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Date: 27 September 2018

EXTRAORDINARY FULL COUNCIL MEETING

**TOWN HALL - BRIDGE STREET, BIDEFORD, EX39
2HS ON Monday 1 October 2018 at 6.30 pm**

AGENDA SUPPLEMENT

8.	PETITION - WESTWARD HO! PARK (Pages 3 - 5) To receive the report of the Planning and Economy Manager.
	Meeting Organiser: Democratic Services Tel. 01237 428703

PART 8 - Chapter 1

Petition Scheme

Petitions

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All 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.

Paper petitions can be sent to:
The Senior Solicitor,
Torridge District Council,
Riverbank House,
Bideford,
Devon.
EX39 2QG

Petitions can also be presented to a meeting of Full Council. These meetings take place on a six weekly basis, dates and times can be found here <http://www.torridge.gov.uk/CHttpHandler.ashx?id=5333&p=0>.

If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact Democratic Services on 01237 428705 at least 10 working days before the meeting and they will talk you through the process. If your petition has signatures of 5% of the population or more it will also be scheduled for a council debate and if this is the case we will let you know whether this will take place at the same meeting or a later meeting of the Council.

What are the guidelines for submitting a Petition?

Petitions submitted to the council **must** include

- a) a clear and concise statement covering the subject of the petition;
- b) a statement of what action the petitioners wish the council to take; and
- c) the name, address and signature of any person supporting the petition.

Petitions should be accompanied by 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 contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate 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 above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the council do when it receives my 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. It will also be published on our website.

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, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is 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 non-domestic rates, other procedures apply.

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.

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 in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How will the council respond to petitions?

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:

- a) taking the action requested in the petition;
- b) considering the petition at a council meeting;
- c) holding an inquiry into the matter;
- d) undertaking research into the matter;
- e) holding a public meeting;
- f) holding a consultation;
- g) holding a meeting with petitioners;
- h) referring the petition for consideration by the appropriate Council Overview & Scrutiny Committees*;
- i) calling a referendum;

- j) writing to the petition organiser setting out our views about the request in the petition

*The Council's Overview & Scrutiny Committees are committees of councillors and non-elected representatives who are responsible for scrutinising the work of the council – in other words, the Overview & Scrutiny Committees have the power to hold the council's decision makers to account.

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples:-

Petition Subject	Appropriate Steps
Alcohol related crime and disorder	If your petition is about crime or disorder linked to alcohol consumption, the council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.
Anti-social behaviour (ASB)	As the elected representatives of your local area and licensing authority, the council has a significant role to play in tackling anti-social behaviour. When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as licensing authority. For example, we might work with the neighbourhood policing team in the affected area to identify what action might be taken, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and crime and disorder overview and scrutiny committee to the issues highlighted in the petition.

If your petition is about something over which the council has no direct control (for example the roads and highways, the local railway or hospital) we will aim to make 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 here <http://www.torridge.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. It 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 signatures of 5% or more of the population 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. This 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 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 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 signatures of at least 2.5% of the population, the relevant senior officer will give evidence at a public meeting of the relevant council's Overview & Scrutiny Committee. The senior staff that can be called to give evidence are the Head of Paid Service, any Head of Service and any of the statutory officers such as the Monitoring Officer if different. 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. The Committee may also decide to call the relevant Councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting the Senior Solicitor up to 5 working days before the meeting.

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 has the right to request that the relevant council's Overview & Scrutiny Committee review 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 adequate.

The 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 next 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 the council executive 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 5 working days. The results of the review will also be published on our website

