

Part 4

Section 11

Petitions Procedure

1. Introduction

Where people who live or work in the Borough or are visitors to the Borough wish to raise matters, issues or their concerns that are not otherwise covered by our complaints procedures, the Council has agreed special procedures to ensure that petitions can be raised by the public and that these will be reported to an appropriately senior level within the Council.

2. Complaints

We try to provide high quality services for the benefit of Ipswich and its people. We cannot always achieve that or meet all the demands for public services. We take all complaints very seriously, and complaints help us to improve our services. Where you are not satisfied with the services, which we provide, please address your correspondence to “the Complaints Officer”. The Complaints Officer has the power to investigate your complaint, to determine whether we are at fault, and to secure appropriate remedial action. More detail of our complaints procedure is set out in the Council’s Corporate Complaints Policy which is published on our website and in leaflets available at any of our offices:

<https://www.ipswich.gov.uk/complaints>

3. Exceptions to Petitions and Complaints

Unfortunately, the Council does receive some correspondence, which is rude, offensive, defamatory, scurrilous or time wasting. The Council reserves the right to require particular correspondents to correspond with the Council only through a Single Point of Contact which will deal with all their correspondence, ensuring that no one correspondent can take up a disproportionate amount of officer or Councillor’s time.

4. Petitions

We welcome petitions as one way in which you can let us know your concerns. Set out below is the procedure detailing how the Council will respond to petitions which you send us.

4.1 What is a petition?

We treat as a petition any communication that requests a council response to an issue or concern affecting all or any part of the Borough, which is signed by or sent to us on behalf of a number of people. For practical purposes, we normally set a requirement for at least 10 signatories or petitioners before we treat it as a petition. Whilst we like to hear from people who live, work or study in Ipswich, this is not a requirement and we would take equally seriously a petition from, for example, 10 visitors to the Borough on the subject of facilities as service users at any one of the premises that we are responsible for.

4.2 What should a petition contain?

A petition should include –

A clear statement of your concerns and what you want the Council to do. This must relate to something which is the responsibility of the Council, or over which the Council has some influence. Where a petition relates to a matter that is within the responsibility of another public authority, we will ask the petition organiser whether s/he would like us to redirect the petition to that authority. Where a petition relates to a matter over which the Council has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision.

The Petitions Officer will ensure that your petition is acknowledged to the petition organiser and entered on the Council's Petitions Website and that the website is regularly up-dated with information on the progress of your petition.

The Petitions Officer can also provide you with advice about how to petition the Council or on the progress of your petition.

4.3 Types of Petition

There are five different types of petition, as set out below.

How we deal with a petition depends on which type of petition you submit –

4.3.1 Ordinary Petitions

You must provide the name and contact details of the “petition-organiser” or someone to whom you would like any correspondence about the petition to be sent. Contact details may be either a postal address or an Email address.

You must also provide the names of at least 10 petitioners (which can include the petition organiser). Where the petition is in paper form, this can include an actual signature from each petitioner, but actual signature is not essential. Where the petition is in electronic form, a list of the names of the petitioners will suffice. You may include the addresses of petitioners, which may be useful to the Council, for example, in assessing the degree of local support or opposition to a planning application, but this is not essential.

Who should you send a petition to?

We have appointed a Petitions Officer, who is responsible for receiving, and processing all other petitions sent to the Council. Please address petitions to –

The Petitions Officer
Democratic Services
Ipswich Borough Council
Grafton House
15-17 Russell Road
Ipswich IP1 2DE

Or submit the petition online via the Council's Petitions website – www.ipswich.gov.uk/petitions

There are petitions which do not come within any of the following specific types. Please note that petitions, which raise issues of possible Councillor misconduct, will be taken as complaints arising under the Local Government Act 2000 and will be dealt with by the Monitoring Officer, rather than considered under this Petitions Procedure.

4.3.2 Consultation Petitions

These are petitions in response to an invitation from the Council for representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions or speed limits. Consultation petitions, which are received by the response date in the consultation invitation, will be reported to the person or body that will be taking the decision on the application or proposal.

If you are submitting the petition in response to our consultation on a specific matter, please identify the matter which it relates to, so that we can ensure that your petition is considered along with the original matter.

Where you submit a petition in response to consultation by the Council, please address it to the return address set out in the consultation invitation. This will ensure that it is reported at the same time as the matter to which it relates is considered.

4.3.3 Statutory Petitions

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a directly elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

4.3.4 Petitions for Debate

If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 2,000¹ signatories or petitioners.

4.3.5 Petitions to Hold an Officer to Account

If you want your petition to be considered at a meeting of an Overview and Scrutiny Committee, where an officer, identified either by name or by post title, will be required to answer questions on the conduct of a particular matter, your petition should contain at least 500 signatories or petitioners.

The Council has determined that such petitions must relate to a senior officer of the Council namely, The Chief Executive, The Chief Operating Officer or a Head of Service of the Council. Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to

¹ The number of signatories or petitioners required for Petitions for Debate, and for Petitions to Hold and Officer to Account have been set by the authority to try to ensure that matters of genuine concern can be brought to the authority's attention. These requirements will be reviewed periodically in the light of the number of petitions received, to ensure that the requirements are not excessive.

the Head of Resource Management if it is in respect of the Chief Executive) and will be considered under the Council's Human Resources policies, and not under this Petitions Procedure.²

4.4 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, postal address and email address. You will also need to decide how long you would like your petition to 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 5 working days before it is published on-line. This is because we have to check that the content of your petition is acceptable 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 Petitions Officer. In the same way as a paper petition you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact the Petitions Officer, 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. The acknowledgement and response will also be published on the website.

4.5 How do I 'sign' an e-petition

When you sign an e-petition you will be asked to provide your name, your postcode and a valid 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.

4.6 The Petitions Website

With effect from 15 December 2010 the Council will maintain a petitions website (web address www.ipswich.gov.uk/petitions).

² Note that the Local Democracy, Economic Development and Construction Act 2009 makes no provision for handling petitions which raise issues of officer or member misconduct or officer competence, but in practice such petitions cannot be handled under the Petitions Procedure and must be handled under the procedures appropriate to such matters.

When a petition is received, within 5 working days the Petitions Officer will open a new public file within the website and will put in that file the subject matter of the petition, its date of receipt and the number of signatories or petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.

As soon as it is decided who will consider the petition within the Council, and when that consideration will occur, this information will be entered on the website at the same time as it is sent to the petition organiser. Once the petition has been considered, the Council's decision will be notified to the petition organiser and put on the website within 5 working days of that consideration.

Petitions are presented on the petitions website in the order in which they are received, but the website can be searched for key words to identify all petitions relating to a particular topic.

All petitions are kept on the website for 2 years from the date of receipt.

4.7 The role of Ward Councillors

When a petition is received which relates to a local matter (particularly affecting specific electoral wards), the Petitions Officer will send a copy of the petition to each relevant Ward Councillor at the same time as acknowledging receipt of the petition to the petition organiser.

When the petition is reported to the person or Committee of the Council who can take a decision on the matter to which it relates, the relevant Ward Councillor will be invited to attend and to address the decision-taker(s) for no more than 3 minutes (or 3 minutes each), immediately after the petition organiser.

5. What happens when a petition is received?

5.1 Whenever a petition is received –

Within 5 working days of receipt, the Petitions Officer will acknowledge receipt to the petition organiser.

In some cases, the Petitions Officer may be able to resolve the petitioners' request directly, by getting the relevant Portfolio Holder or officer to take appropriate action. For example where the petition relates to fly tipping and where the Council may be able to arrange for it to be cleared up directly. Where this is done, the Petitions Officer will ask the petition organiser whether s/he considers that the matter is resolved.

Unless the matter has been resolved to the satisfaction of the petition organiser, the Petitions Officer will, within 10 working days of receipt of the petition, provide a substantive response to the petition organiser setting out to whom the petition will be reported for consideration, when and where that will take place, and inviting the petition organiser to attend and address the meeting for up to 3 minutes on the issue

covered by the petition. The invitation to the petition organiser to address the meeting is in addition to any other public speaking rights at that meeting.

Whilst we are committed to dealing with petitions promptly, a petition will normally need to be received at least 20 working days before a relevant meeting if it is to be reported to that meeting. Where it is necessary to undertake a significant amount of work (meaning more than 8 hours work) to collect information and advice to enable the matter to be properly considered, it may be necessary for the Petitions Officer to decide that the petition will be held over until the following meeting.

At the same time as responding to the petition organiser, the Petitions Officer will notify the Leader and relevant Ward Councillors of receipt of the petition.

Within 5 working days of the petition being accepted under this policy, the Petitions Officer will open a new public file for the petition on the Council's petitions website, setting out the subject matter of the petition, the date of receipt and the number of petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.

At each stage of the consideration of the petition, within 5 working days of any decision, the Petitions Officer will ensure that the petitions website is updated to ensure that petitioners can track progress of their petition.

The process after this stage differs for the various types of petitions – see below.

5.2 What happens to a Consultation Petition?

Consultation Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal or application, such as a planning or licensing application or a proposed traffic regulation order.

The petition will be reported to the person or Committee who will take the decision on the proposal or application. The Council's Constitution defines who will take different types of decision, as set out in the Scheme of Delegations and the Terms of Reference of Committees and Sub-Committees.

Where the petition relates to a matter, which is within the delegated power of an officer, s/he will not exercise those delegated powers but will automatically refer the matter to the relevant Portfolio Holder for decision.

Where the petition relates to a matter, which is within the delegated powers of an individual Portfolio Holder, s/he may decide not to exercise those delegated powers but to refer the matter to the Executive for decision.

5.3 What happens to a Statutory Petition?

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a directly elected Mayor. Where you submit a petition under such a

specific statute, it will be reported to the next available meeting of the Council in accordance with the statutory requirements.

5.4 What happens to Petitions for Debate?

Petitions for Debate will be reported to the next convenient meeting of the Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of the Council which are not convened to consider the subject matter of the petition.

As set out above, the petition organiser will be invited to address the meeting for up to 3 minutes on the subject of the petition.

5.5 What happens to a Petition to Hold an Officer to Account?

Petitions to hold an officer to account will be reported to the next convenient meeting of the relevant Overview and Scrutiny Committee.

In advance of the Committee meeting, the petition organiser will be invited to submit a list of questions which s/he would like put to the officer at the meeting. These questions will be provided to the Chairperson of the Committee, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.

At the meeting, the Chairperson will invite the petition organiser to address the Committee for a maximum of 3 minutes on the issue³, and the relevant officer will then be required to report to the Committee in relation to the conduct of the subject matter of the petition. Members of the Committee may question the officer, and the Chairperson may invite the petition organiser to suggest questions for him/her to put to the officer.

5.6 What happens to an Ordinary Petition?

Depending on the nature of the Ordinary Petition, the relevant Portfolio Holder will decide whether to determine the matter or to refer the matter for investigation and report, or to refer it to a meeting of the Council, Executive or a Committee of the Council for determination. Where the petition is not referred, the Portfolio Holder will meet with the petition organiser to discuss the issues and will inform the Petitions Officer of his/her response. The Petitions Officer will notify the petitions organiser, within 5 working days of the Portfolio Holders determination.

Where the Portfolio Holder determines that the Ordinary Petition shall be referred to the Executive the following procedure will apply.

- Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting, and will be considered in the order in which they were received, unless the Chairperson at the meeting determines otherwise⁴. A maximum of 30 minutes will be allowed at each

³ Note that the 2009 Act does not give the petition organiser a right to speak at the Committee meeting, but the Council has decided that s/he should be invited to set out the petitioners' concerns in relation to the subject matter of the petition.

⁴ In practice, where one person has submitted more than one petition, his/her second petition will be taken after

meeting for considering such petitions and any petitions not reached in the time allowed, will be referred to the relevant Portfolio Holder for consideration or deferred until the next meeting.⁵

- Any petitions relevant to particular items of business, will be taken together with that item of business, in the normal order of business.
- The Chairperson of the meeting may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address the meeting for up to 3 minutes. The Portfolio Holder or Chairperson may then ask questions of the petition organiser, and will then invite any relevant Ward Councillors present to address the meeting on the matter for up to 3 minutes (each). The Portfolio Holder or Chairperson will then invite a relevant officer(s) to advise the meeting, after which the matter will be open for debate among members of the decision-making body.

Within 5 working days of the consideration of the petition by the relevant Portfolio Holder, the Petitions Officer will notify the petition organiser of the Portfolio Holders decision and advise him/her that if he/she is not satisfied with that decision, he/she may require the matter to be reported to the next convenient meeting of the appropriate Overview and Scrutiny Committee for review.

At each stage, the Petitions Officer will enter the relevant information on the website at the same time as it is sent to the petition organiser.

5.7. Appeal to an Overview and Scrutiny Committee

If the organiser of an Ordinary Petition is not satisfied with the outcome of the consideration of his/her petition, he/she may appeal to an Overview and Scrutiny Committee by notifying the Petitions Officer of his/her intention to appeal within 20 working days of being notified of the original decision on the petition, giving grounds or reasons for dissatisfaction.

Within 5 working days of receipt of intention to appeal, the Petitions Officer will notify the petition organiser of the time, date and place of the next convenient meeting of the Overview and Scrutiny Committee and will invite the petition organiser to attend the meeting and to address the Committee for up to 3 minutes on why he/she considers that the decision on the petition is inadequate.

At that meeting, the Overview and Scrutiny Committee will invite the petition organiser and relevant Ward Councillors to make their representations and to explain why he/she considers that the original response was insufficient. The Overview and Scrutiny Committee may not override the Executive or any Portfolio Holder decision, but the Executive must consider any recommendations made by the Overview and Scrutiny Committee (if any).

consideration of the first petition submitted by each other person, and so on.

⁵ Note that the Local Democracy, Economic Development and Construction Act 2009 does not provide for a limit on the time allowed for debating petitions, but it is included here to ensure that the authority can continue to discharge its other functions effectively.

6. The role of the Petition Organiser

The Petitions Officer will send the petition organiser an acknowledgement of receipt of the petition within 5 working days of its receipt.

Where the petition is not accepted for consideration (see Paragraph 7.3 below for grounds for rejection of petitions), the Petitions Officer of the grounds for non-acceptance will advise the petition organiser.

Where the petition is accepted for consideration, the petition organiser will be advised by the Petitions Officer within 10 working days of receipt as to whom the petition will be considered by, and the date, time and place of the meeting at which it will be considered.

The petition organiser must give notice to the Petitions Officer that he/she wishes to nominate another person to address the meeting and to answer any questions on the matter.

The petition organiser will be regularly informed by the Petitions Officer of any decisions in respect of the petition and will be formally notified of the outcome of the petition's consideration within 5 working days of such decision, and the right of any appeal against the decision.

7. Petitions, which will not be accepted or reported

7.1 Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

7.2 Repeat Petitions

Where a petition will not normally be considered where they are received within 6 months of another petition or within 6 months of a substantial similar complaint being submitted and considered by the Council on the same matter.

7.3 Rejected Petitions

Petitions will not be reported if in the opinion of the Petitions Officer, they are rude, offensive, defamatory, scurrilous or time wasting, or do not relate to something which is the responsibility of the Council, or over which the Council has some influence.

7.4 Exempt Petitions

Any petition excluded under the Local Authorities (Petitions) (England) Order 2010, which exempts planning and licensing decisions or any other matter where there is a separate legal right of appeal.