

Durham County Council Petition Scheme

Petitions

1. The Council welcomes petitions and recognises that they are one way in which people can let us know their concerns. All petitions sent or presented to the Council or initiated on its e-petition scheme (see section on e-petitions) will be acknowledged from the Council within 10 working days of receipt. A petition will be treated as a petition if it contains the signatures of at least 10 people who live, work or study the Council's area.

This acknowledgement will set out what we plan to do with the petition. 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 one.

Hard copy paper petitions can be sent to:

**Head of Legal and Democratic Services
County Hall
Durham
DH1 5UL**

Petitions can also be presented to a meeting of the Council, where it will be received. These meetings take place ten times per year. If you would like to present your petition to the Council please contact Committee Services Section on 03000 269 708 at least 10 working days before the meeting and they will talk you through the process.

The process involves the council formally receiving the petition from you. The petition organiser will be allowed 5 minutes to present the petition at the meeting. The council will then deal with the petition in accordance with this scheme and not debated.

If you wish to deliver your paper petition in person at County Hall, arrangements will be made for an officer to meet you to receive the petition after which it will be dealt with in accordance with this scheme.

What are the guidelines for submitting a petition?

2. Petitions submitted to the Council must include a clear and concise statement covering the subject of the petition. It should state:
 - a. what action the petitioners wish the Council to take
 - b. the name and address and signature of any person supporting the petition.

Petitions should be accompanied by **contact details**, including an **address, of 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 website. If the petition does not identify a petition organiser, we will contact first signatories to the petition to request that he/she agrees to the organiser. If that person does not agree, we will contact the next signatory and so on until a petition organiser is identified.

Petitions which are considered to be vexatious abusive or otherwise inappropriate or repeat a petition which is substantially the same as one presented within the last 12 months 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 Council may decide not to do anything further with it. In that case we will write to you to explain the reasons.

What will the Council do when it receives my petition?

3. An acknowledgement will be sent to the petition organiser within 10 working days of receipt of the petition. The council will let them know what we plan to do with it and when they can expect to hear from us again. Details of the petition will also be published on our website (see Appendix 1)

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 applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having elected mayor) or a matter where there is already an existing right of appeal, such as Council Tax banding and business rates rateable values, other procedures apply.

If a petition applies to a consultation process which is being carried out by Durham County Council, the petition will be forwarded to the relevant officer to be considered as part of the consultation process and not as part of the petition scheme (see Appendix 2).

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.

We will not take action on any petition which is the same or similar to any petition considered by the Council within previous 12 months.

To ensure that people know what we are doing in response to the petitions we received the details of all the petition submitted to us will be published on our website, except in cases where this would be inappropriate.

Petitions which are submitted in paper or e-petition format which relate to the same subject will be kept as separate petitions.

How will the Council respond to petitions?

4. Our response to a petition will depend on what the petition asks for, but it may include one or more of the following:

- taking the action requested in the petition
- 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 Councils Overview and Scrutiny Committee
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition.

If your petition is about something over which the Council has no direct control (for example a local railway or a 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, e.g.

- English Heritage
- Police and Crime Commissioner
- The Environment Agency;
- Fire and Rescue authorities
- Health and Safety Executive
- The Highways Agency
- National Park Authorities
- Health Bodies.

Where possible the Council 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 a 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 the Council's website www.durham.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 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 action we have taken.

e-petitions

5. 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 be open for signatures. Most petitions run for six weeks, but you can choose a shorter or longer timeframe, up to 6 months. (See Appendix 3).

e-petitions which have not been created through our website cannot be verified and therefore will not be accepted as a valid petition. They will however be forwarded to the relevant service for their information.

When you create an e-petition, it may take 10 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 may be able to change and resubmit your petition if you wish. When an e-petition has closed for signature, it will be forwarded to relevant officers. In the same way as a paper petition, you will receive an acknowledgement within 10 working days.

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 council's website.

If your e-petition relates to a consultation process which is being carried out by the Authority, we will host your e-petition on the council's website once it has been confirmed as acceptable. The e-petition will collect signatures and will run until the end of the consultation period, following which it will then be forwarded to the relevant officer to be considered as part of the consultation process and not as part of the petition scheme.

How do I 'sign' an e-petition?

6. When you sign an e-petition you will be asked to provide your details 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.

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

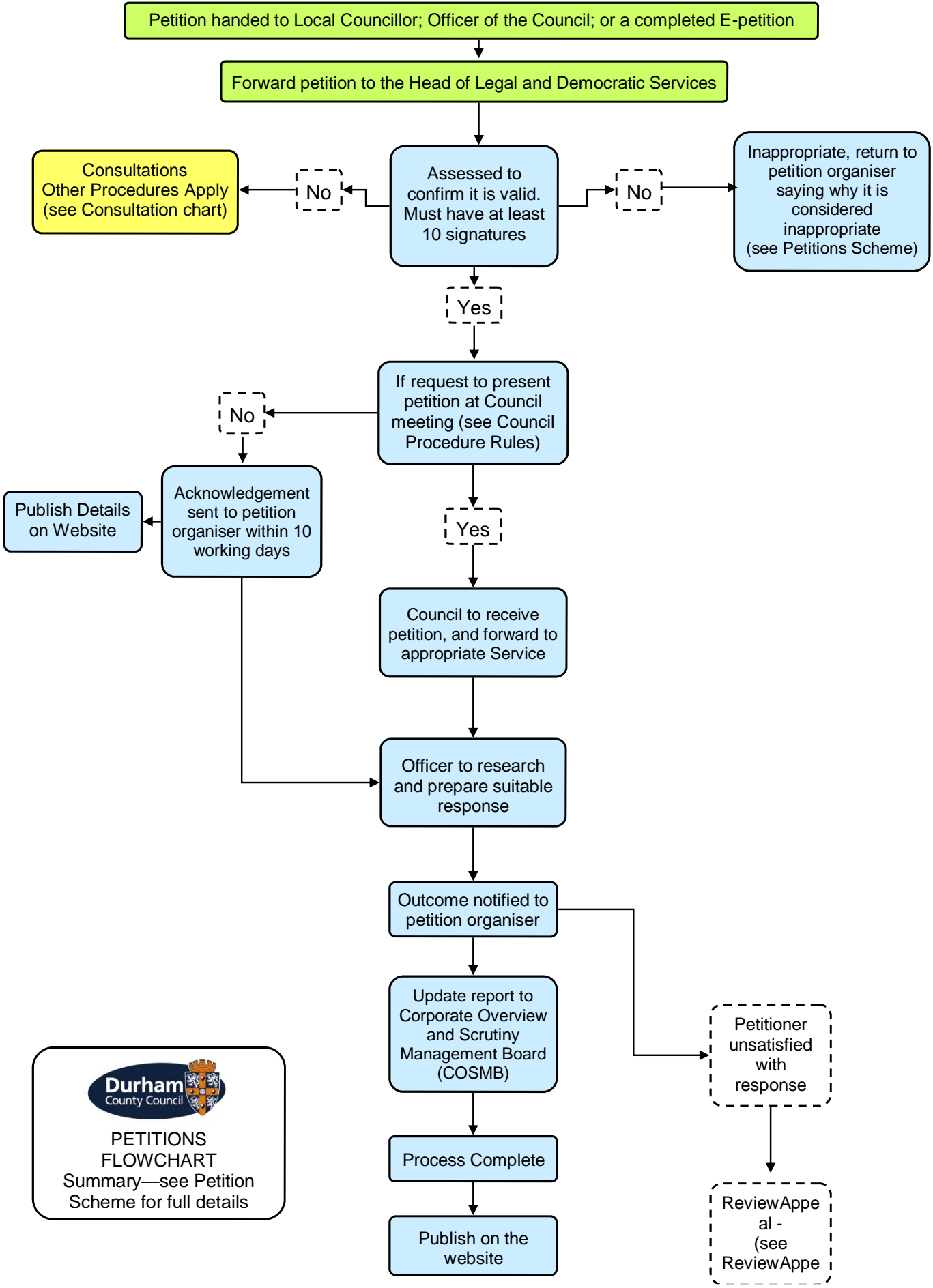
7. If you feel that we have not dealt with your petition properly, the petition organiser may request that the Council's Corporate Overview and Scrutiny Management Board review the steps of the Council has taken in response to your petition. The request should be accompanied by a short explanation of the reasons why the Council's response is not considered to be adequate.

The Chair of the Corporate Overview and Scrutiny Management Board, in consultation with the Council's Monitoring Officer and Statutory Scrutiny Officer will meet to determine if the request is believed to merit consideration at the Corporate Overview and Scrutiny Management Board. There is no automatic right to review.

If the request to review the Council's determination of the petition is agreed the Corporate Overview and Scrutiny Management Board will endeavour to

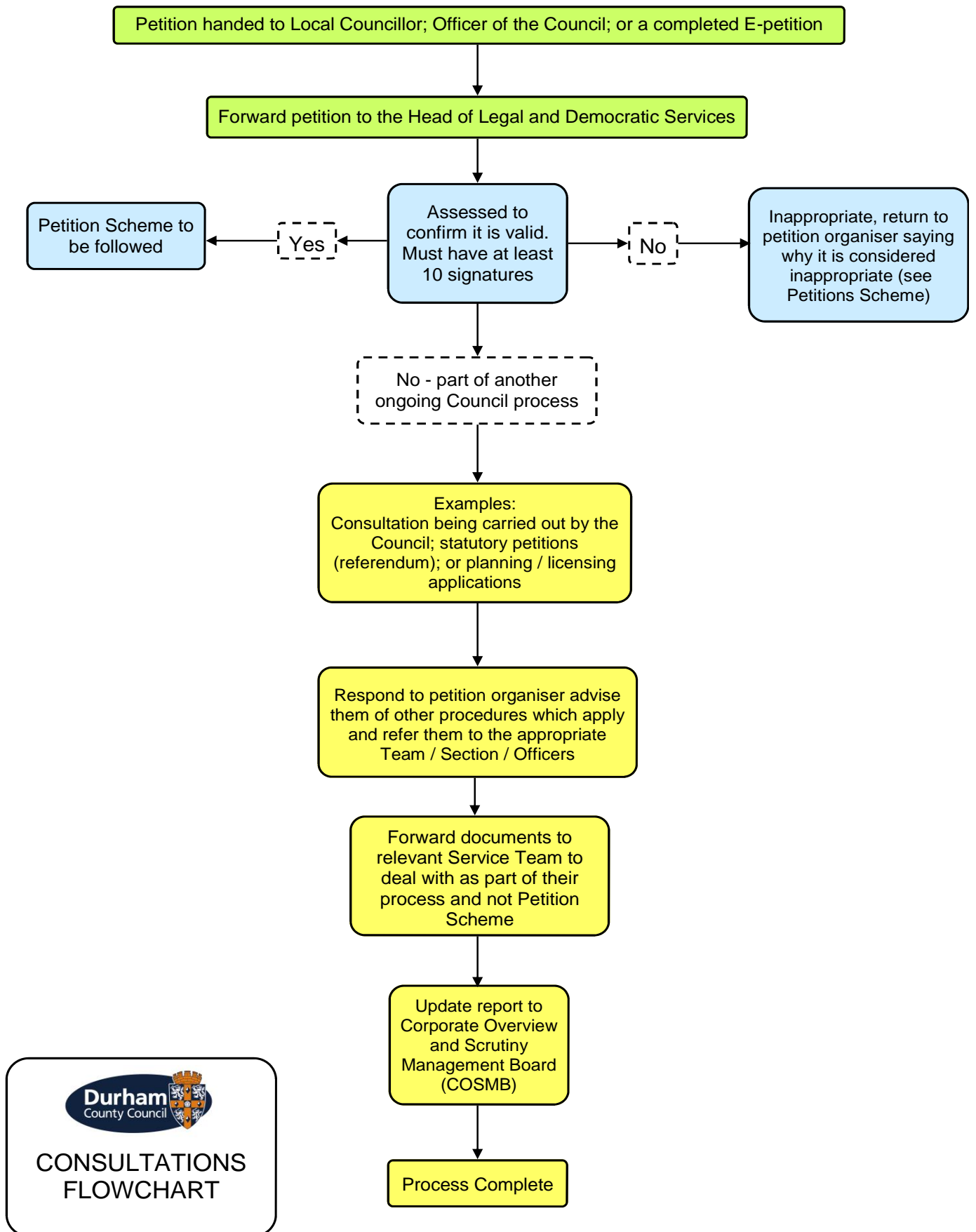
consider your request at the next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine that we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Executive or referring the matter for consideration by full Council.

Once a request to review the petition response has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on the council's website (see Appendices 4 and 5).

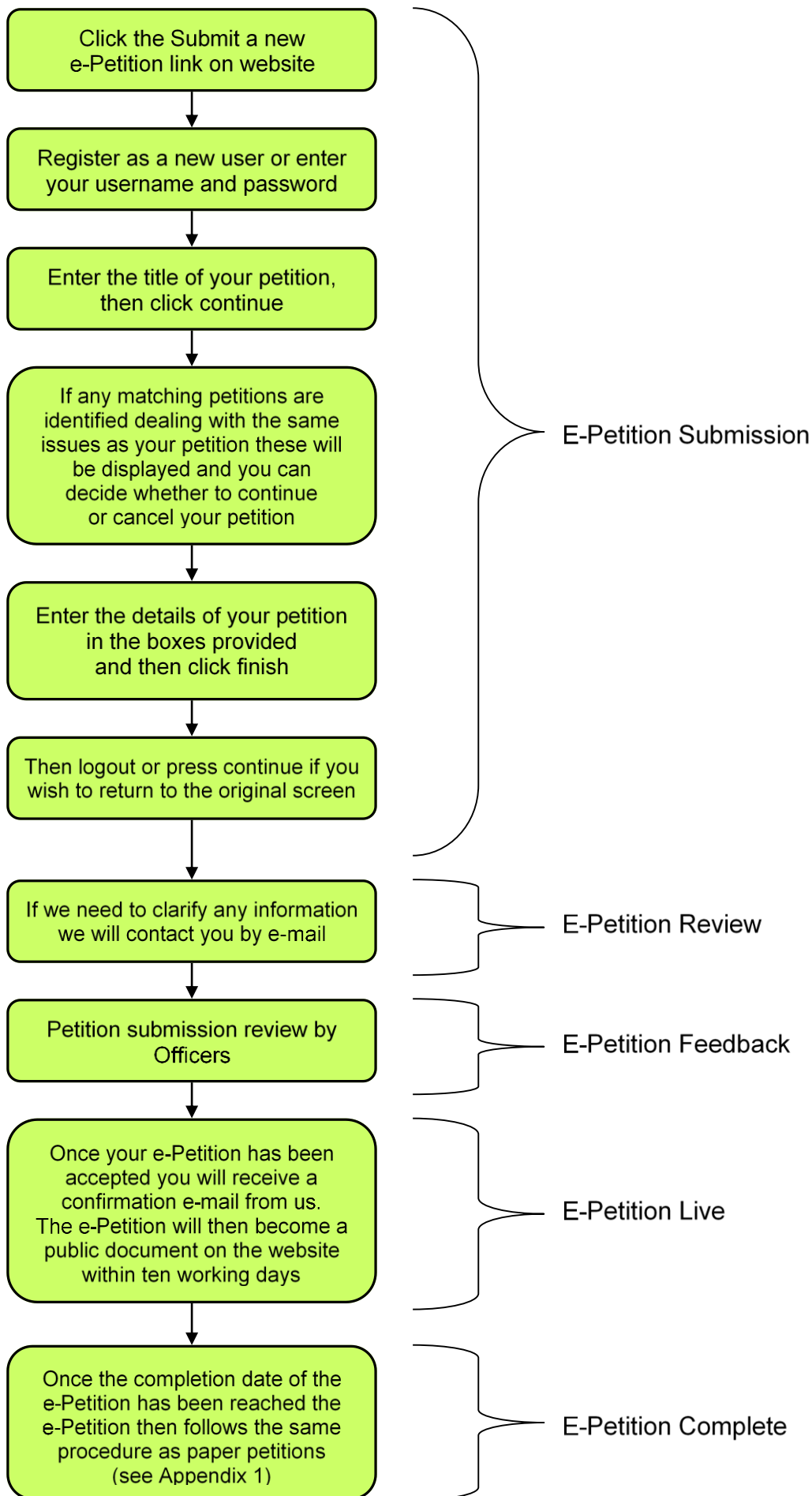


Durham
County Council

PETITIONS FLOWCHART
Summary—see Petition Scheme for full details



How to submit an e-Petition



Appeal to the Council's Corporate Overview and Scrutiny Management Board

If a petition organiser is not satisfied with the way an authority has dealt with a petition, the petitioner may request that the Corporate Overview and Scrutiny Management Board review the authority's response.

Proposed procedure

- The letter detailing what action the Council has or proposes to take in response to a petition should give details of the petitioner's right to request a review by the Council's Corporate Overview and Scrutiny Management Board. Letter to be sent out by recorded delivery.
- Petitioner to put his/her request for a review in writing, listing the reason/s why he/she is not satisfied with the response.
- Request for review to be submitted to Democratic Services within 20 working days of the petitioner receiving the authority's response.
- Democratic Services to forward the review request to the Scrutiny Office.
- Scrutiny Office to log the receipt of the request for review and request copies of all correspondence in connection with the petition from the Section which is responsible for processing petitions.
- Chairman of Corporate Overview and Scrutiny Management Board, in consultation with the Council's Monitoring Officer and Scrutiny Officer to determine if the request should be placed on the Corporate Overview and Scrutiny Management Board agenda. There is no automatic right to review.

The request to review the Council's action in respect of the petition will only be considered by the Corporate Overview and Scrutiny Management Board if, in the opinion of the Chairman of the Corporate Overview and Scrutiny Management Board, the service response to the petition has failed to adequately address the key issues within the petition. The response should include, where necessary, a full and evidenced explanation of why a particular course of action that has been requested in the petition cannot be undertaken.

(There may be petition organisers who appeal because the action the petition calls for is rejected, no matter how thorough the Council's process for coming to that decision. An appeal will not be considered if it is vexatious or discriminatory or it relates to a matter that has been considered within the past 12 months)

- If the request to review the petition response is rejected, a letter will be sent to the petitioner by the Scrutiny Office listing the reasons for rejection. A copy will be sent to Monitoring Officer.

- If the Chairman of the Corporate Overview and Scrutiny Management Board agrees to a review of the petition response, this will be heard at the first available Corporate Overview and Scrutiny Management Board meeting, unless the issue/s to be considered involve the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules.
- The petitioner and his/her representative who could be a local ward councillor, to be invited to attend the meeting to address the Board. Must be given at least 5 working days' notice of the meeting.
- Agenda for the meeting to contain copy of the original petition, copy of the Council's response and letter requesting review.
- A Senior Officer of the Council or suitable nominated officer responsible for determining the Council's response to the petition will be required to attend the meeting.
- If the issue falls within the remit of the Cabinet, the relevant Cabinet Portfolio Member shall also be invited to attend the Corporate Overview and Scrutiny Management Board to answer questions and make any representations.
- The petitioner and his/her representative, will be given the opportunity to address the Corporate Overview and Scrutiny Management Board meeting for up to 10 minutes.
- On matters of particular relevance to a particular electoral division, electoral division members have the opportunity to make comments at the meeting, such speeches not to exceed five minutes each. Electoral division members will take no further part in the discussion or vote. Electoral division members must register their request to speak by contacting the Head of Legal and Democratic Services by twelve noon on the working day prior to the meeting.
- Members of the Board will then have the opportunity to question the petitioner.
- The Director/Senior Officer of the Council and Cabinet Portfolio Member will then outline the reasons for the Council's response.
- Members of the Board will then have the opportunity to question the Director/Senior Officer and Cabinet Portfolio Holder.
- The Members of the Board will then determine what action to take, which could include instigating an investigation, making recommendations to the Executive or referring the matter for consideration by full Council.
- Petitioner to be informed in writing of the results within 5 working days. Results of the review to also be published on the Council's website.

