

Tunbridge Wells Petition Scheme

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. This Petition Scheme defines categories of petitions and how the Council will deal with a petition once it is received.

What are the guidelines for submitting a petition?

Petitions submitted to the Council 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;
- the name, address, email address (where available) and signature of any person supporting the petition. Supporters of the petition can be anyone who lives, works or studies in the area of the Borough Council; and
- be submitted in a paper format or be submitted through the Council's approved e-petition software.

Petitions must be accompanied by contact details of the petition organiser, who can also be anyone who lives, works or studies in the area of the Borough Council. This is normally the only person we will contact concerning the petition. If the petition does not identify a petition organiser, we will contact the person or organisation that submitted the petition to agree who should act as the petition organiser.

Petitions during elections

In the period immediately before an election or referendum the Council may need to deal with a petition differently – if this is the case we will explain the reasons and discuss the revised timescale with the petition organiser. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In this case, the Council will write to the petition organiser to explain the reasons.

What will the Council do when it receives a petition?

We will aim to send an acknowledgement 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. It will also be published on our website.

Whenever possible the Council will also publish all correspondence relating to the petition (personal details will be removed).

The action the Council will then take will depend on the number of signatures contained in the petition. The following table 1 sets out the Council's approach:

Fewer than 50 signatures

If a petition is received with fewer than 50 signatures it will be treated in the same way as other correspondence received by the Council and will receive a written response from an Officer of the Council.

50 or more but fewer than 500

Written response by a Senior Officer of the Council

500 or more but fewer than 1000

Petition will be considered by the Overview and Scrutiny Committee who may hear evidence in public from a Senior Officer of the Council

1000 or more

Petition requiring Full Council debate

If the Council can do what the petition asks for, the response may confirm that the Council has taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or for the petition to be considered by the Overview and Scrutiny Committee with a senior officer giving evidence, then the response will confirm this and tell the petition organiser when and where the meeting is planned to take place. If the petition needs more consideration, the Council will tell the petition organiser the steps it plans to take. At any one meeting no person or organisation may present more than one petition.

When could a petition be rejected?

The Chief Executive on the advice of the Monitoring Officer (or Deputy Monitoring Officer where appropriate) has the power to reject petitions if it:

- Does not qualify under the scheme;
- It is vexatious, abusive or otherwise inappropriate;
- It is a petition qualifying under another enactment;
- It is excluded by order;
- It relates to a planning decision;
- It relates to a licensing decision; or
- It relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

Repeat petitions will not normally be considered if they are received within 6 months of another petition having already been considered by the Council on the same matter.

If the petition relates to a planning or licensing application, or a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and nondomestic rates, other procedures apply and they are excluded from this Petition Scheme. In relation to petitions in response to an invitation from the authority for representations on a particular application, for example on planning or licensing applications the petition must be received by the response date in the consultation invitation and will be reported to the Planning and Licensing Committees. Where a petition is submitted in relation to a specific statute, the Council will report it to the next available meeting of the Council in accordance with the statutory requirements.

How would the Council respond to petitions?

The Council's response to a petition will depend on what a petition asks for and how many people have signed it (see above), and may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council meeting
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Overview and Scrutiny Committee
- writing to the petition organiser setting out our views about the request in a petition.

The Overview and Scrutiny Committee is a committee of Councillors who are responsible for scrutinising the work of the Council, in other words, the Overview and Scrutiny Committee has the power to hold the Council's decision makers to account. If the petition is about something over which the Council has no direct control (for example, the local railway or hospital) it will consider making representations on behalf of the community to the relevant body. If the petition is about something that a different Council is responsible for, this Council 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 the Council will always notify the petition organiser of the action it has taken.

Full Council debates

A Full Council debate means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and the discussion will then take place at the following meeting. The petition organiser will be given a total of ten minutes to present the petition to the meeting and may choose to allocate this time to more than one speaker. The petition will then be discussed by councillors. The Council will then decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further work, for example, consideration by the Overview and Scrutiny Committee.

Where the issue is one on which the Council's Cabinet are required by law to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This decision will also be published on the Council's website.

Officer evidence

The 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, the 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 the petition contains at least 500 signatures (see above), the petition will be considered by the Overview and Scrutiny Committee who may take evidence from the relevant senior officer. A list of the senior staff that can be called to give evidence is available from the Council at the address given below. The 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.

The Committee may also decide to call a relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but the petition organiser will be able to suggest questions to the Chairman of the Committee by contacting the Council at the address below up to three clear working days before the meeting.

E-petitions

The Council welcomes e-petitions which are created and submitted to the Council through the Council's approved e-petitions software at www.tunbridgewells.gov.uk/petitions.

The Council will not respond to e-petitions which are submitted by other means, and such e-petitions will be rejected.

E-petitions must follow the same guidelines as paper petitions except that it includes lists of names and addresses rather than actual signatures. In addition, those subscribing to the petition must confirm that they live, work or study in the local area of Tunbridge Wells Borough Council. The petition organiser will need to provide us with their name, postal address and e-mail address and also confirm that they live, work or study in the area of Tunbridge Wells Borough Council. The petition organiser will need to decide how long the petition will be open for. Most petitions run for three months, but the petition organiser can choose a shorter or longer timeframe, up to a maximum of six months.

When an e-petition is created, it may take five working days before it is published online. This is because we have to check that the petition's context is suitable before it is made available on the website.

If the Council feels it cannot publish your petition for some reason, the Council will contact the petition organiser within this time to explain. The petition organiser will be able to change and resubmit the petition if necessary. If the petition organiser does not do this 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.

When an e-petition has closed, it will automatically be submitted to the Council at the address below. In the same way as a paper petition, the petition organiser will receive an acknowledgement within ten working days.

Petitions received in response to statutory consultation on planning and licensing applications fall outside of this Petition Scheme. They will continue to be reported to the Planning and Licensing Committees.

Where do I send my petition?

Paper petitions must be submitted to:

Head of Policy and Governance
Tunbridge Wells Borough Council
Town Hall
Royal Tunbridge Wells
Kent, TN1 1RS

E-petitions may be submitted at: www.tunbridgewells.gov.uk/petitions

Enquiries to: committee@tunbridgewells.gov.uk or call 01892 554219

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

If the petition organiser feels that the Council has not dealt with their petition properly, they have the right to request the Overview and Scrutiny Committee to review the steps that the Council has taken in response to the petition. To request a review the petition organiser must give a short explanation of the reasons why the Council's response is not considered adequate.

The Overview and Scrutiny Committee will endeavour to consider the petition organiser's 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 Overview and Scrutiny Committee determine the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Cabinet 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 7 working days. The results of the review will also be published on the Council's website.

If you feel your petition has not been dealt with properly you can contact the Overview and Scrutiny Committee at:

Scrutiny Officer
Tunbridge Wells Borough Council
Town Hall
Royal Tunbridge Wells
Kent, TN11RS

Or by email at scrutiny@tunbridgewells.gov.uk.