

**Appendix 4****Appeal to the Council's Corporate Overview and Scrutiny Management Board**

If a petition organiser is not satisfied with the way an authority has dealt with a petition, he/she has the power to ask the Corporate Overview and Scrutiny Management Board to review the authority's response.

**Proposed procedure**

- The letter detailing what action the Council has or proposes to take in response to a petition should give details of the petitioner's right to request a review by the Council's Corporate Overview and Scrutiny Management Board. Letter to be sent out by recorded delivery.
- Petitioner to put his/her request for a review in writing, listing the reason/s why he/she is not satisfied with the response.
- Request for review to be submitted to Democratic Services within 20 working days of the petitioner receiving the authority's response.
- Democratic Services to forward the review request to the Scrutiny Office.
- Scrutiny Office to log the receipt of the appeal and request copies of all correspondence in connection with the petition from the Section which is responsible for processing petitions.
- Chairman of Corporate Overview and Scrutiny Management Board, in consultation with the Council's Monitoring Officer and Scrutiny Officer to determine if the request should be placed on the Corporate Overview and Scrutiny Management Board agenda. (There may be petition organisers who appeal because the action the petition calls for is rejected, no matter how thorough the Council's process for coming to that decision. An appeal will not be considered if it is vexatious or discriminatory or it relates to a matter that has been considered within the past 6 months)
- If rejected, a letter will be send to the petitioner by the Scrutiny Office listing the reasons for rejection. A copy will be sent to Monitoring Officer.
- The appeal will be heard at the next board meeting if possible, unless the issue/s to be considered involve the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules.
- The petitioner and his/her representative who could be a local ward councillor, to be invited to attend the meeting to address the Board. Must be given at least 5 working days' notice of the meeting.
- Agenda for the meeting to contain copy of the original petition, copy of the Council's response and letter requesting review.

- A Senior Officer of the Council or suitable nominated officer responsible for determining the Council's response to the petition will be required to attend the meeting.
- If the issue falls within the remit of the Cabinet, the relevant Cabinet Portfolio Member shall also be invited to attend the Corporate Overview and Scrutiny Management Board to answer questions and make any representations.
- The petitioner and his/her representative, will be given the opportunity to address the Corporate Overview and Scrutiny Management Board meeting for up to 10 minutes.
- On matters of particular relevance to a particular electoral division, electoral division members have the opportunity to make comments at the meeting, such speeches not to exceed five minutes each. Electoral division members will take no further part in the discussion or vote. Electoral division members must register their request to speak by contacting the Head of Legal and Democratic Services by twelve noon on the working day prior to the meeting.
- Members of the Board will then have the opportunity to question the petitioner.
- The Director/Senior Officer of the Council and Cabinet Portfolio Member will then outline the reasons for the Council's response.
- Members of the Board will then have the opportunity to question the Director/Senior Officer and Cabinet Portfolio Holder.
- The Members of the Board will then determine what action to take, which could include instigating an investigation/scrutiny review, making recommendations to Cabinet or referring the matter for consideration by full Council.
- Petitioner to be informed in writing of the results within 5 working days. Results of the review to also be published on the Council's website.



