

# **MERTHYR TYDFIL COUNTY BOROUGH COUNCIL PETITIONS POLICY**

## **1.0 INTRODUCTION**

- 1.1 The Council recognises that petitions are one way in which people can let us know their concerns. The Council accepts paper copies of petitions and it is intended that it will accept petitions that have been prepared using the Council's electronic e-petition facility. Petitions to local authorities are governed by sections 9 – 22 of the Local Democracy, Economic Development and Construction Act 2009. Although in force in England these sections have not yet come into force in Wales. It is not known when they will come into force in Wales.
- 1.2 This Policy, however, follows the principles of those sections and the Guidance entitled "Listening to Communities: Statutory Guidance on the Duty to Respond to Petitions" given to English authorities.

## **2.0 THE PETITION SCHEME**

- 2.1 Section 12 of the Local Democracy, Economic Development and Construction Act 2009 sets out the types of petition to which the petition scheme must apply. These are petitions which:
  - a) request the Local Authority to take action or to cease taking action;
  - b) are signed by at least the number of people specified in the petition scheme;
  - c) are not made under, or in accordance with, any other enactment;
  - d) if made in electronic form, are made using the Council's e-petition facility.
- 2.2 The Act also specified different categories of petition, and sets a minimum number of signatures for each type. The statutory guidance sets a maximum threshold which is 5% of the total population.
- 2.3 This scheme sets out how petitions are to be dealt with.
- 2.4 All petitions sent to or presented to the Council will receive an acknowledgement within 5 working days of receipt. These acknowledgements will set out what the Council plans to do with the petition.
- 2.5 All petitions received will be referred to the appropriate Member of the Cabinet, Director and Electoral Division Councillors. The appropriate Director in turn will send an information report to all Councillors giving details of the petition and following consideration of the petition a report be presented to the Cabinet in due course setting out the officer's findings and recommendations.

### **3.0 PETITIONS NOT GOVERNED BY THIS SCHEME**

3.1 The following petitions are not governed by this scheme:

- a) those that the Democratic Services team, in consultation with the Legal Department, consider to be rude, offensive, defamatory, scurrilous or vexatious;
- b) petitions made under any enactment other than the Local Democracy, Economic Development and Construction Act 2009;
- c) petitions about issues for which this council is not responsible or cannot influence;
- d) any matter which is considered to be “exempt” under the Local Government Act 1972, the Access to Information Act 1985, the Data Protection Act 1988, The Freedom of Information Act 2000 or the Environmental Information Regulations 2004. This includes but is not necessarily restricted in information relating to an individual, information which is commercially sensitive, or which concerns information for which there are implications for the prevention or prosecution of a crime;
- e) petitions relating to any individual or the personal circumstances of individual councillors or employees of the Council;
- f) any matter relating to a planning decision, including a development plan document or the community infrastructure levy;
- g) any matter relating to a licensing decision, including licensing applications under the Licensing Act 2003 and the Gambling Act 2005;
- h) any matters for which the Standards Committee has powers for determining complaints.

3.2 If the Council decides that a petition does not fall within this scheme, the petitioner will be informed and an explanation why it has not been accepted will be provided.

3.2 A petition will not be considered if it is received within 12 months of another petition on the same matter. If 2 or more petitions on the same subject are received at the same time, they will be treated as a separate petition.

### **4.0 HOW TO SUBMIT A PETITION**

4.1 The Authority’s Document Management System has the facility to allow members of the public to submit a request via the internet for an e-petition to be published on-line. This facility will be implemented in due course.

4.2 Paper petitions can be sent to:

Democratic Services  
Merthyr Tydfil County Borough Council  
Castle Street  
Merthyr Tydfil  
CF47 8AN

- 4.3 Any petition needs to be submitted at least 10 working days prior to a formal Council meeting. Any valid petition received after this time will be referred to the next scheduled Council meeting for consideration.

## **5.0 GUIDELINES FOR SUBMITTING A PAPER PETITION**

- 5.1 A petition submitted to the Council must be signed by at least 10 people who either live, work or study in the County Borough. This figure includes children and young people.
- 5.2 The petition must include:
- a) A clear, concise statement covering the subject of the petition;
  - b) A statement explaining what actions the petitioners wish the Council to take;
  - c) The name, address and signature of any person supporting the petition;
  - d) A summary of any action taken to resolve the issue, including details of any Councillor that has been approached.
- 5.3 The contact details; i.e. name, address and signature of the petitioner must accompany the petition. The contact details will not be placed on the Council's website. If the petition does not identify the petition organiser, the Council will contact the first named petitioner to agree who should act as the petitioner. If no addresses are ascertainable then the petition will be treated as invalid.
- 5.4 The Council recommends that prior to submitting a petition, the petitioner should first check with their local Councillor to ascertain whether the Council is already acting on the concerns, including any expressed within a similar petition.

## **6.0 GUIDELINES FOR SUBMITTING AN E-PETITION**

- 6.1 These will be submitted through the Council's website. E-petitions will follow the same guidelines as paper petitions.
- 6.2 The petition organiser will need to provide their name, postal address and e-mail address and will also decide how long the petition is to be open for signatures. Most petitions run for 6 months, but the petitioner will be able to choose a shorter or longer timeframe, up to a maximum of 12 months.
- 6.3 When an e-petition is received it may take 5 working days before it is published online, and Democratic Services will have to determine that the content of the petition is suitable before it is made available for signature. If it is felt that the petition cannot be published, the petitioner will be contacted via e-mail. The petitioner will be able to change and resubmit the petition. If the amended petition is not re-submitted 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.

- 6.4 When an e-petition has closed for signature it will be submitted to the Democratic Services Department.
- 6.5 The administrator will review the e-petition received to determine whether it is suitable for publication. The e-petition organiser will be advised of the decision via e-mail.
- 6.6 Once the e-petition has been published, members of the public can view and sign it on the Internet and Members and Officers can view and sign it on the intranet.
- 6.7 Anyone signing an e-petition will be asked to provide their name, postcode and a valid e-mail address. Once this information has been submitted, an e-mail will be sent to the e-mail address provided. This email will include a link which the petitioner must click on in order to confirm the e-mail address is valid. Once this step is completed the petitioner’s “signature” will be added to the petition. People visiting the email petition will be able to see the names on the list of those who have signed it but contact details will not be visible.
- 6.8 The current results of the e-petition are displayed on the internet and intranet by count, percentage and graphically.

## **7 WHAT HAPPENS FOLLOWING RECEIPT OF A PETITION**

- 7.1 The petition will be acknowledged within 5 working days of receipt.
- 7.2 Details of the petition, including wherever possible, all correspondence relating to the petition will be published on the website (all personal details having been removed).
- 7.3 In certain circumstances it may not be appropriate to publish a petition and the Council reserves the right not to publish the petition on the website.
- 7.4 If the Council is able to take the action the petitioner wishes, the acknowledgement may set out what action the Council has taken and that the petition has been closed.
- 7.5 Any validated petition that contains less than 500 signatories will be referred to the relevant Cabinet member and Council officer who will consider the petition and take action they consider appropriate. Notification of your petition and its contents will be provided to any Councillors representing the electoral divisions directly affected by the petition.
- 7.6 Any validated petition that contains 500 or more signatories will be presented to the next available Council meeting unless it is a petition asking for a senior

Council officer to give evidence at a public meeting in which case the petition will be referred to the next available meeting of the relevant Scrutiny Committee.

- 7.7 The Full Council meeting will decide what the next step should be in response to the petition. The Council may decide to take the action the petition requests, not to take the action requested or to commission further investigation into the matter.
- 7.8 The petition organiser will receive written communication of the decision and the decision will be published on the Council's website.