) below shall apply. The same Clauses will apply where it is necessary for a petition to be submitted to a Committee of the Council.”

Amend the numbering of existing clauses (1), (2) and (3) to (2), (3) and (4) respectively.

At new clause (2), line 1 after the words “At a meeting of the council...”, add “or a meeting of a Committee”.

#### **4 FORMAL PRESENTATION OF PETITIONS**

- 4.1 For the avoidance of doubt, it is suggested that a new Clause (5) be adopted to read:

“In the event of a petitioner not being able to present their petition at a meeting of the Council or at a Committee in person, the petition may be

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presented on their behalf by any Member of the Council. Unless a petition is formally presented at the meeting, it will not be further considered.”

## **5 REFERRAL OF PETITIONS**

5.1 At present, Petitions received by the Council are referred without debate to a Committee for consideration and report. It could be considered that where an issue raised by a petition is within the terms of reference of the Committee to which it is referred, that Committee should have power to determine the matter. This would help minimise the delay in the matter being finally resolved.

5.2 If Members are minded to support this approach, it is suggested that a new Clause (6) be adopted to read:

“Once a petition has been formally presented to the Council, it will be referred without debate to the appropriate Committee of the Council for consideration and, where it is within the terms of reference of that Committee, decision. In the case of a petition submitted direct to a Committee, the Committee may where the subject raised is within the terms of reference of that Committee, determine the matter at the meeting to which it is submitted with or without the benefit of a report.”

## **6 CONSEQUENTIAL AMENDMENTS TO STANDING ORDERS**

6.1 In the event of the proposals at Sections 3 to 5 above being accepted, it would be necessary to renumber existing clauses (4) to (7) as (7) to (10) respectively. The words “Full Council” should also be deleted from the heading of the Standing Order.

## **7 LEGAL IMPLICATIONS**

7.1 The Local Government Act 1972 empowers the Council to adopt its own Standing Orders to regulate its proceedings subject to the provisions of statute and natural law.

## **9 RECOMMENDATION**

9.1 It is proposed that the Sub-Committee **RECOMMEND** to the Council whether it wishes to see Standing Order 11 amended in the manner proposed at sections 3 to 6 above in order to clarify the arrangements for handling petitions received by the Council.

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**Background Papers:**

None

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