

PART 5 - Malvern Hills District Council Petitions Scheme

Malvern Hills District Council recognises that petitions are an important way in which people can raise their concerns. We have provided a pro forma to assist you in drawing up your petition which can be accessed on our website.

Petitions in paper form can be sent to Malvern Hills District Council at the address below:

Democratic Services
Malvern Hills District Council
The Council House
Avenue Road
Malvern
WR14 3AF

Petitions can also be presented to a meeting of the Executive Committee or Council as part of the public participation at those meetings. Dates can be found from the website.

If you would like to present your petition to the meeting, or would like your Councillor or someone else to present it on your behalf, please email committee@malvernhills.gov.uk or telephone 01684 862416/2273 preferably 5 working days before the meeting and we will talk you through the process.

Your petition will not be debated at that meeting but will be passed to the appropriate officer or Councillor for a response to you. The response to your petition will depend on the number of signatures as detailed below, however if your petition has received 750 signatures or more it will be scheduled for a Council debate and if this is the case we will let you know whether this will happen at the next meeting or a later meeting of the Council.

Guidelines for submitting a petition

Anyone who lives, works or studies in the Malvern Hills District, including under-18s, can sign or organise a petition.

Petitions must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take or cease to take
- contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will treat the first named signatory as the petition organiser
- the name and address and signature of every person supporting the petition

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Where the Monitoring Officer, in consultation with the Leader of the Council, considers a petition to be vexatious, abusive or otherwise inappropriate it will not be accepted.

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.

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.

Petition Scheme Summary of Council Response

Less than 100 signatures

We will acknowledge receipt within 10 working days and tell you how we intend to deal with your petition, including giving a timescale for providing a substantive response if we cannot do this within the initial 10 working days

100 or more signatures

In addition to the above we will include details of the petition and our response to it on the Council's website for others to see.

If the petition organiser is not satisfied with the Council's response, you can ask for this to be reviewed by the Overview and Scrutiny Committee.

350 or more signatures

You may ask for a relevant senior officer of the Council to appear before a meeting of the Overview and Scrutiny Committee to give an account of the matters referred to in the petition.

750 or more signatures

Unless the petition is one asking for a senior officer to appear before Overview & Scrutiny Committee, it will automatically be scheduled for a debate at a meeting of the full Council and the petition organiser will be invited to attend.

This scheme does NOT apply where other statutory procedures are applicable or to petitions in respect of planning applications, licensing applications or other regulatory functions. Such petitions will continue to be presented to the appropriate Committee considering the application, subject in the case of Licensing Act matters to restrictions on relevant representations.

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All other petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

What the Council will do when it receives a petition

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again with a more substantive response if this is not available within those 10 working days.

If the petition has 100 or more signatories to it, information on the petition along with details of the Council's subsequent response will also be published on our website for others to see. Correspondence relating to the petition may also be published (all personal details will be removed).

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. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation or consideration, we will tell you the steps we plan to take.

If the petition relates to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or is on a matter where there is already an existing right of review or appeal, it falls outside this Scheme and other procedures apply. If you are unsure, we are happy to advise.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

How the Council will respond to a petition

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council meeting or relevant Committee
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners

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- referring the petition for consideration by the Council's Overview and Scrutiny Committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*Overview and Scrutiny Councillors are responsible for scrutinising the work of the Council – and the Committee has the power to hold the Council's decision makers to account.

In addition to these steps, the Council may consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible at <http://www.malvern hills.gov.uk>

If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full Council Debates

If a petition contains more than 750 signatures it will be debated by the full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting – see below.

(Petitions containing less than 750 signatures can also be presented to the full Council or the Executive Committee in accordance with our public participation scheme indicated above, although they will not trigger a debate on the issue).

This means that the issue raised in the petition meeting this threshold of signatures will be discussed at a meeting of Council – at which all 38 District Councillors can attend and speak. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes.

The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put

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forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.

The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer Evidence

Your petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior Council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 350 signatures, a relevant senior officer i.e. the Chief Executive, Monitoring Officer, Responsible Financial Officer (s.151) or another Head of Service will give evidence at a public meeting of the Council's Overview and Scrutiny Committee.

You must give grounds for your request which must relate to the discharge of functions for which the officer is responsible, not personal circumstances or character. Vexatious, abusive or otherwise inappropriate petitions will not be accepted.

You should be aware that the Overview & Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs or is not responsible for the issue in the petition.

The Committee may also decide to call the relevant Councillor to attend the meeting. Petitioners will not be able to question the officer directly but you will be able to suggest questions to the Committee Chairman up to three working days before the meeting. The report or recommendations arising from that meeting will be copied to the petition organiser.

What to do if you feel your petition has not been dealt with properly

If the petition contained at least 100 signatures, once the Council has informed the organiser of the steps to be taken in response to the petition, if you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Overview and Scrutiny Committee to review the adequacy of the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review, if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

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The Overview & Scrutiny Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to Executive Committee and arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the results within 10 working days. The results of the review will also be published on our website. In the case of petitions containing fewer than 100 signatures, if you are dissatisfied with the Council's response you may write to the Council's Chief Executive in accordance with the Council's complaints procedure.

For further information on any matter relating to this scheme, please contact Democratic Services by emailing committee@malvern hills.gov.uk or by telephone on 01684 862416/2273.