

Guidance on submitting petitions

Introduction

The council seeks to provide excellent services and in so doing welcomes receiving feedback from its residents. One way in which people can make their views known to the council is by submitting a petition. The following guidance explains how this can be done and the action the council will take in response.

Content

Petitions submitted to the council **must** include:

- a clear and concise statement explaining the subject of the petition and state what action the council is being asked to take,
- the name and address and signature of any person supporting the petition if in paper form or the name, postcode and a valid email address of any person subscribing to an e-petition,
- the contact details of the organiser of the petition. If the petition does not identify the petition organiser, the local ward councillors will be asked if any one of them wishes to represent the petitioners and if not an attempt will be made to contact the first named signatory to find out if they will agree to act as the petition organiser.

Petitions will only be processed under this scheme if they:

- are signed by at least five people, and
- relate to matters affecting the borough and on which the council or one of its partners can make a decision. If it concerns a matter over which the council has no direct control but it relates to the activity of a partner authority within the borough the council may make representations to that authority on behalf of the petitioners.

Paper petitions

A petition may be submitted to the council in paper form by post or fax. It is also possible to e-mail a scanned copy of a paper petition. Paper petitions should be sent to:

Governance Team
4th Floor, Brent Civic Centre

Engineers Way
Wembley HA9 0FJ
Fax: 020-8937 6841
E-mail: committee@brent.gov.uk

E-petitions

Petitions can also be started and signed on-line using the council's e-petitions facility, which can be found at www.brent.gov.uk/epetitions

When an e-petition is submitted, it will be approved by the Governance Team before it goes live.

All approved e-petitions will be hosted on the council's website for a maximum of three months.

Please note that it is possible to have the same petition in paper form and e-petition form at the same time, although signatories should only sign one copy of the petition. The paper version will be checked against the e-petition version and any duplicate names will be removed.

Separate guidance is available on using the council's e-petitions system.

Exclusions

Petitions accepted by the council will usually be on a matter over which the council or one of its partner agencies has a direct influence. Please note that a petition may be rejected if it:

- contains intemperate, inflammatory, abusive or provocative language;
- is defamatory, frivolous, vexatious, discriminatory or otherwise offensive, or contains false statements or designed to cause distress;
- is too similar to another petition submitted within the past six months;
- discloses confidential or exempt information, including information protected by a court order or government department;
- discloses material which is otherwise commercially sensitive;
- names individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies, or makes criminal accusations;
- contains advertising statements;
- refers to an issue which is currently the subject of a formal council complaint, Local Ombudsman complaint or any legal proceedings;
- relates to the council's planning or licensing functions as there are separate statutory processes in place for dealing with these matters;
- does not relate to an issue upon which the council has powers or duties or on which it has shared delivery responsibilities.

In addition, if a petition relates to a planning application or licensing application, is a statutory petition (i.e., requesting a referendum on having an elected mayor) or is on a matter where there already exists a right of appeal, other procedures will apply (see below).

In the period immediately before an election or referendum it may be necessary to deal with petitions differently and if this is the case the petition organiser will be advised of the arrangements.

If a petition is rejected, the lead petitioner will be informed of this and the reasons for its rejection.

Those who can sign a petition

A petition can be signed by a person of any age who lives, works or studies in Brent. If you are signing a paper petition as a resident of the borough a check will normally be made that you are a registered elector in the borough. If you sign a petition as someone who is studying or working in the borough you should provide either your home address or an address relevant to the petition i.e. your place of study or work. If you add your name to an e-petition you will be asked for a personal e-mail address and your post code. You may only sign any one petition once. The list of signatories will be checked and any duplicate signatures will be disregarded. The council reserves the right to make any further checks it considers necessary to ensure the validity of the signatures. A random check will be carried out on very large petitions, such as referred to below, to ensure they are valid. If it is felt that a petition contains signatures from people who are remote from the area, are unlikely to be affected by the subject of the petition or are not genuine then the petition will be returned.

What the council will do when it receives a petition

An acknowledgement will be sent to the petition organiser within 14 days of receiving the petition or after an e-petition has closed. If it is known that the subject of a petition is due to be considered by the council, the petition must be received by the Governance Team at least 8 days before the decision is due to be made. If the council agrees to take the action requested in a petition, the acknowledgment will confirm this and the petition will be closed at that point.

Petitions containing between 5 and 50 valid signatures

Petitions containing between 5 and 50 signatures will be referred to the relevant strategic director who will take responsibility for ensuring it is responded to and taken into account in the decision making process as appropriate.

Petitions containing 51 or more valid signatures

Petitions containing 51 or more signatures will be notified to the chair of the scrutiny committee and to the relevant strategic director.

(a) Petitions concerning specific decisions planned to be made will be referred to the decision maker. If the decision maker is a council committee or sub-committee or the Cabinet then one person representing the petitioners will be entitled to address the planned meeting for up to 5 minutes concerning the petition.

(b) If a petition does not concern a specific decision about to be made it shall be referred to the committee, sub-committee or Cabinet within whose terms of reference the subject matter falls.

(c) In the case of petitions relating to a Highways Matter, the petition shall be referred to the Strategic Director of Regeneration and Environment and the relevant Cabinet member. The Strategic Director of Regeneration and Environment will be responsible for ensuring that the petition is responded to and taken into account in the decision making process as appropriate.

For petitions containing 200+ valid signatures, the organiser of a petition may request that the matter is debated at Full Council. Such notice to be received 5 days before the date of the meeting.

Planning and Alcohol and Entertainment Licensing matters

If a petition concerns a matter which is or could be the responsibility of the Planning Committee the signatures may count as an objection to a development in which case the petition will be considered by the committee when it considers the matter in question.

If a petition concerns an aspect of any alcohol and entertainment license then it shall be dealt with as set out in the procedures for hearings related to Alcohol and Entertainment Licensing Sub-Committees.

Statutory petitions

For a statutory petition (for example requesting a referendum on having an elected Mayor), or a petition concerning a matter where there is already an existing right of appeal, such as council tax banding, other procedures apply.

How the council will respond to petitions

Where the Cabinet or council committee or sub-committee considers a petition it will note what the petition says and may take one or more of the following actions:

- make a decision concerning the matter if there is sufficient information on which to do so. This will normally mean that an officer's report accompanies the petition,
- refer the petition to a scrutiny committee for consideration,
- call for an officer's report to be submitted to a future meeting
- hold a public meeting, inquiry or carry out research on the matter raised, or

- refer it to the relevant officer for a formal response.

Where a scrutiny committee considers a petition referred to it, it will note what the petition says and may:

- make recommendations to the Cabinet or the relevant committee,
- call for an officer's report to be submitted to a future meeting, or
- refer it to the relevant officer for a formal response.

If a petition concerns a matter about something over which the council has no direct control it may make representations on behalf of the local community to the relevant body. The council works with a large number of other public bodies and where possible will work with these bodies to respond to a petition.

A rolling list of petitions containing 50 or more valid signatures will be circulated to members of the council setting out the progress that has been made in dealing with them. This will be referred to by the Mayor at each council meeting.

Appeal process

If the organiser of a petition feels the council has not dealt with their petition properly then they may request one of the Council's Scrutiny Committees to review the steps that the council has taken in response to the petition. The committee will receive the request at the next available meeting and may:

- decide there is no case to answer,
- decide whether or not the steps taken in developing the response to the petition were adequate
- ask for an investigation into how the petition was dealt with, or
- make recommendations to the Cabinet.

The petition organiser will be kept informed of the results of any further action taken and the outcome will be published on the council's website.

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