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## Article 3 – Residents and the Council

### 1. Residents' rights

- 1.1 Residents have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Chapter 8 of this Constitution.

### 2. Voting and petitions

- 2.1 Residents on the electoral roll for the area have the right to vote and sign petitions as provided by law, for example in respect of executive arrangements.
- 2.2 Residents may also bring petitions in accordance with the Petition Scheme adopted by Council and implemented under the provisions of the Local Democracy Economic Development and Construction Act 2009.

### 3. Information

- 3.1 Residents have the right to:
- (a) attend meetings of the Council and its Committees except where confidential or exempt / personal information is likely to be disclosed, and the meeting is therefore held in private
  - (b) attend meetings of the Cabinet when key decisions and other matters are being considered (except where confidential or exempt information is likely to be disclosed and part of the meeting is therefore held in private)
  - (c) report on meetings, or those parts of meetings, that are open to the public using any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities – "reporting" is defined in The Openness of Local Government Bodies Regulations 2014 as:
    - (i) filming, photographing or making an audio recording of proceedings at a meeting
    - (ii) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later
    - (iii) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present
  - (d) find out from the forward plan what key decisions will be taken by the Cabinet and when
  - (e) see reports and background papers, and any records of decisions made by the Council and the Cabinet
  - (f) inspect the Council's accounts and make their views known to the external auditor

- (g) receive information held by the Council subject to the Freedom of Information Act 2000

#### **4. Participation**

##### 4.1 Residents have the right to:

- (a) participate in the Council's question time and present a petition at a meeting of the Council, in accordance with Appendix A, (Annex 1) and the Council's Petition Scheme (Annex 3)
- (b) present a petition to a meeting of the Cabinet, in accordance with the Council's Petition Scheme at Appendix A (Annex 3)
- (c) present a petition to other committee meetings in accordance with the Council's Petition Scheme at Appendix A (Annex 3)
- (d) ask questions, present petitions and participate in and contribute to investigations by Overview and Scrutiny Committees in accordance with Appendix A (Annex 1), the Council's Petition Scheme (Annex 3) and Chapter 4, Part 3, Rule 14 of this Constitution
- (e) speak on planning applications, in accordance with the Scheme of Public Participation at a Meeting of the Planning Committee at Appendix A (Annex 2)
- (f) contact their local Councillor about any matters of concern to them

#### **5. Complaints**

##### 5.1 Residents have the right to complain to:

- (a) the Council itself under its complaints procedure and receive a timely response
- (b) the Council's Standards and Audit Committee about a breach of the Councillors' Code of Conduct and receive a timely response
- (c) the Ombudsman after using the Council's own complaints procedure

#### **6. Residents' responsibilities**

##### 6.1 In return for these rights, residents must observe the law in their dealings with Councillors and Officers.

## Appendix A – Public participation procedure

### 1. When Public Participation will operate

#### 1.1 Members of the public will be able to participate at meetings of:

- (a) The Full Council
- (b) The Cabinet
- (c) Overview and Scrutiny Committees
- (d) The Licensing Committee and Licensing Sub-Committee

Where a public hearing is being conducted by the Licensing Sub-Committee, public participation shall be considered only in accordance with the separate procedure applying to such hearings – please see Chapter 5, Part 4(b) for further information.

- (e) The Planning Committee

A separate public participation procedure operates where the Planning Committee is determining planning or other applications, as set out in Annex 3 of this procedure.

- (f) The Standards and Audit Committee
- (g) The General Services Committee
- (h) The Corporate Parenting Committee

#### 1.2 Participation at the meetings detailed at 1.1 above can be through either asking questions, making statements or presenting petitions at a designated part of the meeting. For more information about which provisions apply to particular meetings, please see the footnotes below and Annex 1, 2 and 3.

#### 1.3 At other council meetings that are open to the public but not referred to in 1.1 above, formal or informal means of public participation may be permitted at the discretion of the Chair of the Committee.

#### 1.4 There will be no public participation at meetings of the Health and Wellbeing Board. Members of the public are instead requested to share their views and experience of local health and social care services with HealthWatch who will:

- have the power to enter and view services
- influence how services are set up and commissioned by having a seat on the local health and wellbeing board
- produce reports which influence the way services are designed and delivered
- provide information, advice and support about local services

- pass information and recommendations to HealthWatch England and the Care Quality Commission

1.5 The arrangements for public participation at the meetings will be as follows:

- (a) Annex 1 Procedure for Public Questions at Meetings
- (b) Annex 2 Procedure for Public Participation in Planning Committee Meetings
- (c) Annex 3 Thurrock Council's Petitions Scheme

## **2. Authority of the Chair**

2.1 The Chair will have the right to stop persons from speaking at any time if he/she considers any speech to be defamatory, improper or outside the responsibilities of the Council.

2.2 The Chair may vary or suspend the operation of public participation in advance of or during a meeting, if he/she considers:

- (a) that it is necessary to do so for the purpose of maintaining order at the meeting;  
or
- (b) that it is convenient and conducive to the despatch of business to do so

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## **Annex 1 – Procedure for Public Questions at Meetings**

### **1. Introduction**

1.1 Members of the public can submit a question to the following meetings:

- (a) Full Council
- (b) Overview and Scrutiny committees

### **2. Questions to Full Council**

2.1 Any resident of the authority's area may submit a question to Full Council addressed to:

- (a) the Leader;
- (b) a Member of the Cabinet; or
- (c) a Chair of any Committee or Sub-Committee
- (d) a Member appointed to represent the Council on a Joint Committee

2.2 The question should be delivered in writing to the Monitoring Officer, to be received by Democratic Services at least six working days prior to a meeting of Council (for example, as the Council usually meets on a Wednesday, the deadline for receipt of a question will be 5pm on the Monday the week before the meeting is due to be held). The question must relate to a matter which affects the authority or residents of the authority's area and in relation to which the authority has powers, and must name the individual to whom it is addressed. A question must be concise and clearly worded and must not extend into a statement. The question must relate to a single proposition and may not contain more than one part. No member of the public may submit more than one question in total for any one meeting of the Council.

2.3 The Monitoring Officer shall copy the question to the person to whom it is addressed and place it on the agenda for the next meeting of Council unless, in his/her opinion:

- (a) the request does not comply with the requirements of Rule 2.2 above
- (b) the question is defamatory of an individual, offensive, discloses confidential or exempt information, names or clearly identifies an employee of the authority, or otherwise infringes the proper conduct of local government
- (c) the question is substantially the same as a question which has been previously received and answered within the past year, and there has been no significant and relevant change of circumstances since the previous question was answered; or
- (d) the question discloses, or the reply is likely to disclose, confidential or exempt information

2.4 The Monitoring Officer shall put the questions on the agenda, grouped as to the person to whom the question is to be put and, in relation to each such person, in the order that they have been received.

- 2.5 Where the questioner is present, the person to whom the question was addressed shall then provide a verbal answer to the question (which may include a more detailed answer in writing). Where the person who submitted the question is not present, the person to whom the question was addressed may provide a written response as an alternative to a verbal response.
- 2.6 Where the person who submitted the question is present, after the initial answer, they may ask one supplementary question arising directly out of the initial question or answer, without notice, and the person who answered the initial question shall respond to the supplementary question.
- 2.7 The time limit for all questions under this Rule (at any meeting) shall be 30 minutes. Where a question is not dealt with at the meeting, the person to whom the question is addressed shall provide a written answer as soon as practicable after the meeting.

### **3. Questions or Statements to Overview and Scrutiny committees**

- 3.1 Any resident of the authority's area may submit a question or make a statement to a meeting of an Overview and Scrutiny Committee.

### **4. Questions**

- 4.1 Questions should be delivered in writing to the Monitoring Officer, to be received by Democratic Services by 5pm at least two working days prior to a meeting. The question must relate to an item that appears on the Agenda for a meeting and must be concise and clearly worded. The question must relate to a single proposition and may not contain more than one part. No member of the public may submit more than one question in total for any one meeting of an Overview and Scrutiny Committee.
- 4.2 The Monitoring Officer shall accept questions for meetings of Overview and Scrutiny Committees unless, in his/her opinion:
- (a) the request does not comply with the requirements of Rule 2.2 above;
  - (b) the question is defamatory of an individual, offensive, discloses confidential or exempt information, names or clearly identifies an employee of the authority, or otherwise infringes the proper conduct of local government;
  - (c) the question is substantially the same as a question which has been previously been received and answered within the past year, and there has been no significant and relevant change of circumstances since the previous question was answered; or
  - (d) the question discloses, or the reply is likely to disclose, confidential or exempt information
- 4.3 All questions shall be taken directly before the Agenda item to which they relate.
- 4.4 Where the questioner is present, the Chair shall then provide a verbal answer to the question (which may include a more detailed answer in writing). Where the person who submitted the question is not present, the Chair may provide a written response as an alternative to a verbal response.

4.5 Where the person who submitted the question is present, after the initial answer, they may ask one supplementary question arising directly out of the initial question or answer, without notice, and the Chair shall respond to the supplementary question.

## **5. Statements**

5.1 Where a request is made to make a statement at a meeting of an Overview and Scrutiny Committee, a written summary of the points to be raised should be delivered in writing to the Monitoring Officer, to be received by Democratic Services by 5pm at least three working days prior to the meeting. Any statement must relate to an item that appears on the Agenda for a meeting.

5.2 The Monitoring Officer shall accept any such statement unless, in his/her opinion:

- (a) the request does not comply with the requirements of Rule 2.2 above
- (b) the statement is defamatory of an individual, offensive, discloses confidential or exempt information, names or clearly identifies an employee of the authority, or otherwise infringes the proper conduct of local government
- (c) the statement is substantially the same as a statement that has previously been received within the past year, and there has been no significant and relevant change of circumstances since the previous statement was made; or
- (d) the statement discloses, or is likely to disclose, confidential or exempt information

5.3 All statements shall be taken directly before the Agenda item to which they relate.

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## **Annex 2 – Public Participation at a Meeting of the Planning Committee**

### **1. Introduction**

- 1.1 Planning applications are usually determined either by Officers acting under delegated authority or by the Planning Committee.
- 1.2 The Council wants to provide the opportunity for the public and for applicants (or their agents) to speak at the meetings of the Planning Committee before Members of the Committee take their decision. Anyone who has written to the Council making representations on a planning application will be contacted by Development Management upon publication of the relevant agenda and will be advised of the relevant process relating to public speaking (see paragraphs 2.4 and 3.1-3.3 below).
- 1.3 Upon receipt of a request to speak at a meeting of the Planning Committee, Democratic Services will organise all such public speaking.

### **2. Who can speak at a meeting of the Planning Committee?**

- 2.1 Only the following may address the Planning Committee:
  - (a) In the case of a planning application:
    - (i) An objector or their representative
    - (ii) A Ward Councillor
    - (iii) Any Member of the Committee who has a disclosable pecuniary interest, speaking after being granted a dispensation to allow him/her to speak in accordance with the Members' Code of Conduct
    - (iv) An applicant or his/her agent or representative
  - (b) In the case of an enforcement matter:
    - (i) An objector or their representative
    - (ii) A Ward Councillor
    - (iii) Any Member of the Committee who has a disclosable pecuniary interest, speaking after being granted a dispensation to allow him/her to speak in accordance with the Members' Code of Conduct
    - (iv) The owner or occupier of premises under enforcement action or his/her agent or representative
- 2.2 Only one person, in addition to a Ward Councillor, will be invited to speak in support of, or in opposition to, any application or enforcement matter appearing on the Agenda for a meeting of the Planning Committee.
- 2.3 Subject to paragraph 2.2, if a person wishes to speak in objection to an application, the applicant must be allowed to speak. An applicant may speak at a meeting even where there are no objectors or Ward Members wishing to speak.



2.4 All requests to speak at a meeting of the Planning Committee, including those from Ward Councillors or those notified under paragraph 1.2, must relate to a matter to be considered at the forthcoming meeting of the Committee and be accompanied by a written statement sufficiently setting out the planning matters the speaker wishes to raise at the meeting.

### 3. How can I speak at a meeting of the Planning Committee?

3.1 All requests to speak, including those from Ward Councillors or those notified under paragraph 1.2, should be received by Democratic Services no later than noon two working days prior to the meeting, excluding the day on which the meeting is to be held, (for example, as the Planning Committee usually meets on a Thursday, the deadline for registration and receipt of a written summary, sufficiently setting out the planning matters the speaker wishes to raise at the meeting, will be midday on the Tuesday before the day of the meeting) in one of the following ways:

(a) in writing, addressed to:

Clerk to the Planning Committee  
Democratic Services  
Thurrock Council  
Civic Offices  
New Road  
Grays  
RM17 6SL

(b) via a form on the Council's website at:

**[www.thurrock.gov.uk/attending-public-meetings](http://www.thurrock.gov.uk/attending-public-meetings)**

(c) by email to

**[direct-democracy@thurrock.gov.uk](mailto:direct-democracy@thurrock.gov.uk)**

(d) if any assistance in registering to speak at a meeting is required, please telephone 01375 652 082

3.2 The Chair of the Planning Committee will not normally allow members of the public to speak if they have failed to notify the Council of their wish to do so in one of the ways described above.

3.3 Where there is more than one request to speak on a particular application, the requests made will be entered into a ballot. To ensure transparency, the ballot will be held at 4pm two working days prior to the Meeting (excluding the day on which the Meeting is to be held) and applicants/owners and/or their planning agents and objectors will be invited to witness the ballot. All potential speakers will be advised of the outcome.

3.4 Where a request is made to speak in opposition to an Application, the applicant or agent shall have the right to reply at the Committee. A copy of the speaker's written objection will be forwarded to the applicant or their agent and, if they wish to speak at the Committee, the applicant or agent must forward their response, in writing, to Democratic Services by noon on the working day before the meeting of the Committee.

3.5 Although Democratic Services will make every effort to advise the applicant/agent where any such notice has been received, it is the responsibility of the applicant/agent to check two working days (excluding the day on which the Committee is to be held) before the application is to be considered, whether or not anyone has registered to speak.

3.6 The Committee will be provided with copies of the written statements, as referred to at Rule 3.4, from all speakers prior to the meeting and relevant agenda and reports will be published to the Council's web site at least five working days before the meeting, with a limited number of copies being made available to persons attending the Meeting.

3.7 The Chair may agree to accept representations made outside these procedures where there are exceptional circumstances, for example where someone can show that they have been prejudiced by a failure of the Council to follow procedures in this Constitution. The Chair will state the reasons for using his/her discretion in this respect and these will be included in the minutes of the meeting.

#### **4. What happens at the meeting of the Planning Committee**

4.1 Applications will usually be taken in the order that they appear on the published Agenda. However, the Chair may exercise some discretion to allow for those applications subject to public participation to be taken first.

4.2 For any applications that are subject to public participation, the order in which registered speakers will be called to address the Committee will be as follows:

(a) In the case of a planning application:

(i) An objector or their representative

(ii) A Ward Councillor

(iii) Any Member of the Committee who has a disclosable pecuniary interest, after being granted a dispensation to allow him/her to speak in accordance with the Members' Code of Conduct

(iv) An applicant or his/her agent or representative

(b) In the case of an enforcement matter:

(i) An objector or their representative

(ii) A Ward Councillor

(iii) Any Member of the Committee who has a disclosable pecuniary interest, speaking after being granted a dispensation to allow him/her to speak in accordance with the Members' Code of Conduct

(iv) The owner or occupier of premises under enforcement action or his/her agent or representative

4.3 A person who has registered to speak may address the Committee for a period not exceeding 3 minutes. If the time limit is exceeded, the Chair will immediately call for an end to the speech.

- 4.4 If a person who has registered to speak at the meeting does not attend, the application will be dealt with in their absence and will not, for that reason, be deferred.
- 4.5 No documentation may be circulated or audio or visual material presented to Members of the Planning Committee at the meeting.
- 4.6 The Planning Officer or the lawyer advising the Committee, in consultation with the Chair, may disallow any matter which may give offence, deal with confidential or exempt information or otherwise infringe the proper conduct of local government. In such cases, reasons for the disallowance will be given.
- 4.7 If the Committee decides to defer an item to a future meeting, any speakers on that item who have spoken at the time of deferring may, with the Chair's agreement, be given first priority to speak when the item is re-considered where there are exceptional circumstances, for example, where it can be shown that they would be prejudiced by a failure to allow them to speak again.
- 5. What can you speak about?**
- 5.1 Speakers can speak for themselves or on behalf of others. Any representations made should relate only to material planning considerations and not matters that fall outside the remit of the Committee.
- 5.2 Speakers are asked, where possible, not to repeat points made by other speakers.

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## Annex 3 – Thurrock Council Petition Scheme

### 1. Introduction

- 1.1 The Council welcomes petitions and recognises that these are one way in which people can let us know their concerns.
- 1.2 All petitions sent to or presented at a meeting of the Council will receive an acknowledgement within 10 working days of receipt and this will set out what we plan to do with the petition.
- 1.3 We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
- 1.4 Paper copies of petitions should be sent to:

Democratic Services  
Thurrock Council  
Civic Offices  
New Road  
Grays  
RM17 6SL

Petitions can be presented to a meeting of the Full Council. These meetings usually take place each month (except during April (in the year of an election), August and December). Dates and times of meetings of the Council can be found at:

**[democracy.thurrock.gov.uk/mgCalendarMonthView.aspx](https://democracy.thurrock.gov.uk/mgCalendarMonthView.aspx)**

- 1.5 In addition, petitions may also be presented to the following meetings:
- (a) The Cabinet
  - (b) Overview and Scrutiny Committees
  - (c) The Standards and Audit Committee
  - (d) The General Services Committee
  - (e) The Corporate Parenting Committee
- 1.6 If you would like to present your petition to a meeting of the Council, the Cabinet or to a meeting of a particular Committee, as detailed in 1.5 above, or would like your Councillor or someone else to present it on your behalf, please telephone Democratic Services, on 01375 652 082 **no later than midday on the working day before that meeting** and they will talk you through the process.
- 1.7 If your petition has received 1,500 signatures or more it will also be scheduled for a debate at a meeting of Council, unless it is a petition that cannot be dealt with through this Scheme (see paragraphs 4.1 to 4.3). If a petition is scheduled for a debate at a meeting of the Council, we will discuss with the petition organiser when this will take place.

1.8 You can also submit petitions to the Cabinet and other committees (including Overview and Scrutiny). Details of when these meetings take place can also be found on the Council's website.

1.9 The Council also offers a facility where a Petition can be created, signed and submitted online and this can be found at:

**[consult.thurrock.gov.uk/petitions](https://consult.thurrock.gov.uk/petitions)**

## **2. What are the guidelines for submitting a petition?**

2.1 All Petitions must identify and be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

2.2 The contact details of the petition organiser will not be placed on the website.

2.3 Petitions submitted to the Council must:

- (a) contain the name, a valid address and the signature of at least 10 local government electors for the administrative area of Thurrock who support the petition – if a petition does not contain the signatures of 10 local government electors in Thurrock, it will be rejected
- (b) include a clear and concise statement covering the subject of the petition – it should state what action the petitioners wish the Council to take
- (c) relate to a matter for which the authority has responsibility and which affects the authority or its area
- (d) not, in the opinion of the Monitoring Officer, be trivial, defamatory, offensive, be substantially the same as a petition which has been considered under these Rules within the previous 12 months, name or clearly identify an employee of the authority, or involve the disclosure of confidential or exempt information

2.4 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum, we may need to deal with your petition differently – if this is the case, we will explain the reasons and discuss the revised timescale which will apply.

2.5 If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

2.6 If your petition does not reach the minimum requirement of 10 signatures (as detailed in paragraph 2.3(a) above), particularly if the issue relates to a small locality, we will seek to advise you of other ways in which your views could be considered.

2.7 If you wish to present your petition to a specific meeting of the Council, the Cabinet or any committee meeting (including Overview and Scrutiny), you should provide us with details of the subject of the petition, the number of signatures and your contact details by **no later than midday on the working day before that meeting**, to enable it to be submitted.

Please note that petitions submitted by the petitioner to meetings of the Council or a relevant committee will not be discussed in detail at that point, unless there is an agenda item specifically relating to that issue. Petitions received in this way will be passed to the appropriate councillor or officer for proper consideration.

- 2.8 Any Member or member of the public presenting a petition shall be entitled to address the Council or relevant committee on the matter which is the subject of the petition for up to three minutes. Unless the petition relates to a matter which is to be determined by Council itself, it shall then be referred to the Cabinet, Cabinet Member or Committee, as appropriate, without debate.

### **3. What will the council do when it receives my petition?**

- 3.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. This may also be published on our website.
- 3.2 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate (see paragraph 7.1), or a senior officer giving evidence (see paragraph 8), then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.
- 3.3 Where the Monitoring Officer is of the opinion that the subject matter of the petition relates to a matter which is, or will shortly be, the subject of statutory or non-statutory consultation by the authority or is to be reported to a forthcoming meeting of a Committee of the Council, he/she may elect to include the petition in the responses to that consultation, or, report the petition to the relevant Committee for consideration in the ordinary determination of that matter.
- 3.4 Where a petition received at a meeting of the Full Council is referred to the Cabinet, a Cabinet Member or a Committee, the Monitoring Officer shall advise the petition organiser accordingly. The petition shall be considered by the Cabinet, Cabinet Member or Committee at their next convenient meeting or occasion.
- 3.5 We reserve the right to verify signatures as required. Please ensure you include a valid address and postcode that relates to your home address (if you live or study in Thurrock) or work address (if you work or run a business in Thurrock). These signatures will be taken into account when identifying if there are enough signatures from people who live, work or study in Thurrock to trigger a full council debate or call an officer to account at an Overview and Scrutiny meeting.

### **4. Petitions that cannot be dealt with through this scheme (exempt petitions)**

- 4.1 In order not to duplicate procedures where established processes already exist for people to voice their opinions, the following matters are excluded from this Scheme:
- (a) Any matter relating to an individual or entity where there is already an existing recourse to a review or right of appeal, such as Council tax banding and non-domestic rates.

- (b) A statutory petition – for example, requesting a referendum on having an elected mayor
- (c) Petitions from Council staff, which will be dealt with through the Council's Grievance Procedure or other such applicable Human Resources Policy.
- (d) Any petitions relating to the day-to-day operation of a particular school(s), which will be referred to the relevant Governing Body of the school(s) concerned for action and a response.
- (e) Any petitions relating to issues which are outside the Council's direct control – that is, matters governed by national or European legislation, including any contractual matters.
- (f) Any petitions which relate to any matter that is the subject of legal proceedings and/or in which the Council is in some other legal dispute with any party referred to within the body of a petition or party to it.

However, a petition that alleges a systematic failure to deliver services in the above areas is within the scope of this Scheme.

4.2 We will not take action on any petition, which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

4.3 Any petition that is a duplicate or near duplicate of another petition that the Council has already received will not be able to be considered within a 12-month period. You are advised to check the details of previous petitions on our e-petitions site or contact us for advice at the start of your petition.

## **5. Petitions relating to Planning or Licensing matters and those received in direct response to consultations undertaken by the Council**

5.1 A petition in respect of any matter relating to a planning decision, including enforcement action, a development plan document or community infrastructure levy will be dealt with as part of the decision-making process for the decision in question and will not follow the processes set out within this Scheme. Any petitions relating to planning decisions should be sent to:

Development Management  
Thurrock Council  
Civic Offices  
New Road  
Grays  
RM17 6SL

Further information on how to have your say on planning applications is available at:

**[regs.thurrock.gov.uk/online-applications](https://regs.thurrock.gov.uk/online-applications)**

5.2 A petition in respect of any matter relating to an alcohol, gambling or sex establishment licensing decision will be dealt with as part of the decision-making process for the decision

in question and will not follow the processes set out within this Scheme. Any petitions relating to licensing decisions should be sent to:

Licensing  
Thurrock Council  
Civic Offices  
New Road  
Grays  
RM17 6SL

- 5.3 A petition in respect of any matter which is subject to public consultation by the Council, for example, those seeking views upon the introduction of highways or parking schemes, should be sent directly to the department undertaking the consultation exercise. Any such petitions received will be dealt with by the department to which the petition has been submitted and will not follow the processes set out within this Scheme.

Any petition falling as described in paragraphs 5.1 and 5.3 may be debated by the Council if the number of signatories is equal to or greater than the threshold set out in paragraph 7.1 of this Scheme.

## **6. How will the council respond to petitions?**

- 6.1 Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:
- (a) taking the action requested in the petition
  - (b) considering the petition at a Council meeting
  - (c) holding an inquiry into the matter
  - (d) undertaking research into the matter
  - (e) holding a public meeting
  - (f) holding a consultation
  - (g) holding a meeting with petitioners
  - (h) referring the petition for consideration by an Overview and Scrutiny committee\*
  - (i) calling a referendum
  - (j) writing to the petition organiser setting out our views about the request in the petition

\* Overview and Scrutiny committees are committees of Councillors who are responsible for scrutinising the work of the Council – in other words, the overview and scrutiny committee has the power to hold the Council's decision-makers to account.

- 6.2 In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples.



Petition subject	Appropriate steps
(a) Alcohol-related crime and disorder	<p>If your petition is about crime or disorder linked to alcohol consumption, the Council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established, the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The Council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.</p>
(b) Anti-social behaviour (ASB)	<p>As the elected representatives of your local area, as social landlord and licensing authority, the Council plays a significant role to play in tackling anti-social behaviour. The Council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards here:</p> <p><b><a href="http://www.thurrock.gov.uk/asb">www.thurrock.gov.uk/asb</a></b></p> <p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the Council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the Crime and Disorder Reduction Partnership and relevant Overview and Scrutiny committee to the issues highlighted in the petition.</p>
(c) Under-performing schools	<p>We will consider, in consultation with local partners, all the options available to us when working with schools to secure their improvement. For example, on our behalf, the school improvement partner will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing, we will consider whether it is appropriate in the circumstances to issue a warning notice outlining expectations and a timeframe for the school to improve its performance standards. Other measures available to us, where schools fail to comply with a warning notice or are in an Ofsted category of Notice to Improve (requiring significant improvement) or special measures including: appointing additional governors, establishing an interim executive board, removal of the school's delegated budgets, requiring the school to enter into a formal contract or partnership or, only if the school is in special measures, closure.</p>

Petition subject	Appropriate steps
(d) Under-performing health services	We will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role HealthWatch might have in reviewing and feeding back on the issue (HealthWatch is run by local individuals and community groups and independently supported – their role to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account). The Health and Wellbeing Overview and Scrutiny committee will also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue will be referred to them to consider for review.

6.3 If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body.

You can find more information on the services for which the Council is responsible at:

**[www.thurrock.gov.uk](http://www.thurrock.gov.uk)**

6.4 If your petition is about something that a different Council is responsible for, we will give consideration as to what the best method might be for responding to it. This might consist of simply forwarding the petition to another body, but could involve other steps. In any event we will always notify you of the action we have taken.

6.5 The Council works with a large number of local partners and, where possible, will work with these partners to respond to your petition. If we are not able to do this for any reason (for example, if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you.

6.6 To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to the Council in a rolling 6-month period will be included as an item of business on the agenda for meetings of the Full Council and published on our website, except in cases where this would be inappropriate.

## **7. Full council debates**

7.1 If a petition contains more than 1,500 signatures it will be debated by the full Council, unless it is a petition asking for a Senior Council Officer to give evidence at a public meeting.

7.2 This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although, on some occasions, this may not be possible and consideration will then take place at the following meeting.

7.3 The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes.

7.4 The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.

7.5 Where the issue is one on which the Council Executive is required to make the final decision, the Council will decide whether to make recommendations to inform this. The petition organiser will receive written confirmation of this decision and this confirmation will also be published on our website.

## 8. Officer evidence

8.1 Your petition may ask for a Senior Council Officer to give evidence at a public meeting about something for which the Officer is responsible as part of their job. For example, your petition may ask a Senior Council Officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

8.2 If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the appropriate Overview and Scrutiny Committee. A list of the senior staff that can be called to give evidence can be found in Article 12 within this Chapter.

8.3 You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence, instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee may also decide to call the relevant Cabinet Member to attend the meeting.

8.4 Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the committee by telephoning Democratic Services on 01375 652 082, up to three working days before the meeting.

## 9. E-petitions

9.1 The Council has a facility for e-petitions to be created and submitted through our website. This can be accessed via the following link:

**[consult.thurrock.gov.uk/petitions](https://consult.thurrock.gov.uk/petitions)**

Guidance on how you can use this facility is available on the site itself.

9.2 A petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. You can choose a shorter or longer timeframe, up to a maximum of 12 months.

9.3 When you create an e-petition, it may take up to five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

9.4 If, for some reason, we feel that we cannot publish your petition, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it

has not been accepted will be published under the 'rejected petitions' section of the website.

- 9.5 When an e-petition has closed for signature, it will automatically be submitted to Democratic Services. In the same way as a paper petition, you will receive an acknowledgement within 10 working days.
- 9.6 If you would like to present your e-petition to a meeting of the Council, please contact Democratic Services within 10 working days of receipt of the acknowledgement and they will talk you through the process.
- 9.7 A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

## **10. How do I 'sign' an e-petition?**

- 10.1 You can see all the e-petitions currently available for signature by following the link below:

**[consult.thurrock.gov.uk/petitions](https://consult.thurrock.gov.uk/petitions)**

- 10.2 When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information, you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete, your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

## **11. What can I do if I feel my petition has not been dealt with properly?**

- 11.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the relevant Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.
- 11.2 The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council executive and arranging for the matter to be considered at a meeting of the full Council.
- 11.3 Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

## **12. Other ways to have your say**

- 12.1 Thurrock Council is always interested in receiving your feedback on our services or how we can work together better with our partners to improve things in the borough.

- 12.2 There are a wide range of ways you can get involved and have your say, from submitting individual comments on specific issues, to participating in consultations and in groups that regularly input to shaping our local services.
- 12.3 You can get involved by writing to us, attending meetings and events or participating online.
- 12.4 To find out more visit our website at **[www.thurrock.gov.uk](http://www.thurrock.gov.uk)**
- 12.5 The Council would also like to hear from you if you have any comments or suggestions to help improve our services or if you are particularly pleased with our work.
- 12.6 For more information about making a complaint or providing comments or suggestions to help improve our services, please see our web page at:

**[www.thurrock.gov.uk/complaints](http://www.thurrock.gov.uk/complaints)**

The Articles listed below are set out in later chapters of the Constitution as shown:

<b>Article 4</b>	<b>The Full Council</b>	<b>see Chapter 2</b>
<b>Article 5</b>	<b>Chairing the Council</b>	<b>see Chapter 2</b>
<b>Article 6</b>	<b>Overview and Scrutiny Arrangements</b>	<b>see Chapter 4</b>
<b>Article 7</b>	<b>The Executive</b>	<b>see Chapter 3</b>
<b>Article 8</b>	<b>Regulatory and Other Committees</b>	<b>see Chapter 5</b>
<b>Article 9</b>	<b>The Standards Functions</b>	<b>see Chapter 7</b>
<b>Article 10</b>	<b>Area Committees and Forums</b>	<b>see Chapter 12</b>
<b>Article 11</b>	<b>Joint Arrangements</b>	<b>see Chapter 12</b>
<b>Article 14</b>	<b>Finance, Contracts and Legal Matters</b>	<b>see Chapter 9</b>

Articles 12 to 13, and 15 to 16, are set out below in this chapter.