

Petition Scheme

The Council's petition procedures

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London Borough of Hillingdon



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HILLINGDON COUNCIL PETITION SCHEME

Hillingdon Council's petition process enjoys high resident participation and satisfaction and, as a part of that process, the Council promises to:

- **Value all petitions** – residents' views are important
 - **Give friendly advice** – how to best pursue the issue that residents have
 - **Make it easy** – different ways to submit a petition
 - **Keep you informed** – update the petition organiser about a petition's progress
 - **Let you have your say** – enable residents to speak to and directly influence Council decision-makers
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Petitions Overview

The petition process allows the residents of Hillingdon to have direct influence on the decision-making process and to raise concerns that are important to them. All petitions sent or presented to the Council will receive a written acknowledgement within 5 working days of receipt. This acknowledgement will set out what the Council plans to do with the petition and when the petition organiser can expect to hear from the Council again. The Council will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition. More than one petition can be received on a particular issue, whether for or against that issue.

How will the Council respond to petitions?

The Council's response to a petition will depend on what the 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 an appropriate Council / Committee meeting enabling the lead petitioner to speak on the matter before a decision is made
- Holding an inquiry into the matter
- Undertaking research into the matter
- Considering the petition at a Petition Hearing with the relevant Cabinet Member, enabling the lead petitioner to speak directly to the decision-maker
- Carrying out a consultation
- Holding an informal meeting with the petition organiser
- Writing to the petition organiser setting out the Council's views about the request in the petition and what the Council can or cannot do about it

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

Privacy of information in a petition

By signing a petition, every signatory provides the Council with their name, address and signature (and sometimes their contact details) in order to demonstrate support for an issue and influence the decisions the Council makes. The Council will ensure the personal data within a petition is not released for any purpose other than to consider the petition as set out in this Petition Scheme and the associated public-facing democratic process. The handling of petitions falls under the “public task” legal requirement for processing personal data under the Data Protection Act 2018, necessary for activities that support or promote democratic engagement. Details of the signatories to a petition will not be available for public inspection by any third party outside the Council or published on the Council website.

Should someone signing a petition wish for their name and address to be removed from a petition either a) because they no longer support it or b) wish for their personal details to be removed for privacy reasons, then this will be done upon receipt of a request in writing to the Head of Democratic Services.

Section A: submitting a petition

Who can submit a petition?

Anyone who **lives** in the Borough, including under 18s, can sign or organise a paper or electronic petition.

What makes a valid petition and how many signatures are needed?

Petitions can be either paper or electronic. For the purposes of this scheme, the Council will treat as a petition anything which identifies itself as a petition, or which a reasonable person would regard as a petition, and which is signed by people that live within the Borough. The lead petitioner must also live within the Borough. If they do not, they may choose another representative who lives in the Borough to lead their petition.

All paper petitions received; and electronic petitions that are on a current planning applications or licensing matters (minimum 20 valid signatories):

For practical purposes, the Council has set a requirement for at least 20 valid signatories before it is treated as a valid petition. In the case of paper petitions, a valid signature will be classed as the name, address and signature of an individual that lives in the Borough (duplicate signatories will not be counted). For electronic petitions, the Council requires a name, valid email address and an indication of residency in the Borough as part of the electronic petition system being used.

Electronic petitions on Council services to the Cabinet Member (minimum 100 valid signatories):

Recognising that compiling 'signatures' on an electronic petition is very much easier than a paper petition, for petitions about Council service matters, these will require at least 100 valid signatories before it is treated as a valid petition. This must include a name, valid email address and an indication of residency in the Borough as part of the relevant electronic petition system being used. This includes the Council's own electronic petition facility.

Petitions under 20 signatures (or under 100 in the case of electronic cabinet member petitions)

Such petitions are not valid and will be treated as a corporate complaint, service request or representation, e.g. on a planning application, whichever is appropriate, and will be passed to the appropriate department to take forward and respond. The appropriate Ward Councillors will also be notified of these petitions.

However, in the case of a Cabinet Member petition, a Ward Councillor may request that the relevant Cabinet Member treat such petitions as valid. Upon their agreement, the petition will become valid and proceed forward through the democratic process.

For petitions under 20 signatures on planning applications, ward councillors may exercise their right to call-in the application to Committee, though speaking rights for the petitioner will not apply.

What are the guidelines for submitting a petition?

Before submitting a petition, petitioners are advised to first check with their Ward Councillors or with the Council to see if the Council is already acting on the concerns raised.

Petitions submitted to the Council must include a clear and concise statement covering the subject of the petition and should also state what action the petitioners wish the Council to take. If about a planning application it should state the application number. At least 20 of the signatories to a paper petition will be validated to ensure that they live in the Borough by comparing the names and addresses with records held by the Council. The Head of Democratic Services will determine the validity of signatories to an electronic petition.

Petitions should be accompanied by contact details for the petition organiser or lead petitioner (including an address and, where possible, a contact telephone number and/or email address). This is the person that will be contacted to explain how the petition will be responded to. If a paper petition does not identify a petition organiser, normally only the first person on the petition will be contacted.

If deemed appropriate by the Head of Democratic Services, a paper petition and an electronic petition that are on the same subject from the same petition organiser may be combined as a single petition and the lead petitioner will be advised accordingly.

Electronic Petitions

Electronic petitions may be submitted through the Council's website (www.hillingdon.gov.uk), although it is recognised that other online electronic petition facilities are available and the Council is happy to accept these where it can be identified that the people signing the petition live in the Borough.

When an electronic petition is created using the Council facility, it may take up to 7 working days before it is published on the Council's website. This is because of the need to check the content of the petition before it is made public and available for people to sign. If the Council considers that it cannot publish and must reject a petition, the petition organiser will be contacted within this period to explain why. Where possible, the petition organiser will have the opportunity to change and resubmit the petition within 15 working days, otherwise it may be rejected.

Once an electronic petition is accepted, the petition organiser will need to decide how long they want their petition to be open for signatories. Most petitions will run for a few weeks but the petition organiser can choose a shorter or longer timeframe, up to a maximum of 3 months. If no time is selected, the petition will automatically be kept active for 3 months.

The Council will advise further on timings in the case of electronic petitions on current planning applications so that they can be submitted before determining the matter.

When a resident wishes to sign an electronic petition using the Council facility, they will be asked to provide their name, address and a valid email address. Once this information has been validated, the petitioner's signature will be added to the petition.

How should a petition be submitted to the Council?

The Democratic Services Team is responsible for receiving, managing and reporting all petitions sent to the Council. Paper petitions can be sent by post, hand delivered or scanned and emailed to:

Head of Democratic Services
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
Middlesex UB8 1UW
Email: petitions@hillingdon.gov.uk

Completed electronic petitions using an alternative system to the Council's facility can also be printed off, posted, hand delivered or scanned and emailed.

Section B: petition rules

Petitions which will not be accepted by the Council

Petitions will be on a variety of matters under the Council's remit. However, in the following circumstances, petitions will not be accepted and thereby rejected if they:

- a) Are not within the direct responsibility of the Council's services or Cabinet / Cabinet Members portfolios.
- b) Are received within six months of another petition having already been considered by the authority on the same matter.
- c) Upon receipt, directly seek to overturn a recent democratically approved decision by the Council upon which statutory and/or local public consultation has already taken place, as determined by the Head of Democratic Services.
- d) Petitions, whereby there is an existing statutory appeals or higher complaints process, e.g., ombudsman, planning inspectorate
- e) Petitions that will require the disclosure of personal data, exempt or confidential information or relate to any specific council employee(s) or contracted member of staff.
- f) Petitions, that in the opinion of the Head of Democratic Services, are vexatious, frivolous, abusive, illegal or otherwise inappropriate.

If a petition is deemed unacceptable, the petition organiser will be contacted with an explanation why the petition will not be accepted.

If a petition is about something over which the Council has no direct control (for example the local railway or hospital) for which another authority is responsible, the lead petitioner will be provided with the necessary information and advice to refer their petition directly to the relevant authority concerned.

Other petitions which may not be taken forward

In the following circumstances, petitions will be responded to proactively, but may not be taken forward further by the Council, if in the opinion of the Head of Democratic Services (in consultation with the relevant Cabinet Member/Leader of the Council):

- a) They do not contain specific proposals for action;
- b) Relate to new or amended service policies, proposals or projects that are not legal, operationally feasible or financially affordable within the Council's approved service programmes or budget;
- c) Where the specific matter requested has already formally been agreed to be implemented within the Council's approved budget to the benefit of the petitioners, e.g. bowls club refurbishment in the capital programme;
- d) They could be considered through established alternative resident engagement programmes of the Council, e.g. Chrysalis or Ward Budget Scheme [unless these programmes have already been exhausted].
- e) Where the petition (including any adaptations made to it) has originated from international, national or regional bodies and organisations for their own

promotional purposes to canvass support for an issue that is not specific to Hillingdon

In such cases, the petitioner organiser will be contacted appropriately for any clarification, advice or further information on their petition.

Petitions which raise issues of alleged Member misconduct will be taken as complaints arising under the Local Government Act 2000 and the Localism Act 2011 and, where appropriate, will be reported to the Council's Monitoring Officer.

Multiple Petitions

For issues of practicality, where the Council receives more than one petition in relation to the same issue (e.g., a planning application), the Cabinet Member / Chairman of the relevant Committee will have discretion to amend the speaking rights, the number of speakers and speaking timings. Please note that it is not an automatic right that each petition organiser will get 5 minutes to speak if there is more than one petition.

Petitions received during an Election Period

Due to restrictions imposed in the period immediately before any election or referendum, the Council may need to deal with petitions differently. If this is the case, the petition organiser will be contacted to explain the reasons and discuss the revised timescale that will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, the petition organiser will be contacted to explain the reasons.

Section C: considering a petition

What types of petition are there?

In considering a valid petition, it will usually fall into one of the four categories below and the process for how the Council responds to it will be different:

- a. Cabinet Member Petitions
- b. Planning Petitions
- c. Licensing Petitions
- d. Petitions to be considered at another Council committee.

What will the Council do when it receives a valid petition?

Whether paper or electronic, a written acknowledgement will be sent to the petition organiser within 5 working days of receiving the petition. This acknowledgement will let the petition organiser know what the Council plans to do with the petition and when they can expect to hear from the Council again. In addition, when an electronic petition, using the Council facility, has closed for signature and receives sufficient responses, a petition acknowledgement and response will be emailed to everyone who has signed the petition and has elected to receive this information.

a. Cabinet Member Petitions

Such petitions are on matters relating to Council services within the remit of the Cabinet or relevant Cabinet Member.

If the petition needs more investigation, the Council will tell the petition organiser what steps the Council plans to take and how the matter can be resolved. The lead petitioner will be asked if they are satisfied with the proposed action or outcome and whether they would like to close their petition. If the lead petitioner is not satisfied, the Council will hold a petition hearing with the Cabinet Member at the earliest opportunity.

In the vast majority of cases, valid petitions will be considered by the relevant Cabinet Member at a Petition Hearing where s/he will decide what action (if any) will be taken.

A valid petition will entitle the petitioners to have their petition considered by the relevant Cabinet Member at a Petition Hearing to argue their case or promote a particular issue. Such petitions will be accompanied by an officers' report indicating the issue to be raised, the Council's powers and responsibilities for the issue raised and the options for action.

The petitioner organiser of each petition, or their representative, may address the Petition Hearing for up to 5 minutes* and may answer questions from the Cabinet Member for a further 3 minutes. Ward Councillors will also be permitted to speak for up to 3 minutes on each petition relating to their Ward. Extending these time limits is at the discretion of the Cabinet Member.

Where a petition organiser meets a Cabinet Member at a Petition Hearing, either by right or where the Cabinet Member has agreed to meet them, the following procedures shall apply:

- A written report from officers must be published at least 5 clear working days before the meeting;
- The meeting shall normally take place at the Civic Centre, unless the Cabinet Member decides otherwise;
- The meeting shall be open to the public and press (subject to the Access to Information Act rules);
- The meeting shall be attended by officers from the appropriate service area and by a representative of Democratic Services;
- The appropriate Ward Councillors shall be informed of the date and time of the meeting and may attend and have the right to speak at the meeting for up to 3 minutes;
- The lead petitioner or their nominated representative, where they have been either invited to attend by the Cabinet Member or where they have the right to attend, shall have the right to speak about the matter raised in the petition for a maximum of 5 minutes* and the Cabinet Member may ask them questions about the petition. Where it is a single petition, the time limit may be extended with the consent of the Cabinet Member;
- The Cabinet Member shall either announce their decision once they have heard the petitioner (and this decision shall be recorded and published), or they may decide that they wish to consider the matter and make a decision at a later date.

Where the Cabinet Member decides to make a decision at a later date, the Member shall inform the Head of Democratic Services as soon as they have made a decision and this shall be recorded and published. There shall be no further right for a petition organiser to meet with the Cabinet Member;

- The petition organiser will be informed of the decision in writing, and if their request is agreed, subsequently kept informed of progress in implementing the matter.

The relevant Cabinet Member has the power to decide whether they wish the petition to be heard at a Cabinet meeting for decision instead of being considered at a Petition Hearing. Valid petitions may be presented to the Cabinet for decision where so decided by the Cabinet Member holding the appropriate portfolio relating to the matter raised in the petition. Such petitions shall be accompanied by an officers' report indicating the issue to be raised, the Council's powers and responsibilities in relation to the issue raised and the options for action. One representative of any petition may address the Cabinet for up to 5 minutes * and may answer questions from Cabinet Members for a further 3 minutes.

** Please note that the Cabinet Member (or Chairman of the Cabinet) reserves the right to vary all speaking time limits if there is more than one petition in relation to one issue.*

b. Planning Petitions

A valid petition will be relation to a live planning application before it has been determined and the Council will inform the petition organiser about their right to speak on the application to be considered by the Council and that they will be contacted again before the date of the relevant Planning Committee meeting about participating in the democratic process.

The petitioner organiser (or their nominated representative) will be invited to attend and speak for up to 5 minutes* in relation to that matter at the meeting at which the application will be considered. The applicant (or their agent) will also get the opportunity to speak for 5 minutes* where a valid petition has been accepted by the Council in relation to their application. Ward Councillors will be permitted to speak for up to three minutes in relation to an application if they have notified their intention to do so in advance to the Committee Chairman. Members of the Committee will also be able to ask questions of the petitioners for up to three minutes. Notification of the intention to speak and the name of the speaker must be supplied to the Head of Democratic Services at least 24 hours before the meeting.

All petitions in relation to Planning Committees should be received by the Head of Democratic Services no later than 48 hours prior to the meeting. Discretion to allow petitions after this deadline can only be approved by the Chairman of the relevant Planning Committee.

Any supplementary information to be presented by the petitioner, applicant or agent at the meeting should be provided to Democratic Services no later than 48 hours prior to the meeting, unless the Chairman of the Committee agrees otherwise.

If the organiser of a petition would like to address a second or subsequent meeting which is to consider the issue which gives rise to their petition (e.g. if the matter is deferred), they will need to organise another valid petition.

**Please note that the Committee Chairman reserves the right to vary all speaking time limits is more than one petition in relation to one issue.*

c. Licensing Petitions

Such petitions would be on matters, for example, in relation to street trading, entertainment, alcohol or premises related licensing, sex establishments, scrap metal or gambling.

In such cases, petitions may only be submitted to the Licensing Authority or Licensing Team as relevant representations and, if applicable, during any statutory consultation period on the matter. The lead petitioner / applicant (or their nominated representative) will then have the opportunity to address a Licensing Sub-Committee on the matter as set out in the relevant hearing protocol or legislation. The Council will advise the lead petitioner further on this different process upon receipt of such a petition.

d. Petitions to be considered at another appropriate Council Committee

In the case of petitions concerning subjects which would normally fall to be considered by a Council body other than those above, the Head of Democratic Services, in consultation with the Leader of the Council, will determine which Council decision making body should hear and determine the petition.

The petitioner organiser (or their representative) will be invited to attend and speak for up to 5 minutes* in relation to that matter at the meeting at which the application will be considered.

**Please note that time limits may vary if there is more than one petition in relation to one issue.*

Petitions requesting a referendum

For further information on the submission of petitions to the Council requesting a referendum, please contact the Democratic Services Team at petitions@hillington.gov.uk or by calling 01895 250636.

Is there any other way to have a say?

The Council will always try to identify and solve problems at an early stage. The Council is committed to receiving feedback as this helps to develop and review services. It is recognised that petitions are just one way in which people can let the Council know about their concerns. Other ways that people can have their say include:

- Making a complaint using the Council's Complaints System
(<http://www.hillingdon.gov.uk/index.jsp?articleid=5881>)
- Contacting your local Councillor
(<http://modgov.hillingdon.gov.uk/mgMemberIndex.aspx>)
- Contacting your local MP
(<http://www.hillingdon.gov.uk/index.jsp?articleid=18212>)