

## The Petition Scheme

This section sets out how the Council's Petition Scheme works.

1. The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.
2. Petitions should be sent to: [sarah.sternberg@ne-derbyshire.gov.uk](mailto:sarah.sternberg@ne-derbyshire.gov.uk)

or posted to:

**The Monitoring Officer  
North East Derbyshire District Council  
District Council Offices  
2013 Mill Lane  
Wingerworth  
Chesterfield  
S42 6NG**

3. Petitions can also be presented to a meeting of the Council. These meetings take place approximately six times per year. The dates and times can be found here: [Monthly meetings calendar - North East Derbyshire District Council \(ne-derbyshire.gov.uk\)](#)
4. If a petition organiser would like to present their petition to the Council or would like their Councillor or someone else to present it on their behalf then they should inform the Monitoring Officer at: [sarah.sternberg@ne-derbyshire.gov.uk](mailto:sarah.sternberg@ne-derbyshire.gov.uk) at least 10 working days before the meeting. If a petition has received 1,000 signatures or more it will also be scheduled for a Council debate.

### **Who can submit a petition?**

5. Any person (regardless of age) who lives, studies or works in the District is able to submit a petition.

### **Merging petitions**

6. Where the Council receives petitions relating to the same issue we will consider amalgamating the signatories only with the approval of the petition organisers.

### **What are the guidelines for submitting a petition?**

7. Petitions submitted to the Council must include:
  - a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.
  - the contact details for the petition organiser (lead petitioner) so the Council knows who to contact (The contact details of the petition organiser will not be placed on the website.)

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- the name, address, postcode and signature of any person supporting the petition.
  - date the petition is submitted.
8. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to the petition organiser to explain the reasons.

### **Issues specifically excluded from the Petition Scheme**

9. The following matters are specifically excluded under the Petitions Scheme and will not be considered under the scheme:
- Any matter relating to a planning application or decision
  - Any matter relating to a licensing decision, including licensing applications under the Licensing Act 2003 and the Gambling Act 2005.
  - Where any matter is currently or imminently subject to a consultation exercise, a decision as to whether the Petition can be dealt with under the Council's Petitions Scheme will be made by the Head of Paid Service having received the advice of the Monitoring Officer on the matter.
  - Any matters relating to complaints against Councillors under the Code of Conduct.
  - Any matter where there is an existing right of appeal.
  - Statutory petitions such as requesting a referendum on having an elected mayor.
  - Any matter which is substantially the same as a petition submitted in the previous 12 months.
  - Any matter which is considered to be vexatious, discriminatory, abusive or otherwise inappropriate.
  - Any matter which is considered to be "exempt" under the Local Government Act 1972, Access to Information Act 1985, the Data Protection Act 1998, the Freedom of Information Act 2000 or the Environmental Information Regulations 2004.
10. The Council will notify petition organisers of the reasons for petitions not being dealt with if it is excluded under one or more of the above grounds.

### **What will the Council do when it receives a petition?**

11. An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. The petition will be published on our website, except in cases where this would be inappropriate. Whenever possible the Council will also publish all correspondence relating to the petition (all personal details will be removed).
12. In the period immediately before an election or referendum the Council may need to deal with a petition differently – if this is the case, then it will explain the reasons and discuss the revised timescale which will apply.

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### **How will the Council respond to petitions?**

13. The Council's response to a petition will depend on what a petition asks for and how many people have signed it. If a petition has received 1,000 signatures or more it will also be scheduled for a Council debate.
14. If a petition has less than 1000 signatures on it and you want it debated at full Council, you can ask your local Councillor to submit a motion on your behalf or submit a public question.
15. Where the petition will not be debated at Council, one or more of the following may be undertaken:-
  - writing to the petition organiser setting out the Council's view about the request in the petition.
  - hold public meetings or consultations,
  - explore options to tackle the matter in conjunction with local partners,
  - refer the petition for consideration by one of the Council's Scrutiny Committees.
16. Scrutiny committees are committees made up of Councillors who are responsible for scrutinising the work of the Council – in other words, a committee that has the power to hold the Council's decision makers to account.
17. Where a petition relates to specific wards or areas the relevant ward members will be informed when a petition is received and how it will be considered.
18. If a petition is about something over which the Council has no direct control (for example the local railway or hospital) then it will consider making representations on behalf of the community to the relevant body. If the Council is not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then it will inform the lead petitioner of the reasons for this.
19. If a petition is about something that a different Council is responsible for then it will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council but could involve other steps. The Council will notify the lead petitioner of the action it has taken.

### **Full Council Debates**

20. If a petition contains more than 1,000 signatures it will be debated by the full Council unless it is a petition asking for a senior Council Officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend.
21. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The lead petitioner will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of up to 30 minutes.

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22. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.
23. Where the issue is one on which the Council's Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The lead petitioner will receive written confirmation of this decision. This confirmation will also be published on our website.
24. Where the Council has received several different petitions it may be necessary to limit the number to be heard at a particular meeting of the Council but lead petitioners will be informed of this in this case.

### **Officer Evidence**

25. Petitions may ask for a senior Council Officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.
26. If a petition contains at least 600 signatures, the relevant senior officer will give evidence at a public meeting of one of the Council's Scrutiny Committees. The senior staff that can be called to give evidence include:
  - Chief Executive Officer
  - Directors
  - Assistant Directors
  - Statutory Officers (Monitoring Officer, Section 151 Officer (Chief Finance Officer), Head of Paid Service)
27. The Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee may also decide to call the relevant Portfolio Member, ward member or other appropriate member to attend the meeting. Committee members will ask the questions at this meeting.

### **Dealing with concerns that a petition has not been dealt with properly**

28. If a lead petitioner feels that the Council has not dealt with the petition properly, then they have the right to request that one of the Council's Scrutiny Committees review the steps that the Council has taken in response to the petition. This will be the relevant Scrutiny Committee when the matter has been considered by Council, or an alternate Scrutiny Committee when the matter has been dealt with by the relevant Scrutiny Committee. The lead petitioner would be requested to give a short explanation of the reasons why the Council's response is not considered to be adequate. Requests for reviews should be submitted to the Monitoring Officer: [sarah.sternberg@ne-derbyshire.gov.uk](mailto:sarah.sternberg@ne-derbyshire.gov.uk) within 28 days of the response received to the petition.

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29. The relevant Scrutiny Committee will endeavour to consider this request at its 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 the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, referring the matter to the corporate complaints procedure, making recommendations to the Cabinet and arranging for the matter to be considered at a meeting of the full Council.
30. Once the appeal has been considered the lead petitioner will be informed of the results within five working days. The results of the review will also be published on the Council's website.