

Isle of Anglesey County Council	
Report to:	The Executive / full Council
Date:	18/07/2023, 12/09/2023
Subject:	Adoption of draft Petitions Scheme
Portfolio Holder(s):	Councillor Carwyn Elias Jones (Corporate Business and Customer Experience Portfolio Holder)
Head of Service / Director:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lynnball@ynysmon.llyw.cymru
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Local Members:	Not a local matter

A –Recommendation/s
<p>The Executive</p> <p>1. To consider the draft Petitions Scheme (“the Scheme”) at Enclosure 1 to this Report and to make recommendations, if any, to full Council regarding adoption of the Scheme.</p> <p>Council</p> <p>2. To consider the Scheme at Enclosure 1 to this Report and adopt same</p> <p>3. To authorise the Monitoring Officer to amend the Council’s Constitution to incorporate the Scheme</p> <p>4. To delegate to the Monitoring Officer the authority to make minor changes to the Scheme to ensure its smooth operation, with any material changes to be authorised only by full Council</p> <p>5. To authorise the Head of Democracy to implement the Scheme as soon as possible and to ensure reasonable steps are taken to promote its availability to the public</p> <p>6. To request that the Head of Democracy provide a report to the Democratic Services Committee on the operation of the Scheme as soon as possible after 12 months from the date of its implementation.</p>

A – Reason/s

- 1.1 Section 42 of the Local Government and Elections (Wales) Act 2021 places a duty on principal councils to make and publish a Petitions Scheme. The relevant draft Guidance was published in April 2023.
- 1.2 This Scheme is in addition to, rather than a replacement for, the current arrangements in the Council Procedure Rules which enable elected members to submit petitions at Council meetings.
- 1.3 The Scheme, at **Enclosure 1** to this Report, meets the new statutory requirements, including an explanation of what constitutes a valid petition, who may submit a petition, how to submit a petition and how the Council will deal with the petitions it receives.
- 1.4 Valid petitions will be published on the Council's website but electronic petitions will also be populated on the Council's website using the Modern.Gov software which supports the committee system
- 1.5 It is specifically noted that the Scheme will not apply where a statutory consultation process is already being pursued eg planning, licencing, schools modernisation
- 1.6 The Scheme was considered by the Leadership Team on 5/12/2022 and 26/6/2023, was consulted upon with the Heads of Service and other relevant officers during December 2022 and January 2023, was presented to the Group Leaders on 22/3/2023 and open to consultation responses from the Group Leaders between 22/3/2023 and 28/4/2023
- 1.7 The Scheme will be operated and managed by Democratic Services and, with the agreement of Council, will be reviewed by the Democratic Services Committee after the Scheme has been operational for 12 months.

B – What other options did you consider and why did you reject them and/or opt for this option?

No other options were considered as the adoption of a compliant Scheme is now a statutory requirement. Some elements of the Scheme were / are a matter of local choice. These were discussed with the Leadership Team, Heads of Service and other relevant officers, and Group Leaders. The content of the Scheme represents the majority view of the Group Leaders and Senior Officers. Should any of those elements require further review, then changes can be made by Council in the future.

C – Why is this a decision for the Executive?

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Changes to the Constitution will only be approved by full Council after consideration of the proposal by the Executive (Section 2.15.2 of the Constitution)

Ch – Is this decision consistent with policy approved by the full Council?

Changes to the Constitution are in line with the new statutory provisions.

D – Is this decision within the budget approved by the Council?

No current budget implications

Dd – Assessing the potential impact (if relevant):

1	How does this decision impact on our long term needs as an Island?	Not Relevant
2	Is this a decision which it is envisaged will prevent future costs / dependencies on the Authority? If so, how?	Not Relevant
3	Have we been working collaboratively with other organisations to come to this decision? If so, please advise whom.	Not Relevant
4	Have Anglesey citizens played a part in drafting this way forward, including those directly affected by the decision? Please explain how.	No, but the Scheme provides a further mechanism for Anglesey citizens to raise matters of local concern and importance with the Council
5	Note any potential impact that this decision would have on the groups protected under the Equality Act 2010.	The Scheme will be open to anyone over the age of 16 with the relevant local connection as described in the Scheme Petitions may be either paper or electronic and the Council will also take the views of the public into consideration in a number of different ways. Some examples are included in the draft Petition Scheme.
6	If this is a strategic decision, note any potential impact that the decision would have on those	Not Relevant

Dd – Assessing the potential impact (if relevant):		
	experiencing socio-economic disadvantage.	
7	Note any potential impact that this decision would have on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.	We enable and encourage those who wish to submit a petition to do so in Welsh or English

E – Who did you consult?		What did they say?
1	Chief Executive / Leadership Team (LT) (mandatory)	Consulted on 5/12/2022 and 26/6/2023. Supportive of the recommendations
2	Finance / Section 151 (mandatory)	Consulted as part of the Leadership Team and supportive response received as part of that process
3	Legal / Monitoring Officer (mandatory)	Report Author
4	Human Resources (HR)	Part of the Heads of Service consultation which took place in December 2022 and January 2023. No objection received
5	Property	Part of the Heads of Service consultation which took place in December 2022 and January 2023. No objection received
6	Information Communication Technology (ICT)	Working in collaboration with the IT Team Manager in relation to the technical elements of the project. Recommended using the Mod.Gov system. Work between IT and Democratic Services is ongoing
7	Procurement	Not relevant as no procurement exercise required
8	Scrutiny	n/a
9	Local Members	n/a
10	Other	<p>Policy and Welsh Language Manager – advice on Welsh language and equalities issues. Advice incorporated into the Scheme</p> <p>Data Protection Officer and Corporate Information Governance Manager – advice on privacy impact assessment i.e. how we shall collect, hold, process and destroy personal data shared through the Scheme. A formal privacy</p>

E – Who did you consult?	What did they say?
	impact assessment will be adopted before the Scheme “goes live”. The Scheme will be accompanied by a privacy notice

F - Appendices:
Enclosure 1 – Draft Petitions Scheme

Ff - Background papers (please contact the author of the Report for any further information):
<p>Local Governments and Elections (Wales) Act 2021</p> <p>Statutory and Non Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021</p>

Draft Petition Scheme
Isle of Anglesey County Council



1.	Introduction
	This petitions process gives members of the public an opportunity to influence political decisions/priorities and to raise concerns which are important to them/their communities
2.	Subject matter of Petitions
	The public may submit petitions about matters for which the Council has a responsibility, or which affects the area, or where the Council has a legitimate interest
3.	Who is eligible to submit a petition?
	Anyone who lives, works, owns a business, owns land or studies on the Island, may organise/sign a petition; including those who are 16 years of age and over
4.	How to submit a petition
	<p>Petitions may be either paper, or electronic</p> <p>Paper petitions should be sent to the Head of Democracy (at XXXXXXXXXX)</p> <p>Alternatively, electronic petitions may be requested online using this link</p>
5.	Requirements for a valid petition
	<ol style="list-style-type: none"> 1. The subject matter of the petition must comply with paragraph 2 above 2. The petition organiser and signatories must meet the requirements for eligibility described in paragraph 3 above 3. Must have at least 100 valid signatures. The Council will exercise its discretion where fewer than 100 signatories are received, in cases where there is clear local support for action (for example, a small community seeking traffic calming measures) 4. Must include a clear, concise, statement dealing with the subject of the petition and stating what decision/s, action/s the Council is asked to make/take. Ambiguous petitions will not be valid 5. Must be accompanied by the full contact details (name, address, any email/s and telephone number/s of the petition organiser). This person will

be the Council's point of contact for acknowledgement of the petition and any communications regarding the petition. The contact details of the petition organiser **will not** be published by the Council

6. Must include the name, contact details and signature of each of those persons supporting the petition. This requirement will apply to paper petitions upon receipt and to electronic petitions at the point when the petitions close for signature on the Council's website. The contact details of those signing the petition **will not** be published by the Council

6. Electronic Petitions

1. The Council welcomes e-petitions which are created and submitted through our website on this link
2. E-petitions must follow the same principles as paper petitions
3. The petition organiser will have to provide the Council with their name, postal address, e-mail address/es and telephone number/s
4. The petition organiser will also have to decide how long their petition shall be open for signatures on the Council's website; up to a maximum of 3 months from publication
5. If the Council is of the view that it is unable to publish an e-petition, for some reason, then the Council will contact the petition organiser within 5 working days of receipt of the petition to explain the reason/s for refusal. A petition may then be changed/amended and re-submitted for further consideration
6. When an e-petition has closed for signatures, then the petition organiser will receive an acknowledgement from the Council within 5 working days and the petition will then be dealt with in the same way as any paper petition
7. Anyone wishing to sign an e-petition will be asked to provide their name, postcode and a valid e-mail address. Once this information has been submitted, the sender will receive an e-mail to the e-mail address which has been provided. This e-mail will include a link which the recipient must 'click on' in order to confirm that the e-mail address is valid. Once this step has been completed then the 'notional signature' will be added to the petition
8. Those visiting the e-petition will be able to see the names of those who have signed, but not the contact details of signatories

7. Are there any petitions which cannot be accepted?

Although the Council believes that an effective Petition Scheme is one of the ways in which the Council may address public/community concerns and priorities, in

some circumstances petitions may not be accepted. This may include petitions which:

1. Do not meet one or more of the requirements in Sections 5 and 6 above
2. Contain offensive, derisive or provocative language. This not only includes obvious swearing and insults but any language that a reasonable person would consider to be offensive
3. Contain false or defamatory statements
4. Contain information which has been prohibited from publication by a Court Order or a body or person with similar powers
5. Contain material that may be confidential, commercially sensitive or may cause distress or personal loss
6. Promote any product, service or publication or statements that amount to advertisements
7. Name individuals, or give information by which individuals may easily be identified
8. Are not the appropriate channel (for example, correspondence about a personal matter or a matter that is the subject of a Court case)
9. Are about matters that are already the subject of an Ombudsman's decision (or someone with similar powers)
10. Are essentially freedom of information requests, observations, complaints or compliments. Such "petitions" will be forwarded to the appropriate service for a suitable response
11. Raise matters relating to alleged misconduct by Councillors or Council employees; which shall be taken as complaints that arise under the Local Government Act 2000 and shall be reported to the Monitoring Officer instead of being considered under the Petition Scheme
12. Are about an issue that is subject to consultation, or a statutory response period; such petitions shall be dealt with in accordance with the arrangements from a timetable that has been designated for that process
13. Are the same, or substantially the same, as a petition submitted within the previous six months
14. Are derived from other online petition systems; to ensure that petitions have not been copied or otherwise adulterated

15. Form one of a number of petitions received on the same / similar subject, seeking the same / similar outcomes. In these circumstances, only one petition organiser shall be able to submit their petition to the Council. The petition organiser for each petition will be informed by the Head of Democracy and they will be asked to contact each other to consider options, including combining the petitions, and to decide which petition organiser will submit the petition to the Council. If no agreement can be reached, the petition with the greater/greatest number of signatories will be accepted for submission to the Council

8. How will the Council deal with petitions?

1. Once the Council has received a petition it will be acknowledged within 5 working days of receipt and the petition organiser will be advised what the Council intends to do with the petition, and when they might expect to hear further
2. All validated petitions shall be published on the Council's website. That is, those which comply with the requirements of the Petition Scheme. If the subject matter of the petition requires further investigation, then the Council will inform the petition organiser of the steps it intends to take and the likely timeframe
3. If the Council concludes that a petition is not valid/acceptable, for any reason/s, then the Council will let the petition organiser know, explain the reasons and, where possible, advise the petition organiser about how the petition might be revised or amended to bring it within the Petition Scheme
4. Petitions received in relation to planning, licensing or grant applications / appeals etc which have not yet been decided, will be referred to the lead officer and treated as a consultation response in relation to the application / appeal etc
5. The initial acknowledgement/validation of a petition will be sent to the organiser of the petition and will be published on the Council's website
6. A petition which has been accepted/validated will be referred to the full Council, or the Executive, or a relevant member of the Executive, or the Scrutiny Committee or any other committee having the most appropriate terms of reference relevant to the subject matter of the petition
7. A request for a petition will be considered by the Head of Democracy who will determine the validity of the petition and, subject thereto, refer the petition to the relevant committee/Executive member. This process will occur upon receipt of paper petitions and at the end of the signature period for e-petitions
8. The petition organiser will be entitled to address any meeting which considers the petition

9. If a petition is rejected, is there a right of appeal?

If a petition organiser considers that their petition has not been properly assessed/allocated then they have a right to request that the Monitoring Officer review the decisions made. The Monitoring Officer will consider the request within five working days of receipt. Should it be concluded that the Council has not properly addressed the petition, then the original decision shall be rescinded and the petition shall be considered afresh in accordance with the principles set out in this Scheme

Once the review has been completed the petition organiser will be informed of the outcome

The results of the review will also be published on the Council's website

10. How will petitions be decided

If a petition is referred to Council / Executive / Committee the petition organiser will be given 5 minutes to present the petition at any formal meeting, after which the petition will be debated by the Councillors present. The maximum time permitted for the debate will be 15 minutes although this may be extended at the discretion of the Chair

The Council/Committee etc. will decide how to respond to the petition. They may decide to adjourn the debate while further enquiries/investigation is undertaken; after which the petition may return to Council/Committee for further debate / decision on another date. They may decide to make the decision/take the action requested in the petition. They may decline to make the decision/take the action requested in the petition, for the reasons put forward during the debate. They may refer the matter to another body, or to a particular service or senior officer

The petition organiser will receive written confirmation of the final decision and this will also be published on the Council's website

11. Are there other ways in which the public can have their views taken into consideration?

The Council will take into consideration the views of the public through this Petition Scheme, but also in a number of different ways. The Council is committed to receiving feedback as it helps to make the best policy and strategic decisions possible, as well as developing and reviewing services. Some of the other ways in which the public may have their say include:-

- Contacting a local County Councillor
<https://democracy.anglesey.gov.uk/mgFindMember.aspx?LLL>
- Making a complaint through the Council's Corporate Complaints Procedure
- <https://www.anglesey.gov.wales/en/Get-involved/Official->

[complaints/Making-an-official-complaint.aspx](https://www.anglesey.gov.wales/documents/Docs-en/Planning/Public-speaking-at-the-Planning-Committee-notes.pdf)

- Speaking publicly on individual planning applications before the Planning and Orders Committee –
<https://www.anglesey.gov.wales/documents/Docs-en/Planning/Public-speaking-at-the-Planning-Committee-notes.pdf>
- Speaking publicly at the Council's Corporate Scrutiny Committee -
<https://www.anglesey.gov.wales/en/Council/Scrutiny/Get-involved-with-scrutiny/Public-speaking-at-Scrutiny-Committees.aspx>
- Speaking publicly at the Partnership and Regeneration Scrutiny Committee
<https://www.anglesey.gov.wales/en/Council/Scrutiny/Get-involved-with-scrutiny/Public-speaking-at-Scrutiny-Committees.aspx>
- Contribute to statutory and non-statutory consultations on key corporate issues, like the five year Council Plan, the Annual Self-Assessment, the five year Panel Performance Assessment.
- Also contribute to consultation/s on material changes to services:
<https://www.anglesey.gov.wales/en/browse/Get-involved/Consultations/>

Draft version 3

Date of adoption:

Date of next review:

FOOTNOTE

1. Before organising/submitting a petition, a petition organiser is advised to first check with one of their local County Councillors, or with the relevant Council Service, to see if the Council is already acting on the issue that is intended to be the subject of the petition.
2. A petition organiser should also consider whether the County Council is the most appropriate body to receive the petition. Is the subject matter of the petition in scope, as explained in Section 2 above. Additionally, petitions may be more appropriate for another public body, such as a town or community council.