

## HERTFORDSHIRE COUNTY COUNCIL

### PETITIONS SCHEME

The Council welcomes contact from the public and is committed to listening to concerns raised and dealing with them promptly and effectively. Members of the public should make contact firstly with their local member to discuss any issue of concern. The local member will seek to address the issue quickly and effectively.

#### PETITIONS

The Council wishes to enable all people who are resident in or work in Hertfordshire to be able to raise issues of concern with the Council. Petitions are one way that people can raise their concerns and this Petitions Scheme sets out how petitions can be submitted to the Council.

In this document 'You' means the organiser of the petition or someone nominated by the Petition Organiser.

Please note that a petition will not be considered under this Petitions Scheme for presentation at either full Council, Cabinet or Cabinet Panel unless:

- (a) it has been submitted to the County Council's Democratic Services Manager (Elaine Shell: *County Hall, Hertford SG13 8DE* or email [elaine.shell@hertfordshire.gov.uk](mailto:elaine.shell@hertfordshire.gov.uk) or telephone 01992 555565) and when submitted contains the requisite number of signatures for presentation to the relevant member meeting; or
- (b) it is a petition which has been created on the Council's e-petition facility on its website and contains the requisite number of signatures for presentation to the relevant member meeting when notification is given of intention to submit the petition.

#### Local Member

1. Before considering whether or not to raise a petition to the Council you may want to discuss your issue with your local county councillor (<http://www.hertsdirect.org/your-council/> (member). Your local member will be able to advise whether the matter is one for the Council and also whether a petition is the best form of engagement with the Council on the matter which you wish to raise.
2. Where the Local Member receives a petition he/she will discuss with the Petition Organiser how the petition could be handled within the Council. This will not necessarily be presenting the petition to a formal meeting of members but could be giving/presenting the petition to the relevant Executive Member or Chief Officer.

3. If you decide not to submit a petition to the Council, and the matter is one that is relevant to the functions of the Council, your local member will be able to explain how to make representations on the particular subject to the right person at the Council.

### **How to create and submit a Petition**

4. Petitions can be created **either** by using our e-petition facility, which enables petitions to be created, signed and submitted online (<https://cmis.hertsdirect.org/hertfordshire/Petitions.aspx>) **or** by you preparing a paper petition.
5. Further information on the e-petition facility is at paragraph 63 and following below.

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

6. Petitions submitted to the Council must include:
  - a clear and concise statement covering the subject of the petition
  - a statement about what action the petitioners wish the Council to take
  - the name and address and signature of any person supporting the petition
7. Petitions should be accompanied by contact details, including an address, for the petition organiser ('Petition Organiser'). This is the person we will contact to explain how we will deal with the petition. If the petition does not identify a Petition Organiser, we will contact the first named signatory on the petition and deal with them as the Petition Organiser.
8. The Petition Organiser should be resident in Hertfordshire and all other signatories to the petition should either be a resident in or work in Hertfordshire
9. A petition **will not be accepted under this Scheme** where:
  - it is considered to be vexatious, abusive or otherwise inappropriate
  - it refers to a decision for which there is an existing right of appeal, for example, school admissions
  - it refers to a development plan, specific planning or rights of way matter where there is an existing right of appeal
  - it is a statutory petition (for example requesting a referendum on having an elected mayor) as such petitions have their own procedures.
10. The petition must relate to a matter over which the County Council has control (e.g. the provision of local services for which the Council has responsibility, such as local libraries, services for young people or road safety) or which affects the County of Hertfordshire in some significant way.

11. If your petition is about something for which the Council has no direct responsibility we will consider whether we can still deal with the matter. The Council works with a large number of local partner organisations and, where possible, will work with these partners to respond to your petition. If we are not able to do this for any reason then we will set out the reasons for this to you.
12. If your petition is about something that a different council, or other body, is responsible for, we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other council or body, but could involve other steps. In any event we will always notify you of the action we have taken.
13. If a petition does not follow the guidelines set out in this Scheme, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.
14. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.
15. This Petition Scheme sets out how petitions will be dealt with by the Council and how petitions which meet certain criteria can be presented to either full Council, Cabinet or a Cabinet Panel. There are separate procedures relating the presentation of petitions to Development Control Committee (Constitution Annex 11) and Health Scrutiny Committee (Constitution Annex 9) and they can be accessed here: [Constitution Annexes](#).

### **How many people must support the petition?**

16. Your rights to present a petition to a meeting of members of the Council depends on the type of meeting and number of people who have signed the petition – please see the table below for the minimum number of signatories:

<b>Type of Meeting</b>	<b>Number of signatures required</b>
County Council*	1000
Cabinet*	250
Cabinet Panel	250

**\*Please note that:**

- (1) full Council and Cabinet have different functions and if your petition relates to executive functions, whilst the petition can be presented to Council, the Council will be able to take no effective action other than to refer it to Cabinet (with or without recommendations). If you require any clarification as to whether the subject matter of your petition relates to an executive or Council function please contact the Democratic Services Manager (Elaine

Shell: email [elaine.shell@hertfordshire.gov.uk](mailto:elaine.shell@hertfordshire.gov.uk) or telephone 01992 555565) who will be able to assist you.

- (2) a petition can only be presented to Cabinet if it relates to a Report on the Cabinet Agenda and the matter which is the subject of the Petition has not been considered previously by a Cabinet Panel.

### **Petitions on the same subject matter not usually to be presented again within a six month period**

17. If the subject matter of the petition has been considered by either full Council, Cabinet or a Cabinet Panel then a petition relating to the same matter will not be considered again by any member meeting within the following six month period unless there has been a change of circumstances. Whether there has been a change in circumstances will be determined by the Chief Legal Officer in consultation with the Chairman of the Council (if it is proposed that the new petition be presented to Council) or the Leader of the Council and the relevant Executive Member (if it is proposed that the new petition is presented to Cabinet or a Cabinet Panel).

### **Dates of Meetings**

18. Dates of the meetings referred to above are on our website ([http://www.hertsdirect.org/your-council/civic\\_calendar/](http://www.hertsdirect.org/your-council/civic_calendar/)).

### **What will the Council do with your petition?**

19. You will receive an acknowledgement from the Council within 10 working days of receipt of the petition. This acknowledgement will set out the proposed next steps. If the petition is not accepted we will explain the reasons for this in our acknowledgement of the petition.
- 20.1 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.
- 20.2 If the petition has enough signatures to trigger a Council debate then the acknowledgement will confirm this.
- 20.3 If the petition has 250 or more signatures and either (a) affects more than 1 division or (b) relates to a matter of Policy then the acknowledgement will confirm this and set out the procedure for dealing with such petitions as referred to in paragraph 28. Whether a petition affects more than 1 division or relates to a matter of policy will be determined by the Chief Officer of the service to which the petition relates in consultation with the relevant Executive Member.
- 20.4 If the petition contains either (a) 100 or more signatures but less than 250 signatures or (b) 250 or more signatures but relates to one division only then the

acknowledgement will inform you of your ability to raise the matter with the Executive Member and, if relevant, the Local Member(s)

21. If the petition needs more investigation, we will tell you the steps that we plan to take.
22. If the petition relates to a planning matter or other matter where there is already an existing right of appeal, or is a statutory petition, it will not be dealt with under this Scheme as other procedures will apply. In such cases we will advise you of the procedures that apply and the action that will be taken.

### **Raising petition issue with the Executive Member and Local Members**

#### ***Petitions with a minimum of 100 signatures***

23. If your petition contains either (a) 100 or more signatures but less than 250 signatures or (b) 250 or more signatures but relates to one division only the Petition Organiser will be given the opportunity to raise the issue direct with the Executive Member and, if the petition affects a division(s) the Local Member(s).
24. Raising the issue with the Executive Member and, if relevant, the Local Members does not mean necessarily that the Petition Organiser will meet with the relevant members; the issue could be raised via email or by other means.
25. If your petition meets the criteria in paragraph 23 when your petition is acknowledged you will be asked if and how you wish to raise the issue with members.

#### ***Petitions with a minimum of 250 signatures which affect more than one division or relate to a matter of policy***

26. If your petition meets the criteria set out in paragraph 20.3 the Petitioner Organiser will be given the opportunity to raise the issue direct with the relevant Executive Member and, if the petition affects more than one division, the Local Members and/or also to present the petition to a Cabinet Panel.
27. Raising the issue with the Executive Member and, if relevant, the Local Members does not mean necessarily that the Petition Organiser will meet with the relevant members; the issue could be raised via email or by other means.
28. If your petition meets the criteria in paragraph 20.3:
  - 28.1 you will be asked if and how you wish to raise the issue with the Executive Member and, where relevant, the Local Members;
  - 28.2 you will be advised of the next Cabinet Panel meeting to which your petition might be presented if the issue of the petition is not resolved satisfactorily following

raising the issue with the Executive Member and, where relevant, the Local Members;

28.3 you will be informed how many other petitions which satisfy the criteria in paragraph 20.3 have at the date of acknowledgement already been submitted in time for that Cabinet Panel meeting;

28.4 if, your petition is the third or subsequent petition submitted in time for that Cabinet Panel meeting, you will be informed that only two petitions can be debated at each Cabinet Panel meeting and that, if the Petition Organisers for earlier submitted petitions choose to present their petitions to the Cabinet Panel for debate, your petition will not be eligible to be debated at that Cabinet Panel meeting and that, if that is the case, then you need to inform us whether you wish to either:

- attend the next Cabinet Panel meeting and read the text of the petition to members and inform members of the number of signatures but you will not otherwise be allowed to speak (such a petition is referred to later in this Scheme as a 'Petition for Presentation'); or
- postpone presentation of your petition to a future meeting where it can be presented and debated – this will usually be the following meeting of the Cabinet Panel but this will depend on number of other petitions which fall into this category.

29. If the Petition Organiser does not achieve a resolution satisfactory to the Petitioner Organiser following raising the issue with the Executive Member and the Local Members or chooses not to raise the issue with Executive Member and, where relevant, the Local Members then subject as mentioned elsewhere in this Petitions Scheme the Petition can be presented to the relevant Cabinet Panel and an Officer Report will be prepared in respect of that petition (such a Petition is referred to later in this Scheme as a 'Petition for Debate').

*[note: a maximum of two Petitions for Debate only can be considered at any one Cabinet Panel meeting]*

### **Presentation to Cabinet Panel**

30. If a petition contains 250 or more signatures and is to be presented to Cabinet Panel the following paragraphs of this section will apply.

31. In this section:

'Agenda Petition' means a petition relating to an item on the Agenda of the Cabinet Panel to which it is to be presented

'Petition for Debate' means a petition to which paragraph 20.3 applies and which under this Scheme falls to be considered by the Cabinet Panel

'Petition for Presentation' means a petition where the Petition Organiser is to inform members of the text of the petition and the number of signatures but will not otherwise speak

'Urgent Petition' is a petition which the Executive Member determines should be presented to the Panel Meeting as mentioned in paragraph [34] below.

32. The Cabinet Panel will endeavour to consider the petition at its next meeting as long as it is submitted at least 5 clear days before the meeting if it is an Agenda Petition and 30 clear days before the meeting if it relates to a Petition for Debate or a Petition for Presentation (subject to paragraph 34 below).
33. Subject to the petition complying with paragraph 32, if the petition is a Petition for Debate, officers will prepare a Report for members setting out the background and other relevant information of which they are aware relating to the subject matter of the petition but will not give a recommendation as to how the Petition should be dealt with.
34. If the petition satisfies the criteria mentioned in paragraph 20.3 but is received less than 30 clear days but more than 5 clear days notice before the meeting and the petition is not an Agenda Petition then, if the subject matter of the petition needs to be considered urgently (as determined by the relevant Executive Member), the petition may be presented to the Cabinet Panel meeting but no officer report will be prepared.

### ***At the Cabinet Panel Meeting***

35. At the Cabinet Panel meeting the Petition Organiser for an Agenda Petition, Petition for Debate or an Urgent Petition will be given three minutes maximum to present the petition and will not otherwise be allowed to speak. The Petition Organiser for a Petition for Presentation will inform members of the text of the petition and the number of signatures but will not otherwise speak.
36. If the petition is an Agenda Petition then the petition will be presented immediately prior to consideration of the relevant item.
37. Petitions for Debate, Urgent Petitions and Petitions for Presentation will be considered following confirmation of the minutes as follows:
  - 37.1 firstly, each Petition for Presentation
  - 37.2 secondly, any Urgent Petition followed by a discussion on that Urgent Petition subject to a maximum period of 20 minutes in total for presentation of the Urgent Petition by the Petition Organiser and consideration of the Urgent Petition

provided that, at the discretion of the Chairman of the Panel, this period of time can be varied;

- 37.3 then, each Petition for Debate followed by a discussion on that Petition for Debate subject to a maximum period of 20 minutes in total for presentation and consideration of each Petition for Debate provided that at the discretion of the Chairman of the Panel this period of time can be varied
38. Following consideration of a Petition for Debate or an Urgent Petition the Panel can make a recommendation as follows:
- refer the matter to Cabinet
  - make a recommendation to officers as to how to respond to the petition
  - request officers undertake further work and either liaise with the Local Member and relevant Executive Member before responding to the petition or bring the matter back to Panel
  - Acknowledge the petition but recommend that no further action is taken.
39. Following presentation of a Petition for Presentation there will be no discussion on the petition and the petition will be referred (at the discretion of the Chairman) to the next appropriate meeting of the Panel, or to officers for consideration and report to the local member and Group Spokesmen.

### ***Generally***

40. On some occasions it may not be possible for a petition which meets the time requirements set out above to be considered by a Cabinet Panel and if this is the case consideration of the petition will then take place at the next appropriate meeting.
41. No more than two Petitions for Debate in total or one Urgent Petition or three Petitions for Presentation in total will be considered at any one meeting of a Cabinet Panel.
42. No more than two Agenda Petitions shall be presented in respect of any one item at a Cabinet Panel. If there are more than two Agenda Petitions at the discretion of the Chairman the Petition Organiser(s) for the additional petitions may be invited to attend the Panel meeting and advise Members of the text of their petition and the number of signatories to it but will not otherwise be allowed to speak.
43. The order of receipt of the petitions above shall govern priority.
44. Where two or more petitions are received in time for a particular meeting, supporting the same outcome on a particular matter, each Petition Organiser will



be treated as an independent Petition Organiser, but only the Petition Organiser for the first petition to be received will be invited to address the meeting with members being informed that the other petition(s) has/have been received.

*[There is a flowchart annexed to this Scheme setting out the process described above which relates to petitions which would not otherwise be on the Agenda for a Cabinet Panel meeting].*

### **Presentation to Cabinet**

45. If a petition contains 250 or more signatures and relates to a matter on the Cabinet Agenda which has not been considered by a Cabinet Panel the following paragraphs of this section will apply.
46. The petition must be received by the Chief Legal Officer at least 5 clear days before the meeting.
47. The petition will be presented immediately prior to consideration of the relevant item. The Petition Organiser may address the Cabinet for no more than three minutes on the subject of the petition, but thereafter shall not have the right to speak further. The petition will then be considered as part of the discussion on the relevant Agenda item.
48. No more than two petitions shall be presented at any one meeting of the Cabinet unless the Chairman of Cabinet so allows. The order of receipt of the petitions shall govern priority.
49. Where more than two petitions are received in time for a particular meeting, supporting the same outcome on a particular matter, each Petition Organiser will be treated as an independent Petition Organiser, but only the Petition Organiser for the first petition to be received will be invited to address the meeting with members being informed that the other petition(s) has/have been received.

### **Full Council**

#### ***Before the Council meeting***

50. If a petition contains 1,000 or more signatures and is to be presented to full Council the following paragraphs of this section will apply.
51. The Council will endeavour to consider the petition at its next meeting as long as it is submitted at least **5 clear days** before the meeting if the petition relates to an item on the Agenda and **20 clear days** before the meeting if it relates to a matter which is not scheduled to be on the Agenda (subject to paragraph 53 below).
52. Subject to complying with paragraph 51, if the petition relates to a matter not otherwise scheduled to be on the Agenda for the Council Meeting, officers will

prepare a Report for members setting out the background and other relevant information of which they are aware relating to the subject matter of the petition but will not give a recommendation as to how the Petition should be dealt with.

53. If the petition is received less than 20 clear days but more than 5 clear days before the meeting and the petition does not relate to a matter scheduled to be on the Agenda then, if the subject matter of the petition needs to be considered urgently (as determined by the Chairman of the Council), the Petition may be presented to the Council meeting but no officer report will be prepared.

### ***At the Council Meeting***

54. At the Council meeting the Petition Organiser will be given three minutes maximum to present the petition and will not otherwise be allowed to speak.
55. If the petition relates to a matter that was already on the Agenda then the petition will be presented immediately prior to consideration of the relevant item.
56. If the petition relates to a matter that would not otherwise have been on the Agenda then it will be presented and the officer report on it will be considered early in the Council meeting in accordance with the standing orders relating to the order of business. There will then be a short debate by the Council.
57. The Council will decide how to respond to the petition at the meeting. They may decide to take the action the petition requests or not to take the action requested for reasons put forward in the debate. Where the issue is one on which the Council executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. If the Council do not decide to deal with the petition in some other way, it will (at the discretion of the Chairman) be referred to the Overview and Scrutiny Committee, the appropriate Cabinet Panel or to officers for consideration and report to the Local Member and Group Spokesmen.
58. If the petition is one which the Chairman determines needs to be considered urgently (see paragraph 53 above) then one member from each of the Groups on the Council may speak and the petition will then be referred (at the discretion of the Chairman) to the Overview and Scrutiny Committee, the appropriate Cabinet Panel, or to officers for consideration and report to the Local Member and Group Spokesmen.

### ***Generally***

59. On some occasions it may not be possible for a petition which meets the time requirements set out above to be considered by Council and, if this is the case, consideration of the petition will then take place at the next appropriate meeting.

60. No more than two petitions in total will be considered at any one meeting of the Council pursuant to paragraphs 55 and 56 above and, in addition, no more than two petitions that relate to an item that is already on the Agenda. The order of receipt of the petitions shall govern priority.
61. Where two or more petitions are received in time for a particular meeting, supporting the same outcome on a particular matter, each Petition Organiser will be treated as an independent Petition Organiser, but only the Petition Organiser for the first petition to be received will be invited to address the meeting with members being informed that the other petition(s) has/have been received.
62. Petitions to Council can be on any matter which relates to something that is the responsibility of the County Council or which significantly affects the County of Hertfordshire, but, if it relates to an Executive function, the Petition Organiser will be advised that Council cannot make a decision on the matter which will bind the County Council – although Council can refer the matter to Cabinet with their comments/views.

### **E-petitions**

63. In addition to paper petitions the Council welcomes e-petitions which are created, signed and submitted through our website <https://cmis.hertsdirect.org/hertfordshire/Petitions.aspx> must follow the same guidelines as paper petitions.
64. The person who raises the e-petition will need to provide us with their name, postal address, post code and email address. You will also need to decide how long you would like your petition to be open for signatures. We recommend allowing petitions to run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months. The Council will then organise for the petition to be published on-line.
65. When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
66. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. A summary of the petition and the reason why it has not been accepted will also be published under the 'rejected petitions' section of the website.
67. When an e-petition has closed for signature, it will be submitted to the Council. If you would like to present your e-petition to a meeting of the Council, please contact us to seek advice.

68. The response to the petition which is published on the website is automatically emailed to everyone who has signed the e-petition and elected to receive this information.
69. Any paper signatures that are collected can also be added to an e-petition. Please forward these to the Chief Legal Officer, County Hall, Hertford, SG13 8DE. In doing so, please make it clear that you would like to link these signatures to the relevant e-petition.

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

70. You can see all the e-petitions currently available for signature here <https://cmis.hertsdirect.org/hertfordshire/Petitions.aspx>
71. When you sign an e-petition you will be asked to provide your name, your postal address and your postcode. People visiting the e-petition will be able to see your name and the city or town in which you live in the list of those who have signed it, but the remainder of your details will not be publicly visible. You will also have the opportunity to sign up for e-mail updates on the progress of any petition that you sign.

### **Informing councillors and officers**

72. When a petition is received the relevant Cabinet member, opposition spokespersons and Chief Officer will be sent a copy of the petition.
73. If the petition relates to a local matter in a particular electoral division the relevant local county councillor will also be sent a copy of the petition.

### **Clear Days**

74. In this scheme 'clear days' means clear calendar days.

### **Scheme Review**

75. The Council may review these arrangements from time to time and make alternative arrangements.

**KATHRYN PETTITT  
CHIEF LEGAL OFFICER  
MAY 2016**

**Petitions Scheme**

Flowchart for Petitions which would not otherwise be on Agenda for Cabinet Panel meeting

