

# **PART 7 – THE CODES, PROTOCOLS AND ADVICE**

## **G – PETITIONS PROTOCOL**

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## 1 Introduction

The Royal Borough of Windsor and Maidenhead welcomes correspondence from the public and welcomes petitions as one way in which residents can let the Council know their concerns. The scheme below sets out how the authority will respond to petitions which it receives.

## 2 What is a petition?

The Council treats as a petition any communication which is signed by a number of people who live in the Borough. For practical purposes, the Council normally sets a requirement for at least 25 signatories or petitioners before correspondence is treated as a petition, although the Petitions Officer may accept a petition containing fewer signatories if those people represent a significant proportion of people who may have a direct interest in the issue of the subject of the petition.

## 3 What should a petition contain?

A petition should include –

- A clear statement of your concerns and what you want the authority to do. This must relate to something which is the responsibility of the authority, or over which the authority has some influence. Where a petition relates to a matter which 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 other authority. Where a petition relates to a matter over which the authority has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision;
- 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 e-mail address. Signatories are directed to the council's [Privacy Notice](#) in relation to the collection of personal data for petitions.
- The names of at least 25 petitioners (which can include the petition organiser) accompanied by their home address in the borough (at minimum postcode). Where the petition is in paper format, this must include actual signatures from each petitioner. Where the petition is in electronic form, this must include a valid email address for each signatory (see paragraph 13 below). Signatories are directed to the council's [Privacy Notice](#) in relation to the collection of personal data for petitions. A paper petition can be run at the same time as an electronic petition but signatories are not permitted to sign both. If you want your petition to be debated at a meeting of the Council ("A Petition for Debate"), or to trigger a public meeting of an Overview and Scrutiny Panel at which a specific officer will be

required to report (“A Petition to hold an Officer to Account”), your petition will need to contain a higher number of signatories or petitioners (see paragraphs 31 and 32 below). Where it cannot be verified that a signatory lives within the borough, the council reserves the right to exclude the signatory from the total number of signatures

4 If you are submitting the petition in response to a consultation on a specific matter, for example a planning or licensing application, please identify the matter which it relates to, so that we can ensure that your petition is considered along with original matter. See paragraph 28 for further details

5 **Who should you send a petition to?**

Where you submit a petition in response to consultation by the authority, 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.

6 The council’s Petitions Officer is responsible for receiving, managing and reporting all other petitions sent to the authority. Please address petitions to: –

The Petitions Officer  
Democratic Services  
Royal Borough of Windsor and Maidenhead  
Town Hall  
St Ives Road  
Maidenhead  
SL6 1RF

7 Alternatively, a Member of the Council may submit a petition to any ordinary meeting of the Full Council on behalf of petitioners. Notice of the petition must have been given to the Service Lead- Electoral and Democratic Services not later than noon on the last working day prior to the meeting.

8 Council will set aside up to 10 minutes, which may be extended at the Mayor’s discretion, to receive Petitions under paragraph.7.

9 A Member submitting a Petition may speak for no more than 2 minutes to summarise the contents of the petition. The petition will then be referred by the Mayor, via the Petitions Officer, to the relevant Head of Service / Assistant Director, to Cabinet, to the appropriate Cabinet Member(s) or to the relevant Committee, Forum or Panel (if any) without debate, either to consider and reach a decision on the petition’s context or to report back to the Council, as the Mayor shall determine.

10 The petitioner organiser will be invited to attend any relevant meeting to which the petition is referred or the future Council meeting to which it is

reported, and will be invited to address that meeting for up to 5 minutes. The petition will appear on the agenda for the relevant meeting immediately after the items on Apologies, confirmation of minutes and declaration of interests. This additional speaking right (above that already stipulated in this Constitution) shall not apply to a committee of Council sitting as an administrative or quasi-judicial function (such as planning or licensing).

11 When a Member submits a petition at a meeting of the Full Council, the Mayor, on the advice of the Petitions Officer, may reject any Petition which falls under any of the reasons for rejection as detailed in paragraph 51 below.

12 The Petitions Officer will ensure that all petitions are acknowledged to the petition organiser and entered on the authority's petitions log on the Borough website, and that the website is regularly updated with information on the progress of each petition. The Petitions Officer can also provide advice about how to petition the authority or the progress of a petition, at either the above address or by telephone at **01628 683800..**

13 Petitions can be submitted to the council in electronic format via the council's e-petition website (<https://rbwm.moderngov.uk>). Such petitions will remain 'open' on the website for a set period of time, to allow other people to sign. The period of time will be agreed with the petition organiser, but will be no longer than 6 months. When an individual signs an e-petition, they will be asked to provide their name, postcode of their home address within the borough and a valid email address. People visiting the e-petition will be able to see the name of the signatory but contact details will not be visible. Signatories are directed to the council's [Privacy Notice](#) in relation to the collection of personal data for petitions. E-petitions will not be accepted from any other e-petition website, as the council is unable to verify signatories.

#### 14 **The Petitions Website**

When a petition is received by the Petitions Officer, within 5 working days the Petitions Officer will add the details of the petition to the petition log on the borough website, including the subject matter of the petition, its date of receipt, and the name of the petition organiser/lead petitioner. Signatories are directed to the council's [Privacy Notice](#) in relation to the collection of personal data for petitions.

15 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.

16 As soon as it is decided who the petition will be considered by within the authority, 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 authority's

decision will be notified to the petition organiser and put on the website within 5 working days of that consideration.

17 **The role of Ward Councillors**

When a petition is received which relates to a local matter (particularly affecting specific electoral wards), the Petition Officer will send an electronic copy of the petition to the relevant Cabinet Member and Ward Councillor(s) at the same time as acknowledging receipt of the petition to the petition organiser.

18 When the petition is considered at any Council meeting, the relevant Ward Councillor(s) will be invited to attend and to address the meeting for no more than 5 minutes each, immediately after the petition organiser.

19 **What happens when a petition is received?**

How we deal with a petition depends on which type of petition you submit. Some of the possible options are:

- Taking the action requested in the petition
- Considering the petition at a meeting of the authority
- Holding an inquiry
- Holding a public meeting
- Commissioning research
- A written response to the petition organiser setting out the authority's views on the request in the petition
- Referring the petition to an Overview and Scrutiny Panel

20 Please note that petitions which raise issues of possible Councillor misconduct will be taken as complaints arising under the Local Government Act 2000 as amended by the Localism Act 2011 and will be reported to the Monitoring Officer, rather than considered under this Petitions Procedure.

21 Whenever a petition is received, within 5 working days of receipt, the Petitions Officer will acknowledge receipt to the petition organiser.

22 If a petition is sent to any officer in the Council other than the Petitions Officer, the officer will notify the Petitions Officer of the petition so a central log of petitions may be maintained.

23 For ordinary petitions, the following process managed by the relevant Head of Service / Assistant Director shall apply. For consultation petitions, statutory petitions, petitions for debate or petitions to hold an officer to account see paragraphs 28 – 38 below.

Where a petition is received relating to a matter which is subject to statutory consultation process (for example, during adoption of a Neighbourhood Plan) then the petition will be considered by the relevant decision maker in accordance with the provisions of the statutory consultation and the relevant time set out in the consultation process.

If a Petition is received relating to a matter which is subject to statutory consultation process after the statutory process has concluded, then the Petition will not be accepted by the Council.

#### 24 **Petitions dealt with by Head of Service / Assistant Director**

If a petition is submitted to a Head of Service / Assistant Director directly, via the Petitions Officer or via Full Council, the Head of Service / Assistant Director will be responsible for convening a meeting between the Head of Service / Assistant Director, the Cabinet Member(s), the petition organiser(s), and Ward Councillors, to discuss the content of the petition.

25 If a mutually agreeable solution can be reached between all parties, which does not require an executive or regulatory decision, then the petition can be addressed accordingly, without the need for it to be presented to Cabinet, or any other relevant body.

26 However, if a mutually agreeable solution cannot be reached, then both parties may request that the petition be referred to the appropriate body for consideration and debate.

27 Unless the matter has been resolved to the satisfaction of the petition organiser, the Petitions Officer will provide a substantive response to the petition organiser setting out who the petition will be reported to for consideration, when and where that will take place and inviting the petition organiser to attend that meeting and to address the meeting for up to 5 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. This additional speaking right (above that already stipulated in this Constitution) shall not apply to a committee of Council sitting as an administrative or quasi-judicial function (such as planning or licensing).

#### 28 **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. 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 Panels, Forums and Committees. Therefore, all petitions will be forwarded to the relevant Head of Service / Assistant Director to deal with. Consultation petitions

attracting over 1000 signatures will not be the subject of a debate by Full Council (see paragraph 30 below) unless the Full Council is the appropriate decision making body. For example, all petitions relating to a planning application will be passed to the planning Case Officer as part of the normal consultation process and outlined in the Officer's report to a Panel and if not delegated to officers will then be considered by the relevant Development Management Panel.

29 **What happens to a Statutory Petition?**

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or 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.

30 **What happens to Petitions for Debate?**

If you want your petition to be reported to and debated at a meeting of the Full Council, it must contain at least 1000<sup>1</sup> signatories or petitioners.

31 Petitions for Debate will be reported to the next convenient meeting of Council, as determined by the Mayor. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council which are not convened to consider the subject matter of the petition unless the Mayor agrees to do so. Further details on how Petitions for Debate are dealt with can be found in Part 2, paragraph C10 of the constitution.

32 As set out below, the petition organiser will be invited to address the meeting for up to 5 minutes on the subject of the petition.

33 **What happens to a Petition to Hold an Officer to Account?**

If you want your petition to be considered at a meeting of an Overview and Scrutiny Panel, 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 750 signatories or petitioners. The authority has determined that such petitions must relate to the Chief Executive, a Director or a Head of Service / Assistant Director of the authority. The grounds given in the petition for attendance at a meeting of the relevant Overview & Scrutiny Panel must relate to their job; it cannot relate to their personal circumstances or character. Where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to the Head of Human Resources in respect of the Chief Executive) and will be considered

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<sup>1</sup> 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.



under the authority's Disciplinary Procedures, and not under this Petitions Procedure.<sup>2</sup>

34 Petitions to hold an officer to account will be reported to the next convenient meeting of the relevant Overview and Scrutiny Panel, as determined by the Panel Chairman.

35 In advance of the Panel 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 Chairman of the Panel, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.

36 At the meeting, the Chairman will invite the petition organiser to address the Panel for a maximum of 5 minutes on the issue<sup>3</sup>, and the relevant officer will then be required to report to the Panel in relation to the conduct of the subject matter of the petition. Members of the Panel may question the officer, and the Chairman may invite the petition organiser to suggest questions for him/her to put to the officer.

37 The Overview and Scrutiny Panel can decide that for the purposes of addressing concerns raised in a petition it is more appropriate for another officer to be called instead. The Panel may also consider it appropriate to call the relevant elected Member with responsibility for the service area in question, in addition to the appropriate senior officer.

38 After the relevant person has appeared before the Overview and Scrutiny Panel, the Panel must make a report or recommendations to the authority (under its existing powers) and send a copy of that report or recommendations to the petition organiser.

39 **At the meeting, when the matter to which the petition relates is considered –**

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 Chairman at the meeting determines otherwise<sup>4</sup>. The Chairman will determine the number of petitions that would be convenient to consider at any one meeting. A maximum of 30 minutes will be allowed to consider each petition<sup>5</sup>. The maximum time of 30 minutes per petition can be extended at the Chairman's discretion. The 30 minutes will begin immediately after the petition organiser has spoken.

40 The relevant officer will include in the agenda for the meeting a report setting out the background to the issue. At the start of the item, the

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<sup>3</sup> *No longer used*

<sup>4</sup> In practice, where one person has submitted more than one petition, his/her second petition will be taken after consideration of the first petition submitted by each other person, and so on.

<sup>5</sup> *No longer used*

petition organiser will be invited to address the meeting for up to 5 minutes. The Chairman will then invite the relevant Cabinet Member to speak for up to **5 minutes**, including proposing any recommendation included in the covering report. The Chairman will then invite any relevant Ward Councillors present to address the meeting on the matter for up to 5 minutes each. The matter will then be open for debate among Members of the meeting. See Part 2 C10 for specific details of how Petitions for Debate are dealt with at full Council meetings.

41 Within 5 working days of the consideration of the petition by the relevant meeting, the Petitions Officer will notify the petition organiser of the decision.

42 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.

#### 43 **Appeal to an Overview and Scrutiny Panel**

If the petition is considered by Cabinet and the petition organiser is not satisfied with the authority's response to the petition, he/she may appeal to an Overview and Scrutiny Panel by notifying the Petitions Officer of his/her intention to appeal within 20 working days of being notified of the authority's decision on the petition.

44 Within 5 working days of receipt of intention to appeal, the Petitions Officer will determine which is the relevant Overview and Scrutiny Panel and will notify the petition organiser of the time, date and place of the next convenient meeting of that Overview and Scrutiny Panel, to be determined by the Panel Chairman, and will invite the petition organiser to attend the meeting and to address the Panel for up to 3 minutes on why s/he considers that the authority's decision on the petition is inadequate.

45 At that meeting, the Overview and Scrutiny Panel will invite the petition organiser and Ward Councillors to make their representations and to explain why s/he considers that the response was insufficient. Should the Panel determine that the authority 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, making recommendations to Cabinet and arranging for the matter to be considered at a meeting of the full Council.

#### 46 **The role of the Petition Organiser (Lead Petitioner)**

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

47 Where the petition is not accepted for consideration (see Rule 51 below for grounds for rejection of petitions), the petition organiser will be advised by the Petitions Officer of the rejection and the grounds for such rejection.

48 The petition organiser may nominate another person to address the meeting and to answer any questions on the matter.

49 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.

50 The petition organiser must notify the Petitions Officer of his/her intention to appeal to an Overview and Scrutiny Panel against the decision of the authority relating to the petition within 20 working days of being notified of that decision, and may attend and address the meeting of the Overview and Scrutiny Panel for up to 3 minutes as to why he/she considers that the authority's decision on the petition was inadequate.

51 **Petitions which will not be accepted**

- **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.

- **Repeat Petitions**

A petition will not be considered when it is received within 6 months of another petition being considered by the authority on the same matter, unless significant new information has been received.

- A petition will not be accepted for hosting on the council's e-petition website (to begin gathering signatures) if it is substantially similar to one hosted on the website within the last 6 months unless significant new information has been received.

- **Rejected Petitions**

Petitions will not be accepted if in the opinion of the Petitions Officer, they are rude, offensive, defamatory, scurrilous, time-wasting or otherwise inappropriate or do not relate to something which is the responsibility of the authority, or over which the authority has some influence. They will also not be accepted if they relate to something which has already been dealt with by the Council or another appropriate body or are in the process of being so dealt with. Petitions that raise issues of competence or misconduct of an officer, will be referred to the Chief Executive (or to the Head of Human Resources in respect of the Chief Executive) and will be considered under the authority's Disciplinary Procedures, and not under this petitions procedure. Petitions which raise issues of possible Councillor misconduct will be taken as complaints arising under the Local Government Act 2000 as

amended by the Localism Act 2011 and will be reported to the Monitoring Officer, rather than considered under this petitions procedure. In these instances, all petitions will be forwarded by the Petitions Officer to the appropriate department.