

Draft Petitions Scheme

Section 42 of the Local Government & Elections (Wales) Act 2021 places on principal councils, such as Flintshire a duty to make and publish a scheme setting out how we intend to handle and respond to petitions (including electronic petitions).

The Council has had a simple mechanism in place for many years, whereby individual Members of Council are able to hand in petitions at Council meetings. Such petitions have typically, but not always, related to specific ward issues. This petitions scheme builds on that mechanism and our approach to public questions to Council.

The Act requires that the petition scheme must, in particular, set out—

- (a) how a petition may be submitted to the Council;
- (b) how and by when the Council will acknowledge receipt of a petition;
- (c) the steps the Council may take in response to a petition received by it;
- (d) the circumstances (if any) in which the Council may take no further action in response to a petition;
- (e) how and by when the Council will make available its response to a petition to the person who submitted the petition and to the public.

We are required to review our petition scheme from time to time and, if considered appropriate, revise it. This review could be incorporated into the Petitions Annual Report which we already have. If we revise or replace a petition scheme, we must publish the revised or new version. This can be on our website.

Petitions will still be accepted by submission through local Members at Council meetings. Otherwise, they will be submitted through our website, using the Modern.gov system which we already use to publish our agendas and reports. [Link here.](#)

The rules of the petition scheme are as follows:

No.	Requirement	Justification
1	Petitions will not be accepted from other on-line petitions systems.	This is to ensure that petitions have not been copied or otherwise adulterated
2	Petitions may collect signatures for a maximum period of 21 days.	This is to ensure that petitions are current, rather than historic.
3.	To be regarded as valid, a signatory must provide their name, address (living or working within Council area) postcode and their email address.	This is to ensure that signatories are genuine, within an interest in Flintshire.

4	Petitions are not admissible if they are the same, or substantially similar to a petition which closed less than six months previously.	This replicates the 'six months' rule for Public Questions to Council and protects against potential nuisance.
5	Requests for a petition on the Council's website (Modern.gov) will be considered by the Monitoring Officer (or by officers attending the monthly Democracy Business Planning Meeting) to ensure that they are appropriate and do not include any issues listed under 13, below.	The role of the Monitoring Officer /officer group is proposed as issues such as the validity of Notices of Motion are determined by that means.
6	A list of rejected petitions will be published on the Council's website with the reasons for rejection.	Openness.
7	For the first year, the minimum number of signatories for a petition is set at ten people. Fewer than that will be regarded as a letter or request for service, depending on subject matter. A petition might be referred to an Overview & Scrutiny Committee or directly to a Chief Officer for actioning within their portfolio.	This is to ensure that petitions are matters of genuine public concern.
8	The Chief Executive will decide how to respond to a petition which may include any one or more of the following: 1) referring it to Cabinet, Council or a committee (including an Overview and Scrutiny Committee); 2) referring it to an officer; 3) not taking any action; and/or 4) taking any other steps it considers appropriate	
9	The current practice of reporting on petitions received during the year will be continued, but individual decisions should be published on the website as they are made.	The annual petitions report (submitted to the last Council meeting of the municipal year) provides a continued record of petitions received.
10.	The response to a petition e.g. considered by Council, passed to Cabinet, an Overview & Scrutiny committee, or to a Chief Officer, added to an Overview & Scrutiny Agenda etc. will be published on the Council's website. The outcome of individual petitions should be reported on the website as soon as possible.	It would be too resource intensive to email all petition signatories, to inform them of outcomes.

12	Petitions will be kept for six years/72 months	Treated as a background paper and subject to the same time constraints. GDPR implications?
13	There should be a mechanism for the public to object (appeal) if they believe that the petition has not been dealt with properly. Relevant Cabinet Member /Chief Officer to review (if not previously involved)	Natural justice to build in an appeal mechanism.
	<p>Petitions will not be accepted if they relate to:</p> <ul style="list-style-type: none"> • Judicial or quasi-judicial matters; • Matters under investigation; • Individual planning, licence or grant applications or appeals; • Named officers or Members of the Council; • Confidential or exempt information as described in the Access to Information Procedure Rules or requires its disclosure; • Party political matters; • Defamatory material; • Substantially the same issue as a question put within the past 6 months. 	Use of the same constraints as well established Council Questions procedure

The Council produces an annual report, detailing petitions handed in by councillors during the year and how they were dealt with. This is submitted to the last Council meeting of the municipal year. Petitions submitted under this scheme will also be included in that annual report in future.