

DUDLEY MBC – PETITIONS SCHEME

1 Petitions

We particularly welcome petitions as one way in which you can let us know your concerns. We set out below how the authority will respond to petitions which you send us.

1.1 What is a petition?

We treat as a petition any communication which is signed by or sent to us on behalf of a number of people. For practical purposes, we normally set a requirement for at least 10 signatories or petitioners before we treat it as a petition.

1.2 What should a petition contain?

A petition should include –

- 1.2.1 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;
- 1.2.2 the name, address and contact details of the “petition-organiser” or someone to whom you would like any correspondence about the petition to be sent. Contact details should be a postal address and an Email address if you have one;
- 1.2.3 the names and addresses of at least 10 petitioners (which can include the petition organiser). Where the petition is in paper form, this should include a signature and an address from each petitioner. 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 a Select Committee 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 below);
- 1.2.4 If you are submitting the petition in response to our consultation on a specific matter, please identify the matter which it relates to, so that we can ensure that your petition is considered along with the original matter.

1.3 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 when the matter to which it relates is considered.

We have appointed a Petitions Officer, who is responsible for receiving, managing and reporting all other petitions sent to the authority. Please address those petitions to –

The Petitions Officer
c/o Democratic Services
Dudley Metropolitan Borough Council
The Council House
Priory Road
Dudley, West Midlands, DY1 1HF

The Petitions Officer will ensure that your petition is acknowledged. The Petitions Officer can also provide you with advice about how to petition the authority or the progress of your petition, at the above address or by telephone at 01384 815236.

1.4 Types of Petition

There are different types of petition, as set out below. How we deal with a petition depends on which type of petition you submit –

1.4.1 Ordinary Petitions

Ordinary petitions will normally be reported to the relevant Area Committee if they relate to a local issue, or to a Select Committee if they relate to an issue which is not appropriate to an Area Committee. Group Leaders, the relevant Cabinet Member and Ward Members will be notified of their receipt.

1.4.2 Consultation Petitions

These are petitions in response to an invitation from the authority for representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions or speed limits. Consultation petitions which are received by the response date will be reported to the appropriate meeting where a decision on the application or proposal is being taken.

1.4.3 Statutory Petitions

Particular Acts of Parliament require the Council to consider petitions, e.g. for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the Council in accordance with the statutory requirements.

1.4.4 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 3,000 petitioners. Your petition should state that you wish the matter to be debated at full Council.

1.4.5 Petitions to Hold an Officer to Account

If you want your petition to be considered at a meeting of a Select Committee, 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 1000 petitioners. The authority has determined that such petitions must relate to the Chief Executive, a Director or Assistant Director of the authority. Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to the Assistant Director (Human Resources and Citizenship) in respect of the Chief Executive) and will be considered under the authority's Disciplinary Procedures, and not under this Petitions Procedure.

1.5 The role of Ward Councillors

1.5.1 When a petition is received which relates to a local matter (particularly affecting specific electoral wards), the Petitions Officer will notify each relevant Ward Councillor at the same time as acknowledging receipt of the petition to the petition organiser.

1.5.2 For all petitions, when the petition is reported to the relevant Committee, the Ward Councillors will be invited to attend and to address the Committee for no more than 3 minutes (or 3 minutes each), immediately after the address by the petition organiser.

1.6 What happens when a petition is received?

Whenever a petition is received –

1.6.1 Within 2 working days of receipt, the Petitions Officer will acknowledge receipt to the petition organiser.

1.6.2 In some cases, the Petitions Officer may be able to resolve the petitioners' request directly, by getting the relevant Cabinet Member or officer to take appropriate action. Where this is done, the Petitions Officer will ask the petition organiser whether s/he considers that the matter is resolved and no further action may be needed.

1.6.3 Unless the matter has been resolved to the satisfaction of the petition organiser, the Petitions Officer will, within 5 working days of receipt of the petition, inform the petition organiser as to where the petition will be reported for consideration, when and where the meeting will be held and invite the petition organiser to attend that meeting and to speak for up to 3 minutes on the petition.

The invitation to the petition organiser to address the meeting is in addition to any other public speaking rights at that meeting.

- 1.6.4 Whilst we are committed to dealing with petitions promptly, a petition will normally need to be received at least 10 working days before a relevant meeting if it is to be reported to that meeting. Where it is necessary to undertake a significant amount of work to collect information and advice to enable the matter to be properly considered, it may be necessary for the Petitions Officer to decide that the petition will be held over until the next available meeting.
- 1.6.5 Where any petition is received, at the same time as responding to the petition organiser, the Petitions Officer shall notify the Group Leaders, the relevant Cabinet Member and relevant Ward Councillors of the receipt of the petition.
- 1.6.6 The process after this stage differs for the various types of petitions – see below.

1.7 What happens to a Consultation Petition?

- 1.7.1 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 or a proposed traffic regulation order.
- 1.7.2 The petition will be reported to the appropriate Committee, Sub-Committee, Cabinet Member or Officer with delegated power to act, as defined in the Scheme of Delegation in the Council's Constitution. (NB: the Director of the Urban Environment has the delegated power to act regarding certain planning applications to which no objections have been received. The Development Control Committee has the delegated power to act regarding planning applications to which objections have been received. The Licensing and Safety Committee and Licensing Sub-Committees have delegated power to act in respect of licensing applications and objections received to them. The Cabinet Member for Transportation has the delegated power to act in relation to Traffic Regulation Orders and objections received).
- 1.7.3 Where the petition relates to a matter which is within the delegated powers of an individual Cabinet Member, s/he may decide not to exercise those delegated powers but to refer the matter to Cabinet for decision.
- 1.7.4 Subject to any other arrangements provided for in the Council's Constitution, the petition organiser will be invited to address the meeting for up to 3 minutes on the subject of the petition.

1.8 What happens to a Statutory Petition?

- 1.8.1 Particular Acts of Parliament require the Council to consider petitions, for example a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, it will

be reported to the Council in accordance with the statutory requirements. We will then follow all the necessary statutory procedures to deal with the matter.

1.9 What happens to Petitions for Debate?

- 1.9.1 Petitions for Debate will be reported to the next convenient ordinary meeting of the Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of the Council.
- 1.9.2 Petitions for debate shall be considered at meetings of the Council in the order prescribed in the Council's Procedure Rules, or otherwise as may be determined by the Mayor. A maximum of 30 minutes will be allowed at each meeting for considering petitions for debate. Petitions not dealt with in the time allowed will normally be deferred until the next ordinary meeting of the Council unless the Mayor determines otherwise.
- 1.9.3 The Mayor will invite the petition organiser to address the Council for up to 3 minutes immediately before the matter is debated. The Council's Procedure Rules shall then apply to the debate on petitions at the Council meeting.

1.10 What happens to a Petition to Hold an Officer to Account?

- 1.10.1 Petitions to hold an officer to account will be reported to the next convenient meeting of the relevant Select Committee.
- 1.10.2 In advance of the Committee 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 Committee, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.
- 1.10.3 At the meeting, the Chairman will invite the petition organiser to address the Committee for a maximum of 3 minutes on the issue, and the relevant officer will then be required to report to the Committee in relation to the conduct of the subject matter of the petition. Members of the Committee may question the officer, and the Chairman may invite the petition organiser to suggest questions for him/her to put to the officer.

1.11 What happens to an Ordinary Petition?

- 1.11.1 The Petitions Officer will arrange for each Ordinary petition to be reported to the next convenient meeting of the relevant Area Committee or Select Committee, as appropriate.
- 1.11.2 Petitions that do not relate to a specific substantive item of business will be considered at a suitable point on the agenda, in the order in which they were received, unless the Chairman determines otherwise. A maximum of 30 minutes will be allowed at each meeting for considering petitions. Petitions not dealt

with in the time allowed will be referred to the relevant Cabinet Member or Committee or deferred until the next meeting. The petition organiser will be given the opportunity to speak at the next available meeting.

- 1.11.3 Any petition relevant to a specific substantive item of business, will be taken together with that item, in the normal order of business.
- 1.11.4 The Chairman of the meeting may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address the meeting for up to 3 minutes. Questions may then be asked of the petition organiser. Any relevant Ward Councillor(s) present will then be invited to address the meeting for up to 3 minutes (each). Relevant officer(s) will then be asked to advise the meeting further, after which the matter will be open for debate.
- 1.11.5 Within 5 working days of the consideration of the petition by the relevant Committee, the Petitions Officer will notify the petition organiser of the decision of the meeting.

1.12 Request for a review of the decision

- 1.12.1 If the petition organiser is not satisfied with the outcome of the authority's consideration of his/her petition, he/she may request a review by a Select Committee by notifying the Petitions Officer of his/her intention to request a review within 5 working days of being notified of the authority's decision on the petition.
- 1.12.2 Within 5 working days of receipt of the request for a review, the Petitions Officer will determine which is the relevant Select Committee and will notify the petition organiser of the time, date and place of the meeting to which the issue will be referred and will invite the petition organiser to attend the meeting and to address the Select Committee for up to 3 minutes on why s/he considers that the authority's decision (if implemented) or any recommendation on the petition is inadequate.
- 1.12.3 At that meeting, the Select Committee will invite the petition organiser and Ward Councillors to make any representations and to explain why s/he considers that the decision or recommendation was inadequate. The Select Committee may not over-ride any decision made, but the appropriate decision-taker must consider any recommendations made by the Select Committee.

1.13 The role and entitlements of the Petition Organiser

- 1.13.1 The petition organiser will receive acknowledgement of receipt of the petition within 2 working days of its receipt by the authority.
- 1.13.2 Where the petition is not accepted for consideration, the petition organiser will be advised by the Petitions Officer of the rejection and the grounds for such rejection.

- 1.13.3 Where the petition is accepted for consideration, the petition organiser will be advised by the Petitions Officer within 5 working days of receipt by the authority as to who the petition will be considered by, and the date, time and place of the meeting at which it will be considered. He/she will be invited to address the meeting for up to 3 minutes. The meeting may then ask the petition organiser questions on the subject matter of the petition.
- 1.13.4 In all cases, the petition organiser may nominate another person to address the meeting and to answer any questions on the matter.
- 1.13.5 The petition organiser will be 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 any such decision.
- 1.13.6 The petition organiser may notify the Petitions Officer of his/her intention to request a review by a Select Committee within 5 working days of being notified of that decision, and may attend and address the meeting of the Select Committee for up to 3 minutes as to why he/she considers that the authority's decision or recommendation on the petition was inadequate.

1.14 Petitions which will not be reported

1.14.1 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.

1.14.2 Repeat Petitions

A petition will not normally be considered where they are received within 6 months of another petition being considered by the authority on the same matter.

1.14.3 Rejected Petitions

Petitions will not be reported if in the opinion of the Petitions Officer, in consultation with the relevant Cabinet Member and the Chairman of the relevant Select Committee, they are vexatious, abusive or otherwise inappropriate, or do not relate to something which is the responsibility of the authority, or over which the authority has some influence.