

## PETITION SCHEME

### Our Promise

Hillingdon Council has a well established petition process that enjoys high resident participation and satisfaction. Democratic Services co-ordinates the Council's petition process and we promise to:

- **Value all petitions** – residents' views are important to us
  - **Give friendly advice** – how to best pursue the issue that residents have
  - **Make it easy** – lots of ways to submit a petition to us
  - **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

In accordance with the *Local Democracy, Economic Development and Construction Act 2009*, the petition process allows members of the public 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 five 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 us again. We 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.

There shall be a presumption that petitions are publicly viewable documents. With regard to paper petitions, the signature of each signatory will be deleted from the public copy but the name of each person who signed a petition will be viewable on request at the Civic Centre (except in exceptional circumstances, as decided by the Head of Democratic Services). If a petitioner wishes for their name and address to be withheld, then they must include such a request in writing with the petition for consideration by the Head of Democratic Services.

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### What is a petition?

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 the appropriate qualifying persons. 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, works or studies in the Borough (duplicate signatories will not be counted). For electronic petitions, a valid signature will be classed as the name, address and email address of an individual that lives, works or studies in the Borough.

Where a communication contains less than 20 signatures, it will be treated as a corporate complaint or service request, whichever is appropriate, and will be passed to the appropriate department for a response. The appropriate Ward Councillors will also be notified of these petitions. 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 and the lead petitioner will be advised accordingly.

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## **Who can submit a petition?**

Anyone who lives, works or studies in the Borough, including under 18s, can sign or organise an electronic or paper petition, except for petitions requiring a full Council debate where only signatures of those over 18 years of age will be accepted.

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## **Who should you send a paper petition to?**

The Democratic Services section is responsible for receiving, managing and reporting all petitions sent to the authority. Paper petitions can be sent to:

Head of Democratic Services  
London Borough of Hillingdon  
Civic Centre  
High Street  
Uxbridge  
Middlesex UB8 1UW

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## **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 a Council meeting
- Holding an inquiry into the matter
- Undertaking research into the matter
- Considering the petition at a Petition Hearing with the relevant Cabinet Member
- Carrying out a consultation
- Holding an informal meeting with the petition organiser
- Referring the petition for consideration by one of the Council's overview and scrutiny committees
- Writing to the petition organiser setting out our views about the request in the petition

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.

If a petition is about something over which the Council has no direct control (for example the local railway or hospital), we may make representations on behalf of the community to the relevant body where appropriate. The Council works with a large number of local partners and, where possible, we will work with these partners to respond to a 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 write to the petition organiser setting out the reasons. More information is available on the services for which the Council is responsible on our website at <http://www.hillingdon.gov.uk/>.

If a 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, the Council will always notify the petition organiser of the action we have taken.

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## **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 and whether the Council is the most appropriate body to receive the petition (sometimes it may be more appropriate to send the petition to another public body).

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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. At least 20 of the signatories to a petition will be validated by comparing the signatures, addresses or email addresses with records held by the Council.

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

If the petition is electronic, it must be made using the Council's electronic petitioning facility available on the Council's website ([www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)) and must include each petitioner's name, address and email address.

### Electronic Petitions

Electronic petitions must follow the same guidelines as paper petitions and be submitted through the Council's website ([www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)). 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.

When an electronic petition is created, it may take up to 10 working days before it is published on the Council's website. This is because we will need to check the content of the petition before it is made available for signature. If we feel that we cannot publish a petition, we will contact the petition organiser within this period to explain why. The petition organiser will then be given the opportunity to change and resubmit the petition. If this is not done within 15 working days of our contact, details of the petition and the reasons why it was not accepted will be published on the Council's website with other rejected petitions.

When a petitioner signs an electronic petition, 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. People visiting the electronic petition on the Council's website will be able to see the petitioners' names on the list of signatories but not their contact details.

### 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, we will contact the petition organiser to 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 contact the petition organiser to explain the reasons.

### Petitions which will not be reported

In the following circumstances, petitions will not be accepted:

- Petitions will not normally be considered if they are received within six months of another petition having already been considered by the authority on the same matter.
- Petitions will not be accepted if, in the opinion of the Head of Democratic Services they are vexatious, abusive or otherwise inappropriate or do not relate to a matter which is the responsibility of the authority, or over which the authority has some influence.
- Statutory petitions or petitions where there is already an existing right of appeal or a separate complaints procedure, e.g., staffing, disciplinary or grievance matters.
- Petitions will not be accepted if they require the disclosure of exempt or confidential information.

If a petition is deemed unacceptable, the petition organiser will be contacted with an explanation.

## **What will the Council do when it receives my petition?**

Whether paper or electronic, a written acknowledgement will be sent to the petition organiser within five working days of receiving the petition. This acknowledgement will let the petition organiser know what we plan to do with the petition and when they can expect to hear from us again. Details of those petitions received will be available on the Council's website, except in cases where this would be inappropriate.

In addition, when an electronic petition has closed for signature, a petition acknowledgement and response will be emailed to everyone who has signed the petition and has elected to receive this information. This information will also be available on the Council's website.

If we can do what a petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition organiser will be asked if they are satisfied with the outcome and whether they would like to withdraw their petition. If the petition has enough signatures to trigger a Council debate (see below), or a senior officer giving evidence, then the acknowledgment will confirm this and tell the petition organiser when and where the meeting will take place. If the petition needs more investigation, we will tell the petition organiser what steps we plan to take.

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## **What types of petition are there?**

There are three types of petition:

1. Ordinary Petitions – these must contain the names, addresses and signatures of 20 or more petitioners. Valid ordinary petitions fall into three categories:
  - a. Cabinet Member Petitions
  - b. Planning Petitions
  - c. Licensing Petitions
2. Petitions requiring Council debate – petitions containing the names, addresses and signatures of 2,500 people will be debated by the full Council.
3. Petitions to hold Council employees to account – petitions which call for evidence from a senior Council employee must have 1,250 signatures to trigger that action.

### 1. Ordinary Petitions

Valid petitions must contain at least 20 signatories and will trigger a course of action to be taken. Please note that petitions which raise issues of alleged Member misconduct will be taken as complaints arising under the Local Government Act 2000 and, where appropriate, will be reported to the Council's Standards Committee.

#### 1a. Cabinet Member Petitions

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 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 has already been heard by the Cabinet Member and a decision has been made, repeat petitions advocating the same, or similar, action will not be allowed for a period of 6 months, except in exceptional circumstances as determined by the relevant Cabinet Member. Petitions may only be heard

by the Cabinet Member on matters under the control of the Council as determined by the Head of Democratic Services on receipt. Where the Head of Democratic Services does not accept a petition, advice will be given to the petitioner on the best way to deal with their petition.

Where a petition has fewer than 20 signatures, a relevant Ward Councillor can request that the relevant Cabinet Member consider the petition at a Petition Hearing. The decision as to whether or not a petition with less than 20 signatures is considered at a Petition Hearing will rest with the relevant 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 Group 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 petition organiser or their nominee, 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. This 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; and
- The petition organiser will be informed of the decision in writing and where the decision is to refer this to the Cabinet or to a Cabinet Committee or to an Overview and Scrutiny Committee, the petition organiser will be kept informed of progress in considering 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. Petitions with 20 or more signatures 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.

### 1b. Planning Petitions

If a petition contains 20 or more signatories and is in relation to a planning application, the application will be considered at a Planning Committee meeting and the petitioner organiser (or their representative) will be invited to attend and speak for up to five 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 five 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. Time limits may be extended by the decision of the Committee.

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.

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, they will need to organise another valid petition.

### 1c. Licensing Petitions

In the case of a Licensing Committee or Licensing Sub-Committee meeting, petitions may only be submitted to the Licensing Authority in advance of the meeting as relevant representations. At a meeting where a hearing is taking place, time limits will apply which allow all parties<sup>1</sup> an equal maximum period of time in which to exercise speaking rights.

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, they will need to organise another valid petition.

### 2. Petitions requiring Council debate

If a petition contains more than 2,500 signatures of people aged over 18 years of age, it will be debated by the 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. In any event, petitions requiring Council debate must be received at least 10 working days before the date of the meeting.

The petition organiser (or their representative) will be given five minutes to present the petition at the meeting and the petition will then be debated by Members. The petition organiser will not be able to take part in the debate with Members. A maximum of two petitions will be allocated for discussions at any one Council meeting. 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. Where the issue is one on which the Council's Executive<sup>2</sup> is required 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 confirmation will also be published on the Council's website.

### 3. Petitions to hold Council employees to account

A petition may ask for a relevant accountable employee to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, a petition may ask a relevant accountable employee to explain progress on an issue, or to explain the advice given to Elected Members to enable them to make a particular decision. These petitions must relate to an employee's role and not their personal circumstances or character. If a petition contains at least 1,250 signatures, the relevant accountable employee will give evidence at the next appropriate public meeting of the relevant Overview and Scrutiny Committee<sup>3</sup>

(<http://modgov.hillingdon.gov.uk/mgListCommittees.aspx?bcr=1>) providing the petition has been received at least 10 working days before this meeting. Senior officers that can be called to give evidence are as follows:

- Chief Executive / Head of Paid Service
- Monitoring Officer (or any officer fulfilling the statutory role)
- Section 151 Officer (or any officer fulfilling the statutory role)

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<sup>1</sup>An interested party, as defined under the Licensing 2003 Act, is anyone who is directly affected by activity at the licensed premises in question, such as:

- A person living in the vicinity of the premises in question
- A body representing persons living in the vicinity of the premises in question, e.g. a Residents Association.
- A person involved in a business in the vicinity
- A body representing persons involved in such business e.g. Trade Association.

Other parties include the applicant and responsible authorities, e.g. Police.

<sup>2</sup> The Executive is also known as the Cabinet

<sup>3</sup> At Hillingdon, there are 4 Policy Overview Committees (POCs) and 2 Scrutiny Committees: Corporate Services & Partnerships POC, Education & Children's Services POC; Executive Scrutiny Committee; External Services Scrutiny Committee; Residents' & Environmental Services POC; and Social Services, Health & Housing POC. These Committees comprise Councillors who are responsible for scrutinising the work of the Council – in other words, they have the power to hold the Council's decision makers to account.



- Deputy Chief Executive
- Director of Planning, Environment and Community Services
- Director of Adult Social Care, Health and Housing
- Director of Education and Children's Services
- Director of Finance and Business Services

It should be noted that 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 or does not hold a senior position.

The Committee may also decide to call the Member with special responsibilities to attend the meeting. Although Committee Members will ask the questions at this meeting, the petition organiser (or their representative) will be able to ask up to three questions within an allocated 15 minutes. These questions must relate directly to the content of the petition. Questions from the petition organiser or nominated person must be submitted in writing to the Democratic Services section at least ten working days before the meeting. A written acknowledgement from the Council will be sent within five working days of receipt. Questions which are considered by the Head of Democratic Services to be vexatious, abusive, inappropriate, or that require the disclosure of exempt or confidential information, will not be considered.

After the meeting, the Committee will submit a report to the Cabinet (for consideration at the next Cabinet meeting) or to the relevant portfolio holder (as a Cabinet Member Decision). The petition organiser will be sent a copy of this report.

#### 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 [democratic@hillingdon.gov.uk](mailto:democratic@hillingdon.gov.uk) or by calling 01895 250470.

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### **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 Overview and 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 written explanation addressed to the Petitions Officer of the reasons why the Council's response is not considered to be adequate. This request must be made within 20 working days of being notified of the authority's decision on the petition.

The relevant 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. If the Committee determines that the petition has not been dealt with properly, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Executive and arranging for the matter to be considered at a meeting of the Council. As well as being forwarded to the petition organiser, the results of the review will be published on the Council's website (unless it is considered inappropriate to do so).

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### **Is there anything else I can do to have my say?**

As a Council, we try to identify and solve problems at an early stage. We are committed to receiving feedback as this helps us to develop and review services. We recognise that petitions are just one way in which people can let us 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>)