



DERBYSHIRE FIRE AUTHORITY

Protocol for the Submission of Petitions

Who can submit a Petition?

Derbyshire Fire Authority is keen to receive feedback from all residents, visitors and from people working or studying in Derbyshire.

All residents, visitors and people working or studying in Derbyshire can submit a petition but a minimum of **10 signatories from 5 separate households** are required in order to trigger a petition response from the Authority.

Whilst the Authority welcomes petitions as a means of highlighting concerns the lead petitioner has a responsibility to ensure that any petition submitted is done so under the principle of good faith and be decent, honest and respectful.

Signatures for the petition should have been collected no more than 6 months before the submission of the petition to ensure that the issues raised are considered within an appropriate time frame.

What Information must a Petition Include?

Any petition must contain the following information:

- A clear and concise statement covering the subject of the petition, the area to which the petition relates and what action the petitioners want the Authority to take.
- The contact details for the petition organiser (lead petitioner) so the Authority knows who to contact.
- The name, address, postcode and signature of any person supporting the petition.
- Date the petition is submitted.

Relevant Matters

The Authority will consider petitions concerning issues where the Authority has direct responsibility. If the issue is outside the remit of the Authority the lead petitioner will be informed.

Where a petition calls for action against the policy of the Authority, the Authority reserves the right to decline the request but in doing so must clearly explain to the lead petitioner the reasons why the requested action cannot be carried out.

Issues Specifically Excluded from the Petition Scheme

The following matters are specifically excluded under the Protocol for the Submission of Petitions and will not be considered:

- Any matter relating to enforcement action undertaken by DFRS.
- Any matter relating to an individual or entity in respect of which that individual has a right of recourse to a review or right of appeal conferred by or under any enactment.
- Any matter which is substantially the same as a petition submitted in the previous 12 months.
- Any matter which is vexatious, discriminatory, inappropriate or not reasonable.
- Any matter which is considered to be 'exempt' under the Local Government Act 1972, Access to Information Act 1985, the Data Protection Act 1998, the Freedom of Information Act 2000 or the Environment Information Regulations 2004. This includes but is not restricted to information relating to an individual, information which is commercially sensitive, or which concerns information for which there are implications for the prevention or prosecution of a crime.

Where a petition submitted relates to an excluded matter, the Authority will write to the lead petitioner and explain why the matter is not covered by the Authority's Petition Scheme. In appropriate circumstances, the Authority may advise how the public views can be considered via alternative means.

NOTE: *See Explanatory Notes at Appendix A for guidance on issues considered to be vexatious, discriminatory, inappropriate or not reasonable.

How do I Submit a Petition to the Authority?

A form is intended to assist the public in setting out the issues relating to their petition is attached at Appendix B.

Other formats are acceptable. However the petitioner should include purpose of petition, what action is called for, contact details for the lead petitioner and the date.

All residents, visitors and people working or studying in Derbyshire can submit a petition but a minimum of **10 signatories from 5 separate households** are required in order to trigger a petition response from the Authority.

A petition needs to be submitted at least 7 working days prior to a formal Authority Meeting. Any valid petition received after this time will be referred to the next scheduled meeting for consideration.

Please address petitions to: The Chief Fire Office & Chief Executive
Derbyshire Fire and Rescue Service
The Old Hall
Burton Road
Littleover
Derby
DE23 6EH

What Happens When I Submit my Petition?

Each petition will be formally acknowledged within 7 working days if its receipt.

The Authority will generally accept any petition on face value but reserves the right to verify the signatures or investigate further if deemed necessary.

If the issue contained within the petition is an excluded matter, the lead petitioner will be informed accordingly, explaining the reasons why the petition cannot be accepted under this scheme.

If the petition is considered valid, it will be included on the Agenda for the next appropriate Authority meeting and details of the receipt of the petition will be published on the Authority's website (except where this is considered to be inappropriate). To enable a petition to be included on the Agenda, it should be submitted at least 7 working days prior to a formal scheduled Authority Meeting. Petitions will not be considered at Extraordinary Authority Meetings.

There are several courses of action available to the Authority regarding the consideration of petitions including:

- Taking the action requested in the petition
- Undertaking research into the matters raised (this could include referring the matter to the relevant Committee or Officer of the Authority)
- Holding a meeting with the petitioners
- Referring the petition to the Scrutiny Committee
- Holding a public meeting
- Holding an inquiry
- Providing a written response to the petition organiser setting out the Authority's views on the request in the petition
- Considering the petition at a future Authority meeting

The lead petitioner will be informed in writing of the Authority's decision and this information will also be published on the Authority's website. If a further meeting is to be held to consider the issues raised in the petition, the lead petitioner will be supplied with the relevant details and, if appropriate, be given the opportunity to attend the meeting.

Where possible, the consideration of a petition will be held in public but in exceptional circumstances it may be necessary for an issue to be considered as an 'exempt' item

under the Local Government Act 1972, the Access to Information Act 1985 and other relevant legislation. In such circumstances the lead petitioner, public and press will be excluded from the meeting (or part of it) but the reasons for their exclusion will be clearly communicated.

All Members of the Authority will be informed when a petition has been received and if rejected, the reasons why. If the petition is valid, this notification will usually be through the attendance of the lead petitioner at a meeting of the Authority in accordance with its Standing Orders and the name (but not contact details) of the lead signatory will be listed on the agenda.

What can I do if I feel my Petition has not been dealt with Properly?

Petition organisers can prompt a review of the Authority's response to a petition if the response given is felt to be inadequate. Any such request should be submitted in writing giving full details of where the response was considered to be inadequate.

In these circumstances, the Authority's Scrutiny Committee will review the steps the Authority has taken in response to the petition. A meeting of the Scrutiny Committee will be held within 28 days of receiving such a request and will determine whether the response given or action taken was reasonable in the circumstances. In particular, consideration will be given as to whether the lead petitioner was given sufficient opportunity in which to outline the concerns raised in the petition.

If the Scrutiny Committee feels that it is unable to determine whether the steps taken by the Authority in response to the petition were adequate, due to the fact that the Scrutiny Committee was involved in the earlier decision and that, therefore, there is a conflict of interest and it is unable to carry out the review, it may refer the matter to the Authority's Standards Committee.

The Scrutiny Committee or the Standards Committee will determine what, if any, further action is needed. This could include referring the matter back to the body that first considered it, making recommendations to the Authority.

Once the appeal has been considered, the petition organiser will be informed of the outcome within 5 working days of the Scrutiny Committee or the Standards Committee having considered the appeal. The results of the appeal will also be published on the Authority's website.

Explanatory Notes

Derbyshire Fire Authority welcomes the receipt of petitions as a positive initiative for engaging with local communities. However, any petition which in the opinion of the Authority (as advised by the Monitoring Officer) is considered to be vexatious, abusive or otherwise inappropriate or not reasonable will be excluded from the scheme.

Each petition will be looked at on its merits, rather than on the basis of who is submitting the petition, or whether someone thinks there is an ulterior motive for the submission of the petition.

Vexatious/Persistent

Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all circumstances of the case. There is no rigid test or definition for such complaints but the key over-riding question will be whether the petition request is likely to cause distress, disruption or irritation without any proper or justified cause.

Issues around persistency are implied by this definition. However, a persistent request may well be entirely valid – it may relate to a systematic problem that has not been effectively resolved. Similarly, a request which some Members may regard as vexatious may actually be entirely responsible.

Discriminatory

A modern interpretation of the word ‘discrimination’ is provided at Section 45 of the Equality Act 2006, in relation to religion and belief, as follows:

A person (A) discriminates against another (B) if on the grounds of the religion or belief of (B) or of any other person except (A), treats (B) less favourably than s/he treats others. This definition can easily be amended to deal with other forms of discrimination, such as discrimination for reasons of sex and / or race. So a discriminatory petition might be one which implies or states that a group of people or an area receives better, or worse, services on account of that group’s predominant religion, race, sex or other characteristic, as covered by discrimination legislation.

Inappropriate

Matters which may be considered ‘inappropriate’ include those involving ongoing legal proceedings or which target individual members of a community. Any petition which calls for a senior officer to give evidence should relate to the role of the individual in delivering public services and not matters relating to an officer’s personality or private life.

Not Reasonable

In the interests of transparency, the Authority will not interpret 'not reasonable' as being the same as the legal word 'unreasonable'. It is best to consider 'not reasonable' as a qualifier to the word 'vexatious', as a vexatious request is likely not to be reasonable and a request that is not reasonable is likely to be vexatious.



Petitions Form

Derbyshire Fire Authority has a 'Petitions Protocol' in place which sets out how local people can submit a petition to highlight issues of concern within their local area. The Protocol also sets out what essential information needs to be included and how the Authority can respond to the issues raised.

This form is intended to assist the public in setting out the issues relating to their petition but other formats are also acceptable.

All residents, visitors and people working or studying in Derbyshire can submit a petition but a minimum of **10 signatories from 5 separate households** are required in order to trigger a petition response from the Authority.

Purpose of Petition

Ward / Area the Petition Issues covers

What Action do you wish the Authority to take in relation to this issue?

Would you like the opportunity to present this petition to a meeting of the Authority?

Yes

No

Would you like a Councillor to present the petition on your behalf?

Yes

No

How would you like the receipt of your petition acknowledged?

Letter

Email

Fax

Contact Details of the Petition Organiser (Lead Petitioner)

Name

(please print)

Address

(including postcode)

Contact Number:

Email Address:

Signature of Lead Petitioner:

Date of Petition:

Please complete and return this form to the address below:

Chief Fire Officer and Chief Executive, Derbyshire Fire & Rescue Service, The Old Hall, Burton Road, Littleover, Derby, DE23 6EH

We the undersigned, are submitting this petition calling for action in relation to

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Name (print)	Postal Address (including postcode)	Email Address	Signature