

### MIDDLESBROUGH COUNCIL - DRAFT REVISED PETITIONS SCHEME

#### Summary

1. Middlesbrough Council welcomes petitions and recognises that they are one of many ways in which people can let the Council know about their concerns and participate in the democratic process. This document sets out how the Council will deal with petitions that meet the criteria set out in the scheme. Petitions may be in paper format or via an e-petition (found on the Council website) [click here](#)
2. **Please ensure that you read the full scheme prior to submitting a petition to the Council.**
3. The type of petition determines how a petition will be responded to. There are two types of petitions:
  - I. Ordinary petitions requiring at least 100 signatures
  - II. Petitions for debate at full Council requiring at least 500 signatures
4. More detail about how the Council will respond to each of these is found on page 3 of this scheme. For the purposes of this scheme, the number of signatures is judged at the date of submission to the Council; signatures added after submission will not be counted.
5. If something is clearly intended to be a petition but does not meet the requirements set out in this scheme, we will ask the relevant service area to provide a response directly to the petition organiser.

#### What is a petition?

6. We treat a petition as a communication which is signed by or sent to us on behalf of a number of people with 100 or more signatures.

#### Who can submit a petition?

7. Anyone who lives, works or studies in Middlesbrough can organise or sign a petition.

#### What must a petition contain?

8. A clear and concise statement of your concerns and what action you would like the Council to take. If this is not clear we may need to return the petition to you for further clarification. This statement should be present prior to any signature being applied to the petition, and should be included on every page.
9. The name and contact details of the “petition organiser” or someone to whom you would like any correspondence about the petition to be sent.
10. The name, full address (including postcode) and signature of any person supporting the petition. If the details of any person are not clear then these may not be counted towards the total number.

**11. In addition to the above for Paper petitions the Council requires that the petition also contains:**

- a total number of signatories on each page and ensure each page/ side has a page number before submission. See the example [petition form](#)

**What can a petition be about?**

12. Petitions should relate to any matter which is relevant to the functions of the Council or where the Council has influence.

**Exceptions to the Petitions Scheme**

13. The majority of petitions we receive will be accepted but there are some circumstances where we will not be able to deal with your petition under this scheme. Petitions that fall outside of this scheme include:

- Any matter that the Council is not directly responsible for or has no influence over. We will return the petition to you and where possible direct you to the correct organisation.
- Any matter relating to a planning decision which has been made. For further information about making representations about planning decisions, please contact [planning@middlesbrough.gov.uk](mailto:planning@middlesbrough.gov.uk)
- Any matter relating to a licensing application. For further information about making representations please contact the Council's licensing section
- A statutory petition (for example a petition in respect of the creation or abolition of a directly elected Mayor). Please contact the Council's Returning Officer.
- Any matter where there is already an existing right of appeal or a separate complaints process, such as council tax banding, non-domestic rates and scrutiny call-in.
- Any specific issue that the Council is carrying out a formal consultation on. Please see page 5 for further information regarding how we will deal with your petition in this circumstance.
- A petition where we have received another petition on the same issue within the previous two years and the issues are fundamentally similar in nature. In these circumstances, we will write to the petition organiser and include a copy of the response to the first petition received.
- Any petition the Head of Democratic Services considers to be vexatious, abusive, meant to be humorous or otherwise inappropriate. You should not include confidential information or potentially libellous, false or defamatory statements or statements which cause personal offence, distress or loss.
- Any petition that is asking the Council to do anything unlawful or relating to the subject of any legal action taken by the Council or individual.

- During politically sensitive periods, such as just before an election, we have to be extra careful to ensure that all political parties enjoy a level playing field. At such times, if your petition contains politically controversial material we may decide not to accept it or defer consideration of it until after the election. If this is the case, we will explain the reasons and the revised timescale which will apply

## **Types of petition and numbers of signatures required**

### **Ordinary Petitions**

14. To be considered valid, a petition should contain at least 100 signatures, names and addresses. If your petition contains less than 100 signatories but you are able to demonstrate that, in relation to a particularly local issue of concern, it was simply not possible to obtain 100 signatures, the Council may still consider your petition under this scheme.
15. If your petition is accepted as an 'ordinary petition' you will receive an acknowledgement within 10 working days of receipt and be advised of the action being taken with regards to your petition.
16. In most circumstances, an ordinary petition will be submitted to the appropriate Executive member who will liaise with the appropriate Service Director's for consideration. You will receive a response to your petition from the Executive Member or the relevant officer within four weeks of acceptance of your petition. If more time is required, the petitioner will be contacted with a new deadline for response and the reasons why.

### **Petitions for debate at full Council (500 or more signatories)**

17. On receipt the appropriate Executive Member, the relevant service area and where appropriate the local ward councillors will be informed of the details of the petition.
18. If your petition is accepted as a valid petition and suitable for debate at full Council, you will be contacted within 7 working days of receipt. The Head of Democratic Services in consultation with the Chair of the Council will determine the validity of a petition for full Council.
19. This means that the issue raised in the petition may be discussed at a meeting where all councillors can attend, if the petition organiser wishes to take this opportunity.
20. The Council will aim to consider the petition at its next ordinary meeting providing it has been accepted, although on some occasions, this may not be possible and consideration will then take place at the following meeting.
21. For a petition to be considered at the next ordinary Council meeting the petition must be submitted with a minimum of 10 clear working days' notice prior to the next ordinary Council meeting. This is to allow the governance / administrative processes to take place. Petitions may not be submitted to the Annual meeting or any Extraordinary meeting of the Council.

22. Petition organisers (max 2) are welcome to present their petition to the relevant Executive Member/ Mayor at full Council and speak for up to a maximum of five minutes. Councillors may then debate the petition for up to a maximum of 10 minutes. Democratic Services Officers will contact the lead petitioner to inform them of the Council procedures. No More than two petitions per ordinary Council meeting.
23. The Council will decide how to respond to the petitioner at the meeting. It may decide to take the action the petitioner requests, take no further action, request further investigation i.e. via a scrutiny review into the matter or refer to the appropriate service area to respond. If the issue is one that requires the Executive to make the final decision, the Council will decide whether to make recommendations to inform that decision.
24. Petition debates cannot not take place at the Council's budget setting, annual or extraordinary meetings.

### **All petitions**

25. When a petition is received, which relates to a local matter (particularly affecting specific electoral wards) a copy of the petition will be sent to each relevant ward councillor and the relevant executive Member at the same time as acknowledging receipt of the petition to the petition organiser.
26. It may be inappropriate for the Council to deal with certain petitions during periods when it is subject to restrictions, such as immediately before elections or referendums. In these circumstances, the petition organiser will be informed when the petition will be considered, or when any material relating to it will be published on the Council's website. In this circumstance, we will contact you within 7 working days to explain the situation to you.
27. If your petition falls outside of the criteria of the scheme, it will be treated as correspondence and sent to the relevant service area for a response. The relevant senior officer will have discretion and flexibility to decide how to reply to this correspondence so that they are able to take appropriate action and respond to the request within 20 working days.

### **How to submit a petition**

28. You can submit a petition either as a paper petition to the following address:  
Democratic Services  
Middlesbrough Council  
PO BOX 503  
Town Hall  
Middlesbrough  
TS1 9FX

or by using the Council's e-petition facility:

### **E-Petitions**

29. The Council welcomes e-petitions that are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions;

electronic petitions that do not follow these guidelines will be treated as correspondence and will be responded to as noted above.

30. The petition organiser will need to provide the Council with their name, postal address and email address. Unless otherwise agreed following discussions with the petition organiser, an e-petition will remain open for signatures for a period of 90 days.
31. When an e-petition is created, it may take up to five working days before it is published online. This is because checks will need to be made on the suitability of the content matter before it is made available for signatures. If the petition falls outside the scheme, you will be advised and are welcome to submit a revised version. If the petition does not fall within the scheme, it will not be published on the Council's website.
32. When an e-petition has closed for signatures, it will be considered as part of this petitions scheme.
33. We can also accept petitions emailed to us, or created with other petitions software subject to meeting our submission criteria. When petitions have been created with other petitions software, once the petition is closed, the petitioner can download and print the signatures and submit them to us in the same way as a paper petition or provide an electronic PDF version. **The name, postal address and email address of each signatory should be included so that we can establish if the signature is valid or not.** Where the Council cannot verify signatures then we will not accept the petition.

### **Joint Petitions**

34. Petitions can also be made up of both paper and electronic and must follow the rules for both types of petition. The submission of signatures on paper must take place prior to the closing date of the e-petition and the petition organiser must state on both the paper petition and e-petition that it is a joint petition.

### **How do I sign an e-petition?**

35. When you sign a Council e-petition, you will be asked for your name, postcode and a valid email address. When you have submitted this information, you will be sent an email with a link that you must click in order to validate your email address and petition signature.

### **Further information**

#### **How will the Council deal with petitions relating to ongoing consultations?**

36. If the Council receives a petition about an issue that it is already consulting with residents about, the petitions scheme will be cancelled for that petition. All petitions received that relate to the subject of a formal consultation will automatically be incorporated into the formal consultation process at the earliest stage possible. Petition organisers will be informed of this course of action within 7 working days.

37. Sometimes we receive petitions after the consultation deadline has passed but before a final decision has been taken. In these circumstances, the decision maker will be asked to take your petition into consideration when they make the decision.
38. All petitions received after a decision has been taken on a matter that the Council has previously consulted residents on will not be considered under the scheme but will be passed to the relevant senior officer to respond.

#### **What happens after the petition is submitted?**

39. We will send an acknowledgement letter within 7 working days of receipt to the petition organiser.
40. This acknowledgement will also say as much as we can at that stage of about what we have done or plan to do. If your petition meets the requirements for a debate at a Council meeting, you will also be informed of the process for this.

#### **Other reasons your petition may be rejected**

41. The specific criteria for the petitions scheme are set out earlier in this guidance. If a petition does not meet the criteria, it will not be considered under the scheme. If we are unable to consider your petition using the scheme we will send an acknowledgement letter within 7 working days of receipt to the petition organiser setting out the reasons why and what action we can take, if any, in response to your submission.
42. Outside the general exceptions there are several reasons why a petition may be rejected, including but not exclusively:
- the petition statement is not clear
  - the subject matter of the petition is not within the remit of the Council
  - the entries contain incomplete or invalid information such as no full address

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

43. If you are unhappy with the way that your petition has been processed, you can submit a complaint to the Council via the Corporate Complaints scheme.

#### **Will my paper petition be published on the Council's website?**

44. No. For paper petitions, the subject of the petition and the number of signatures in support of the petition will be published. Signatures and addresses will not be published for Data Protection reasons. We aim to publish petitions on our website within 10 working days of receipt.
45. If you create an e-petition using the Council's facility this will be published on the website as soon as it has been checked for suitability.
46. Petitions are presented on the website in the order in which they are received. Details of petitions received will be kept on the website for up to two years from the date of receipt unless subject to further appeal or other action.

#### **Will the Council check each signature?**

47. The Council reserves the right to seek to verify each signature appended to a petition. This can be significant when establishing whether a petition has obtained the requisite number of signatures to trigger a specific process.

### **Privacy Policy**

48. The details you provide when signing a paper or e-petition are needed to validate your support. For paper petitions, no personal details will be included on the website, for e-petitions only your name will be listed. The Council may contact you in relation to any petitions you have signed, unless you have requested not to be contacted when signing the petition.

49. Middlesbrough Council is the data controller for personal information collected in respect of both the Council's E-petition facility and for paper petitions.

50. Your personal information will not be shared outside of the Council, unless otherwise required to by law.

51. Paper petitions will be scanned and stored securely in electronic format and will be deleted after 12 months unless subject to further appeal or other action.