

Meeting of:	Cabinet
Date of Meeting:	Monday, 14 February 2022
Relevant Scrutiny Committee:	Corporate Performance and Resources
Report Title:	Draft Vale of Glamorgan Petition Scheme
Purpose of Report:	To seek Cabinet endorsement for the Draft Vale of Glamorgan Petition Scheme attached at Appendix 1, in line with the duty under the Local Government and Elections (Wales) Act 2021.
Report Owner:	Executive Leader and Cabinet Member for Corporate Resources
Responsible Officer:	Debbie Marles, Monitoring Officer/Head of Legal and Democratic Services
Elected Member and Officer Consultation:	As this is a matter relating to the business of the organisation, no specific ward Member consultation is necessary. Jeff Rees, Operational Manager - Democratic Services
Policy Framework:	This is a matter for Executive Decision by Cabinet and thereafter for approval by Council and for Council to consider its incorporation into the Council's Constitution.
<p>Executive Summary:</p> <ul style="list-style-type: none"> • Section 42 of the Local Government and Elections (Wales) Act 2021, places a legal duty on principal Councils in Wales to make and publish a petition scheme setting out how the Council will handle and respond to petitions, including electronic petitions (e-petitions). • There is a duty for the petition scheme to set out: <ul style="list-style-type: none"> (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; and (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. • There is a requirement for the new petition scheme to be implemented and in place by 5th May, 2022. 	

- In response to the new legislation, Democratic Services have devised the attached Draft Petition Scheme.
- The report seeks Cabinet endorsement for the draft Scheme attached at Appendix 1 to this Report and requests Cabinet to refer this on to Council for its subsequent approval and incorporation into the Council's Constitution.

Recommendations

1. That the Draft Vale of Glamorgan Petition Scheme (Appendix 1) be endorsed and be recommended to Council for approval from 5th May, 2022.
2. That the Draft Petition Scheme (Appendix 1) be submitted to Council for consideration and approval to be incorporated into the Council's Constitution.
3. That delegated authority be granted to the Head of Democratic Services, in consultation with the Chief Executive, to administer those petitions which have received fewer than 100 signatories.

Reasons for Recommendations

1. To seek Cabinet's endorsement of the Draft Vale of Glamorgan Petition Scheme, and to allow it to be submitted to Council on 7th March, 2022.
2. To allow the Draft Vale of Glamorgan Petition Scheme to be approved by Council and for the document to be incorporated into the Council's Constitution ahead of the 5th May, 2022 deadline.
3. To grant delegated authority to the Head of Democratic Services, in consultation with the Chief Executive, to use discretion with the administration of petitions which have received fewer than 100 signatories and where there is clear local support for action.

1. Background

- 1.1 The Local Government and Elections (Wales) Act (the LG&E Act) received Royal Assent January in 2021.
- 1.2 Section 42 of the LG&E Act, places a legal duty on principal councils in Wales to make and publish a petition scheme setting out how the Council will handle and respond to petitions, including electronic petitions (E-Petitions).
- 1.3 The Act can be accessed via the following link:
<https://www.legislation.gov.uk/asc/2021/1/contents/enacted>
- 1.4 There is a duty for the petition scheme to 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; and
 - (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.

- 1.5** There is a requirement for the new petition scheme to be implemented and in place by 5th May 2022.

2. Key Issues for Consideration

- 2.1** In response to Section 42 of the LG&E Act, the Draft Petition Scheme (attached at Appendix 1) has been drafted.
- 2.2** The Draft Petition Scheme sets out how petitions can be submitted and outlines the process for the creation of e-petitions.
- 2.3** The Scheme further sets out:
- 1) That all petitions will be managed through Democratic Services.
 - 2) The specific information and details that the petition and e-petition should contain.
 - 3) Details of the process for the creation of an e-petition and information required from the Lead Petitioner.
 - 4) The issues that a petition can or cannot relate to.
 - 5) That Democratic and Legal Services will carry out an initial check to ensure that a petition is admissible and respond within 7 working days to all petitions submitted and requests to create an e-petition.
 - 6) If a petition or e-petition meets the threshold of 100 signatories, then depending on the subject matter and advice from the Monitoring Officer/Deputy Monitoring Officer, this will be presented to a meeting of the Council, the Cabinet or a Scrutiny Committee.
 - 7) The Petition Scheme will be reviewed every 2 years.
- 2.4** It is proposed that a delegated authority be granted to the Head of Democratic Services, in consultation with the Chief Executive, to administer those petitions which have received fewer than 100 signatories, for example, in cases where there is clear local support for action.
- 2.5** For the submission of e-petitions, this will require the development of an electronic on-line facility, which will allow members of the public to create an e-petition via the Council's web site. This will remain open for a specified amount of time and allow for the capture of signatories electronically. Officers in Democratic Services, Business Improvement, ICT and Media and Engagement are currently in discussions to develop the online facility and how this can be best achieved by May 2022.
- 2.6** It is envisioned for the online facility to be in operation by 5th May 2022, and an electronic link to this facility will be added to the Petition Scheme document prior to this date.
- 2.7** The report seeks Cabinet's endorsement of the Draft Petition Scheme and requests Cabinet to refer the report and the appendix to Council on 7th March, 2022 for approval.

- 2.8** If approved by Council, the Petition Scheme will be incorporated into the Council's Constitution.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The introduction of a Petition Scheme contributes to the achievement of several aspects of the Council's Corporate Plan and Annual Delivery Plan.
- 3.2** The Petition Scheme and subsequent Guide therefore sit under the continued 'Open' value and Objective 1: To work with and for our communities of the new plan which sets out that activities will reflect the importance of effective involvement, communication and engagement to understand and respond to the diverse needs of the community.
- 3.3** The new Plan also sets out the Council's Well-being Objectives and reflects how the Council will contribute to the seven national well-being goals. Of the five ways of working as set out in the Well-being of Future Generations (Wales) Act 2015 (involvement, long-term, prevention, integration and collaboration) the Petition process and subsequent guide best sits as an example of the Council's approach to involvement and collaboration in its work.

4. Resources and Legal Considerations

Financial

- 4.1** None directly applicable to this report.

Employment

- 4.2** None directly applicable to this report.

Legal (Including Equalities)

- 4.3** As indicated in the main body of the report.

5. Background Papers

[Local Government and Elections \(Wales\) Act 2021.](#)



VALE OF GLAMORGAN COUNCIL PETITION SCHEME

Petitions (including E-Petitions)

Creating or taking part in a petition is one way individuals, community groups and organisation can get involved in what the Council does. It allows people to raise issues of concern, giving Councillors the opportunity to consider the need for change. With a view to making submission of petitions easier, the Council has introduced an e-petition facility.

Before submitting a petition (or e-petition), you should first check with your local Councillor to see if the Council is already acting on your concerns and that the Council is the most appropriate body to receive your petition. Details of Vale of Glamorgan Councillors can be accessed by the following link:

https://www.valeofglamorgan.gov.uk/en/our_council/Council-Structure/councillors/Councillors.aspx

If you create a petition you will become the 'lead' petitioner and you will be required to provide the Council with basic personal information so that we can contact you. Basic personal information will be:

Title
Full Name
Contact Telephone Number
Email address
Postal Address or Name of Organisation/Company
Post Code

Registering your Details

If you wish to create or sign an e-petition you will be required to log-in and register your details with us and provide us with basic personal information, including your postal and email addresses. This will enable us to verify the 'signatures' collected are genuine. You will need to create and submit a password for you to log-in.

You will be sent an email to complete the registration process.

Signing an E-Petition

When you have registered you will be required to log-in using the credentials and password you have submitted. You will then be able to sign an e-petition by using the Sign Petition button under the relevant e-petition that you are interested in.

Once signed, an email will be then be sent to the email address that you have provided to confirm that your signature has been added to the e-petition.

You will only be able to sign a petition once.

What happens when the petition (including e-petition) is complete and how is it submitted?

To create a petition electronically, you can use the online e-petition facility via the following link:

INSERT LINK TO ONLINE EPETITION SUGGESTION PAGE/FORM

*See Note 1 (bottom of page)

Alternatively, you can send completed petitions electronically via email:

Democratic@valeofglamorgan.gov.uk

Or to the following postal address:

Democratic and Scrutiny Services
The Vale of Glamorgan Council
Civic Offices
Holton Road
BARRY
CF63 4RU

Or contact the Democratic and Scrutiny Services on 01446 709249 to make arrangements to hand in a petition.

*Note 1 - Link to E-petition Facility to be added by 5th May 2022

Your petition will need to include:

- Title.
- A statement explicitly setting out what action you would like the Council to take.
- Any information which you feel is relevant to the petition and reasons why you consider the action requested to be necessary. You may include links to other relevant websites on an e-petition.

If you submit an e-petition, we will need:

- to check your petition, then publish it in Welsh and English. We only reject petitions that don't meet the standards for petitions. It may take Democratic Services up to 7 working days to check your e-petition request and discuss any issues with you, so please ensure that you submit the request in sufficient time.
- a date for when your e-petition will stop collecting signatures. In order to achieve the maximum impact, you may want to set this date so that the e-petition will be submitted before a date on which a debate is to be held or a decision taken on the issue. We will host your e-petition for up to four months but would expect most to be shorter in length than this.
- your name - as lead petitioner,

When an e-petition reaches its closing date, you will no longer be able to sign it online. The list of signatories will be collated by Democratic Services and the lead petitioner will be contacted regarding the submission of the completed e-petition.

Petitions (including e-petitions) must be signed by at least 100 people, but the Council will use its discretion where there are fewer than 100 signatories in cases where there is clear local support for action (e.g. where the residents of a small community have petitioned for traffic calming measures).

How will the Council respond to a petition?

Depending on the subject matter and advice from the Council's Monitoring Officer (or in their absence, the views of the Council's Deputy Monitoring Officer) the petition can be presented to a meeting of the Council, the Cabinet or a Scrutiny Committee. The Scrutiny Committee can fully debate the issue and make recommendation(s) to Council or Cabinet, as appropriate.

If the petition is presented to a Scrutiny Committee, the lead petitioner will be invited to attend the meeting and will be offered the opportunity to present the petition, which will involve a brief three-minute summary of what the petition is about and how many signatories there are. Alternatively, the lead petitioner can ask a Councillor to present the petition (this would normally be the local Councillor). If the lead petitioner does not attend to present the petition, and the local Councillor has not been asked to present on their behalf, the purpose of the petition and the number of signatories

will be read out by the Chair. Following the meeting a response will be sent to the lead petitioner within 15 working days of the meeting and will be posted on the Council's website.

Any petition going direct to Council or Cabinet must be presented by a Councillor or the Cabinet Member with the relevant portfolio.

What issues can my petition relate to?

Your petition should be relevant to an issue that the Council has powers or duties or on which it has shared delivery responsibilities. It should also be submitted in good faith and be decent, honest and respectful.

Your petition may be rejected if the Council's Monitoring Officer considers it:

- contains intemperate, inflammatory, abusive or provocative language,
- is defamatory, frivolous, vexatious, discriminatory or otherwise offensive, or contains false statements,
- is too similar to another petition submitted within the past six months,
- discloses confidential or exempt information, including information protected by a court order or government department,
- discloses material, which is otherwise commercially sensitive,
- names individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies,
- makes criminal accusations,
- contains advertising statements,
- refers to an issue which is currently the subject of a formal Council complaint, Public Services Ombudsman for Wales complaint or any legal proceedings,
- where a petition is submitted in response to a public consultation being run by the Council, the petition will be acknowledged as part of that process and will be considered along with other consultation response. The Council will not necessarily respond to the petition separately in this case,
- relates to statutory petitions, or petitions relating to Local Authority Referendums which falls under the Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001,
- relates to the Council's planning or licensing functions as there are separate statutory processes in place for dealing with these matters, and
- does not relate to an issue upon which the Council has powers or duties or on which it has shared delivery responsibilities.

If we decide that a petition is not acceptable then we will let the petition organiser know our reasons. This will be in writing or via email. The title and text of the petition will be published online as part of the list of inadmissible petitions, along with an explanation about why it wasn't admissible.

During politically sensitive periods, such as prior to an election, politically controversial material may need to be restricted.

The Council accepts no liability for the e-petitions on its website. The views expressed in the e-petitions do not necessarily reflect those of the Council. If your petition relates to an issue which is beyond the powers of the Council to address, it may be more appropriate to start an e-petition on the Welsh Parliament, website. Advice on the admissibility of e-petitions can be obtained from Democratic Services.

This petition scheme will be reviewed every 2 years, with any revisions published on the Council's website as appropriate.

NB. The scheme is published having regard to the provisions of the Local Government and Elections (Wales) Act 2021.

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 a review of the steps that the Council has taken in response to your petition. If your petition was considered and a response given by Officers, then please send your concerns to the Council via the Council's Corporate Complaints Process which can be accessed via the Council's website. In addition you have the right to raise a complaint with the Public Services Ombudsman for Wales.

Privacy Notice

This Privacy Notice is supplemental to the Council's Corporate Privacy Notice linked below:

https://www.valeofglamorgan.gov.uk/en/our_council/Website-Privacy-Notice.aspx

This Privacy Notice is specifically for Democratic and Scrutiny Services.

Democratic and Scrutiny Services provides support and administration for the Council's Committee system in order for it to operate effectively. In particular it:

- Organises and schedules meetings,
- Decides whether the meeting will be public,
- Issues public notices in relation to the meeting,
- Invites individuals to attend,
- Deals with correspondence received in relation to the business of the meeting,
- Deals with queries in relation to business of the meeting,
- Takes minutes of the relevant meeting,
- Issues agenda and minutes,
- Deals with any other issue relevant to the business of the meeting,

- Arranges for the retention of documents and reports relating to the Committee.

In the context of this notice the word meeting includes:

- Council meeting
- Council Sub Committee meeting
- Scrutiny Committee
- Scrutiny Sub Committee meeting
- Education Appeals Committee
- Governance and Audit Committee; and
- Any other meeting supported by Democratic and Scrutiny Services.

In order to promote open Government and Democracy most of the Council's meetings are held in public and accordingly anything discussed at those meetings will be public and any minutes, recordings or webcasts will also be public. There are some circumstances however where it is not appropriate for matters to be discussed in public, for instance the personal business of individuals or information that is financially/ commercially sensitive. The agenda of the meeting will make it clear how information is to be treated.

Accordingly, if:

- you are submitting information to be discussed at a Committee, or
- you are attending a Committee to speak, or
- you are submitting documents to a Committee, or
- you are submitting petitions to a Committee
- you are submitting representations to a Committee
- you are submitting or providing documents / petitions on behalf of others.

This information will be dealt with openly and in public unless the meeting, or part of the meeting, discussing it is not held in public in accordance with the exempt information provisions in the Council's Constitution.

If you are obtaining information from third parties, you need to ensure that they understand the above and **consent** to their information to be put into the public domain. The Council may ask you to confirm this, and information may not be further published unless we are satisfied that third parties have been made aware of this.

How do we collect information from you?

We collect information from you when you visit www.valeofglamorgan.gov.uk. Also, when you contact us in writing, speak to us on the phone, email or talk to us face to face.

What types of information do we collect from you?

In order to provide the service, the Council may need to process some or all of the following categories of personal information about members of the public or elected Members:

- Name and title
- Address
- Contact number
- Email address
- Comments in relation to Council business
- Special requirements to access meetings, including speaking in Welsh

How is your information used?

In accordance with our public tasks the following applies:

- To be used at the meeting as set out above,
- When acting as a Lead Petitioner for the submission of a petition or the creation of an e-petition using the Vale of Glamorgan's electronic facility,
- When adding your signature/personal information to a petition or e-petition,
- When registering to speak at Committees, members of the public's details will be entered into a Council computer database.
- Any registrations to speak at Committee meetings and any information submitted to Councillors and Democratic and Scrutiny Services may be shared with Council Officers and affiliated partners (e.g. organisations the Council works with collaboratively to deliver services) for their professional observation and consideration.
- Any written correspondence received may be kept on file for future reference by the Council.
- Enable Members or Officers of the Council to investigate or assist with any issues which you may have raised. Also, so we can notify you of any updates.
- Refer your public representations across Committees in order to inform decision making.
- If your express permission is given, share with other members of the public who have registered to speak in order to nominate a spokesperson.

Who has access to your information?

We will generally only share personal data with Vale of Glamorgan Council staff or elected Members who need it to perform their functions. However, as outlined above, if discussed in a public meeting the information will be publicly available.

In addition, we may rely on a number of exemptions, which allow us to share information without needing to identify a lawful basis for the sharing and without needing to provide you with information about the sharing.

Lawful bases

Our **lawful bases** for processing your personal information are:

- Consent.
- The processing is necessary for the performance of a task carried out by us in the public interest or in the exercise of authority vested in us.
- The processing is necessary in order to protect your vital interests or those of another individual.
- The processing is necessary for compliance with a legal obligation to which we are subject.

What are your rights in relation to the personal data we process?

Rights include:

- **Access** – you can request copies of any of your personal information held by the Council.
- **Rectification** – you can ask us to correct any incorrect information.
- **Deletion** – you can ask us to delete your personal information. The Council can refuse to delete information if we have a lawful reason to keep this.
- **Portability** - you can ask us to transfer your personal data to different services or to you.
- **Right to object or restrict data processing** – you have the right to object to how your data is being used and how it is going to be used in the future.
- **Right to prevent automatic decisions** – you have the right to challenge a decision that affects you that has been made automatically without human intervention.

How long will we keep your information for?

We keep and dispose of all records in line with our record retention schedule. Please contact the Democratic and Scrutiny Services Department on 01446 709 855 or Democratic@valeofglamorgan.gov.uk for further information.

What security precautions are in place to protect the loss, misuse, or alteration of your information?

We are strongly committed to data security and will take reasonable and appropriate steps to protect your personal information from unauthorised access, loss, misuse, alteration, or corruption. We have put in place physical, electronic, and managerial procedures to safeguard the information you provide to us. However, we cannot guarantee the security of any information you transmit to us. We recommend you take every precaution to protect your personal information.

Webcasting

Please note that certain meetings of the Vale of Glamorgan Council will be webcast, you will be informed verbally if the meeting you are at will be. If it is, then this means that you are being recorded both visually and in sound and that is made available on the internet. This is done for the purposes of supporting and promoting democratic engagement and public interest. We will retain the data for 6 years and then offer it to the archivist at the Glamorgan Records Office for permanent retention. You have the right to apply to access, rectify, restrict, object, or erase this data.

Complaints

If you would like to make a complaint regarding the use of your personal data, you can contact our Data Protection Officer:

By post: Freedom of Information Unit

Civic Offices, Holton Road, Barry, CF63 4RU.

By phone: 01446 700111.

By email: DPO@valeofglamorgan.gov.uk

For independent advice about data protection, privacy and data sharing issues, you can contact the Information Commissioner's Officer (ICO) at www.ico.org.uk