

Council of the Isles of Scilly

PETITIONS SCHEME

1. Introduction

The Council welcomes petitions and recognises that they are one way in which people can let us know their concerns. Details of what the Council will accept as a petition and how the Council will respond are contained in this document.

All petitions sent or presented to the Council will receive confirmation of receipt within 3 working days of being received by the Council's Chief Executive Officer. Within 15 working days of either receipt of a paper petition or the closure of an e-petition we will write to the lead petitioner explaining what we plan to do with the petition.

It should be noted that there is no underpinning legislation relating to petitions to local authorities, as The Localism Act 2011 repealed the relevant section of the Local Democracy, Economic Development and Construction Act 2009 which had previously been in place.

2. What is a petition?

The Council has determined that, for the purposes of this scheme, petitions are formal requests:

- (i) that relate to matters over which the Council has control or which it is able to influence; and
- (ii) submitted either in hard copy, electronically by email to petitions@scilly.gov.uk or via the Council's online e-petition system); and
- (iii) signed or subscribed to by at least 100 people who live, work or study in the Isles of Scilly, or use the service(s) to which the petition relates; and
- (iv) asks the Council to do or not do something.

The following will not be accepted as petitions within the scope of this Scheme:

- (v) anything which is not subscribed by at least 100 people.
- (vi) submissions which are considered by the Chief Executive Officer or Monitoring Officer to be vexatious, abusive or otherwise inappropriate;
- (vii) submissions which relate to matters that are the subject of a current consultation by the Council; or
- (viii) where other procedures apply or there is already a right of representation or appeal in relation to the subject of the petition. These include planning and licensing applications, statutory petitions (for example requesting a referendum on having an elected mayor), council tax banding and nondomestic rates. Further information on these procedures can be obtained from the Council's website, the relevant Service or by contacting the Chief Executive's Department.

3. Guidelines for submitting a petition

Any person who lives, works, studies or uses a service in the Isles of Scilly can submit or subscribe to a petition, including those under the age of 18. Petitions submitted to the Council must meet the requirements set out in section 2 above and also include:-

- A clear and concise statement detailing what the petition relates to and what action the petitioners wish the Council to take; and
- The name, address and signature shown legibly of each person subscribing to the petition.

The signature can be replaced with a valid email address where an e-petition has been created.

To help us deal with your petition it should, if applicable, include a summary of any action already taken to resolve the issue to which the petition relates including, for example, details of Councillors or council officers that have been approached.

Petitioners are encouraged to use the Isles of Scilly petition form at Appendix 1. The form can also be obtained from any of the Council's one stop shops.

Petitions should be accompanied by contact details, including an address, for the petition organiser and the petition organiser's email address if an e-petition. This is the person we will contact to explain how we will respond to the petition.

Petitioners' contact details will not be placed on the website. If the petition does not identify a petition organiser, we will contact the first signatory to the petition to agree who should act as the petition organiser. In the unlikely event that we cannot agree a lead petitioner, the Council reserves the right not to take any action in relation to the petition.

Paper petitions should be submitted as a final and complete document. In the event additional signatures are received after submission, the Council may consider the submission as a new petition and opt to deal with it as a petition that is the same as or substantially similar to a previous petition, or incorporate the additional signatures into an existing petition where it is considered appropriate to do so.

Hard copy petitions should be sent to:
PETITION SUBMISSION
Chief Executive's Department
Council of the Isles of Scilly
Town Hall
St Mary's
Isles of Scilly
TR21 0LW

E-petitions should be submitted through the Council's online facility or by mail to petitions@cornwall.gov.uk. Note that if you use a different online petition facility then it will not be accepted.

Petitions can also be presented in person. To arrange this please contact the Chief Executive's Department via petitions@scilly.gov.uk

Where a petition to which this scheme applies is received by a councillor or council officer they are required to refer the petition to the Chief Executive's Department or petitions will not be treated as having been received.

4. What will the Council do when it receives my petition?

The principles set out below will be applied to all petitions that are within the scope of this Scheme. Section 6 below deals with those petitions that trigger a full Council debate.

Within 15 working days of receiving a paper petition or 15 working days from the closure of an e-petition we will write to the petition organiser to let them know what we plan to do with the petition and, if we are unable to provide a substantive response to the petition at this stage, when they can expect to hear from us again.

This response will in most cases be sent by the Service responsible for the issue(s) to which the petition relates. This response will be published on our website alongside details of the petition.

If your petition is subscribed to by at least 100 eligible people (see first paragraph of Section 3 above) and relates to a relevant issue it will be considered for a Council debate in accordance with Section 6 below.

If a petition does not achieve 100 subscribers it will be dealt with as an ordinary petition. The Chief Executive or Monitoring Officer will reasonably determine how it will be dealt with and what the process will be. This may be a referral to the appropriate, Committee, or Senior Manager.

If we are able to do what your petition asks for we will either confirm that we have taken the action or will take the action requested with an indication of when that will happen. Alternatively, we will explain why we cannot take the action requested and the petition will be closed. If the petition needs more investigation we will tell you the steps we plan to take and when they will be taken.

We will not take action on any submission which the Chief Executive or Monitoring Officer consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement.

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, what we intend to do and advise what timescale will apply.

Petitions which are the same or substantially the same as petitions which have been closed in the previous twelve months will be dealt with having regard to the outcome of the earlier petition. This may result in the Council declining to take any action on the later petition. It will be for the Council to determine whether a petition is the same or substantially the same as an earlier petition.

To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our website, except where the SRO decides that this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

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, we will write to you to explain our decision and the reasons.

5. How will the Council respond to my petition?

Our response to a petition will depend on what it 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
- Explaining why we cannot take the action requested in the petition or, where appropriate, explaining what alternative action we might take and why
- Considering the petition at a Council meeting
- Undertaking research into the matter

- Holding a public meeting
- Undertaking a consultation
- Holding a meeting with petitioners
- Referring the petition to one of the Council's Scrutiny or other Committees for consideration
- Holding a referendum

If your petition is about something for which the Council or its partners have no direct responsibility (for example IOS to mainland transport, or health services) we will consider making representations on behalf of the community to the relevant body or we may advise the lead petitioner how to go about making representations direct.

The Council works with a large number of partners and where appropriate will work with these partners to respond to your petition. If we are not able to do this for any reason, for example if the petition calls for action that conflict with Council policy or where the Council is not able to influence the issue(s), we will explain the reasons for this.

If your petition is about something that a different council or body is responsible for we will advise you to whom the petition should be submitted. In doing so we might forward the petition to the other council or body for you or return the petition to you so that you can contact the other organisation direct. In any event we will always notify you of the action we have taken.

6. Full Council debates

If a petition contains at least 100 signatures and relates to a relevant matter it will be considered for debate by full Council. If a petition triggers a Council debate we will confirm this and tell you when and where the meeting will take place.

This means that the issue (s) raised by the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next ordinary meeting although on some occasions this may not be possible and the petition will then be debated at the following ordinary meeting.

A report will be prepared by a relevant officer for the Council meeting outlining the issue(s) to which the petition relates and a recommendation will usually be made for Councillors to consider.

The report will be published on the Council's website prior to the meeting, usually when the agenda and other reports for the meeting are published. At the meeting the petition organiser or their chosen representative will be given 5 minutes to present the petition and the petition will then be discussed by Councillors for a maximum of 15 minutes. The period for discussion may be extended at the discretion of the Chairman of the meeting.

The Council will decide how to respond to the petition at this meeting, having regard to any accompanying officer report or recommendations. The options available to the Councillors include deciding to take the action the petition requests, not taking the action requested, taking alternative action or commissioning further investigation into the matter, for example by a relevant committee.

In all cases the reasons for the decision will be given.

The petition organiser will receive written confirmation of the final outcome of the decision. This will also be published on our website alongside details of the petition.

7. E-petitions

The Council welcomes e-petitions being created and submitted through our website. E-petitions must follow the guidelines above for paper petitions and in addition:

- Petition organisers and subscribers must provide a valid email address as well as their name and address; and
- The period for which the petition shall be open to subscription must be determined at the outset. This can be between 1 month and 6 months.

When an e-petition has been submitted on the Council's website, the Chief Executive's Department will acknowledge receipt within 3 working days and this will include a link to the petition. Upon the e-petition reaching its end date, it will be closed to further subscription and will then be dealt with as explained in Sections 4 to 6. E-petitions that have been created through websites other than the Council's can be submitted to the Council but will still need to meet the criteria set out above.

In the event of the e-petition service not working there is no duty on the local authority to provide that service, but there remain paper-based options for you to use.

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

If you feel that we have not dealt with your petition properly, the petition organiser can express their concerns through the Council's Compliments, Comments and Complaints process. Details can be found on the Council's website, (<http://www.scilly.gov.uk/complaints>)

APPENDIX 1

Petitions to the Council of the Isles of Scilly

Petitions Scheme check list:

1. Any petition must meet the Council’s Petition Scheme requirements and be signed by at least 100 people.
2. Individuals signing this petition must be persons who either live, work or study in the Isles of Scilly or use the service(s) to which the petition relates.
3. Petitions with at least 100 signatures and which relate to a relevant matter will be considered for debate at a Full Council meeting.
4. Petitions need to be submitted using the Council’s online facility or delivered by using one of the methods set out in Section 3 of the Council’s Petition Scheme

Contact details of the lead petitioner:

(the person the Council will contact with responses to the petition)

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|--------------------------------------|--|
| Name: | |
| Address: | |
| Home telephone no: | |
| Mobile telephone no: | |
| Email address: | |
| Live/work/study/service user: | |
| Signature | |

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| We the undersigned petition the Council to | |
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| Summary of action already taken: (e.g. details of Councillors or council officers, or other agencies that have been approached) | |
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Please use the below heading template style to collect signatures. We do not supply sheets with this template on.

| Name (please print) | Address (please print) | Signature | Live/work/study/service user (indicate any that apply) |
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