

Clayworth Parish Council

Petitions Policy

Introduction

Clayworth Parish Council welcomes the opportunity to hear from the public and recognise that petitions are one way in which people can let us know their concerns. Electors, in any number, can approach our parish councillors either in person or in writing via the clerk, and ask the Council to consider doing something, whatever that may be.

Provided it is within the powers of a Parish Council, Clayworth Parish Council will consider a matter because Parish Council's exist to provide facilities and services for their residents. This is why parish councillors are elected, to represent their communities and act on their behalf.

Before considering organising a petition, please try our preferred method of communication through direct contact, either:

- Face-to-face contact with councillors
- At our public forum sessions
- By email via our clerk at clerk@clayworth-parish.org.uk who will forward your message to the Council.

This allows the Council to answer your questions quickly, and if a policy decision needs to be made it will be placed on the agenda.

However, the Council recognises that petitions are another way in which people can let us know their concerns.

1. Valid Petitions we will accept

The Council has decided that to accept a petition it must comply with the following:

- 1.1. It must be a written document which clearly identifies itself as a petition.
- 1.2. It must be signed by at least 10% of the electorate of the Civil Parish of Clayworth, which is at least 38 people* aged 18+ who live in the parish. It must contain the following:
 - 1.2.1.1. The Name, Address, Signature, phone number or email address of the person organising the petition
 - 1.2.1.2. The Petition Signatories', full name, their address, signature and state they are over 18 years of age.
 - 1.2.1.3. A clear statement setting out what the petition is about and stating what action the petitioners wish the Council to take.
- 1.3. Petitions must only be about a matter which the Parish Council has a responsibility for or which affect the Civil Parish of Clayworth.

2. Invalid Petitions we will NOT accept

The Council shall ignore the following when counting the number of signatories and will invalidate your petition if the final total of valid signatures is under 38:

- 2.1. Any signatures of people who are **not** resident in the Civil Parish of Clayworth.
- 2.2. Duplicate names/Signatures.
- 2.3. People aged under 18
- 2.4. Spoiled Petitions or illegible handwriting

- 2.5. frivolous, vexatious, abusive or otherwise inappropriate petitions. The Chairman has the final say as to whether a petition fits into this category.
- 2.6. A petition which is the same or similar to one that has already been submitted to the Council within the previous 12 months.
- 2.7. A petition which is relating to a matter which the council believes is not applicable to the Civil Parish of Clayworth or a matter which the Council has no power to influence, power to act, advise or consult upon.

3. How to Submit a Petition to the Council

- 3.1. Scan and email the petition to clerk@clayworth-parish.org.uk or:
- 3.2. Post the Hard Copy to the Clerk at: 24 Allison Ave, Retford, DN22 7JS or;
- 3.3. During the public forum session on the night of a Parish Council meeting, ask to approach the Chairman of the Council to physically hand over the petition.

4. What We Will do with a petition

- 4.1. To be considered as an Agenda Item on the next Parish Council meeting, the petition must be received by the Clerk at least 7 working days prior to the next meeting.
- 4.2. We shall acknowledge receipt of the petition by email (if an email address is provided), if not we shall provide a written acknowledgment. In either case this shall be within 10 working days of receipt of the petition.
- 4.3. If we believe the petition is **invalid** we shall reject it and advise the petition organiser why.
- 4.4. The clerk shall communicate the details of **valid** petitions to all Council members.
- 4.5. If the petition is outside the remit of the Council, the clerk may forward it onto the relevant appropriate body, or return the petition and advise the petition organiser who to send it to.
- 4.6. If the petition causes the Council to need more time to investigate it before the next Council meeting, we shall inform the Petition Organiser .
- 4.7. We shall advise the petition organiser when the Council will meet to debate and consider the petition.

5. At the Council Meeting containing the Petition for Debate

- 5.1. The Petition Organiser will be invited to speak by the Chairman for a maximum of five minutes to present the petition and the background around it.
- 5.2. In the interests of fairness, The Chairman will allow another member of the public 5 minutes to speak **against** the petition (if there is anyone wishing to speak against it).
- 5.3. Councillors will then to ask the petition organiser any questions they see fit for clarification purposes, which may be fact finding or to establish the accuracy of the information contained on or driving the petition.
- 5.4. Should the petition organiser not be present and no-one else present wishes to speak on their behalf, we shall still consider your petition and this will not delay the procedure.
- 5.5. Once all Council members are happy and have no further questions to ask, the Council shall debate the petition for a maximum of 15 minutes. The Council shall then decide how to respond to the petition at the meeting. They may decide:
 - 5.5.1.1. To take the action the petition requests.
 - 5.5.1.2. Not to take the action the petition requests and state the reasons why

5.5.1.3. To carry out further investigation into the matter, and defer the decision to be debated at the next Council meeting.

5.5.1.4. The Council may decide it needs to hold a public meeting to hear the views of the parish residents before coming to a final decision over the petition.

5.5.1.5. The Council may decide that the petition is actually invalid, for example it is actually a subject which it has not direct control over (for example an airport, hospital, District Council, County Council, etc) it will then notify you of this and return you petition so you may send it to the appropriate body.

5.6. Once the resolved decision of the council is made regarding the petition, we shall put the outcome in writing to the petition organiser within 10 working days.

5.7. Once a resolution of Council is passed, it cannot be put on the agenda for debate, discussion, amendment or be rescinded until at least 6 clear months have passed.

5.8. We shall not accept a duplicate or similar petition within a 12 month period.

6. * Petition Exceptions to the 38+ Signatures Rule

6.1. **Allotments** – If a petition demanding Allotments is received by Council, the Small Holdings & Allotments Act 1908 S23 state a Local Council must consider any written petition containing **Six (6)** or more electors, who request the Parish Council Operates an Allotment. It is a **duty** of the Council to **debate and consider** the request but **not a duty** to provide the allotments if the Council decides against it. However, should the Council be of the opinion that there is sufficient demand for allotments in the Parish, the Council shall provide an allotment(s) and shall let these to person's resident in the Parish. The Council has a **power** to purchase land for the purpose of Allotments if it so wishes and has the funds to do so.

6.2. **Parish Meetings** – For Civil Parishes with a Parish Council, the Council must hold an annual Parish Meeting. However, an Extraordinary (additional) Parish Meeting may be called by either the Chairman of the Parish Council, by two Parish Councillors, or by a petition of **Six (6)** or more electors of the Civil Parish. A Parish Meeting is a public gathering where local electors can raise any matter affecting Civil Parish business; however, in a Civil Parish with a Parish Council, such as Clayworth, the elected members of the Council are the decision-making body and decisions and votes at a Parish Meeting in Clayworth can only be taken by the Council members. Whilst the public have a right to attend and the right to affect the setting of an agenda of an Extraordinary Parish Meeting, through the Clerk, actual public participation is still governed by the Public Participation Policy and Standing Orders of the Parish Council.

6.3. **Parish Poll** – During a 'Parish Meeting' - A poll may be demanded before the end of a parish meeting on any question arising at the meeting, but no poll shall be held unless the person presiding at the meeting consents to it or the poll is demanded by **10 or one third of the local government electors present (whichever figure is the less)** call for it. The parish meeting does not vote on whether or not to have a poll once this call has been made. The poll is a poll of the local government electors of the parish; there is no provision for a ward poll. If a poll is requested the chairman of the meeting will provide the returning officer with the necessary details to allow a notice of poll to be given.

The meeting does, however, vote on the question which is to be put in the poll, and each local government elector present may give one vote and no more on any question.

The proposer of the question becomes a key figure in the subsequent poll, and he or she will have many of the rights of a candidate at any other elections, including the appointment of polling agents to attend inside the polling stations and the appointment of counting agents to attend at the count. The proposer's name and address will need to be recorded by the clerk of the meeting.

The form of words used in the question itself is also important. The chairman should ensure that the question can be voted for either 'yes' or 'no'. The question should not lend itself to vague or double negative answers.

Once the wording has been agreed at the meeting, the question cannot be changed.

The chairman of the meeting has a duty to provide the Returning Officer with the following:

- the question
- the name and address of the proposer of the question
- the date of the parish meeting.

The Returning Officer will consider whether a poll shall be held, and in those cases where a poll would clearly not be unlawful (see above) the Returning Officer will prepare to hold a poll.

A Polling takes place according to the following timetable:

- Delivery of notices of withdrawal of candidature. By Noon on the fourth day after the day on which the poll was demanded.
- Notice of Poll. Not later than the fifth day before the day of the poll.
- Appointment of polling and counting agents. Not later than the third day before the day of the poll.
- Polling, between 4:00 pm and 9:00pm, it must take place between 14 and 25 days after the poll was demanded at the Parish Meeting (These days are calculated excluding Saturdays, Sundays and Bank Holidays.)

The rules for the conduct of the poll are similar to those common to all elections, with some variations or exceptions outlined here:

- There are no provisions for electors' poll cards or for postal or proxy voting.
- The notice of poll must include the date, time and place of the poll, a description of the electors who may vote and the particulars of the question with the name and address of its proposer.
- The form of the ballot paper is prescribed in the rules, and a copy of that is appended. It will be seen from this that the wording of the question is an important consideration.
- Polling is between 4:00 pm and 9:00 pm
- The only persons who may enter the polling station are the Returning Officer and his clerks, the proposer of the question and any polling agents appointed by him to ensure that the poll is properly conducted. In the case of appointment to office each candidate is entitled to appoint one polling agent to attend each polling station and one counting agent.
- A count of the votes follows. The only persons who may attend the count are the Returning Officer and his clerks, the proposer of the question or candidates and any counting agents appointed by him/them to ensure that the count is properly conducted. The Returning Officer may also invite persons to attend, and a small number of courtesy invitations would probably be made. There is no provision for the proposer of the question to call for a recount. The usual regulations relating to an equality of votes apply ie the Returning Officer will decide between the candidate or the question by lot.
- Notice of the Result must be given by the Returning Officer. In respect of a question the Returning Officer will announce the number given for and against the question and then declare the question carried or not carried.
- The Chairman of the Parish is notified of the result of the poll and public notice of the result is also posted.

Parish Poll Important Notes to Remember:

1. The outcome of the poll is no more and no less than an expression of the views of the electorate of the parish who have voted in the poll. It is **not** legally binding.

2. There is no provision for Parish Polls to be combined with elections (a parish poll is **not** legally an election) so a separate polling station would have to be used.
3. **The Financial cost of administering and arranging a Parish Poll would be at the expense of the Parish Council, this in turn would be charged to the electorate through an equivalent increase to the precept.**

Therefore, whilst it is a legal right to demand a parish poll, it can be a lengthy expensive process and a process which the Parish Council **can** ignore the decision of the poll because it is **not** legally binding.

6.4. **Community Governance Review** – A petition for a community governance review of the whole or part of a parish council area may be submitted to the Parish Council to forward onto Bassetlaw District Council for any of the following reasons:

- 6.4.1.1. The creation of a parish;
- 6.4.1.2. Alter the name of a parish;
- 6.4.1.3. The establishment of a separate parish council within an existing parish area;
- 6.4.1.4. The alteration of boundaries of existing parishes;
- 6.4.1.5. The abolition or dissolution of a parish council
- 6.4.1.6. Changes to the electoral arrangements of a parish council;
- 6.4.1.7. Whether a parish should be grouped under a common parish council or de-grouped.

According to Section 80 of the Local Government and Public Involvement in Health Act 2007 for the petition for a Community Governance Review to be valid for Clayworth Civil Parish it must contain at last **250** separate signatories from the electorate of Clayworth.

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This document was adopted by the Council at its Meeting held on: