



DERBY CITY COUNCIL

## SCRUTINY MANAGEMENT COMMISSION 4 MARCH 2008

Report of the Chair of the Scrutiny Management Commission

### **Response to the Department for Communities and Local Government consultation on 'Local Petitions and Calls for Action'**

#### **RECOMMENDATION**

- 1.1 That Scrutiny Management Commission considers the consultation document and having regard to the responses contained in Appendix 2, agrees on what should be submitted to the Department for Communities and Local Government as the City Council's response to the consultation.
- 1.2 That Scrutiny Management Commission considers the information contained in Appendix 3 and decides whether to recommend any change to the ways in which the Council provides advice to the public on presenting a petition to the Council

#### **SUPPORTING INFORMATION**

- 2.1 The Governance of Britain Green Paper (July 2007), said that petitions can provide an important way for communities to express their views and generate local debate, boosting the relationship between residents and councils. It also announced the government's intention to consult on people's right to 'call for action' and the strengthened role of councillors in that process.
- 2.2 The consultation on 'Local Petitions and Calls for Action, which stems from the Green Paper seeks views on how arrangements for local petitions can be strengthened and how the new system might operate. It also seeks views on the Councillors' Call for Action, introduced under the Local Government and Public Involvement in Health Act 2007.
- 2.3 The consultation, which was issued by the Department for Communities and Local Government in December 2007, is associated with an initiative by the Government to 'breathe new life into local democracy' and is intended to explore the idea of introducing a duty requiring local authorities to consider and investigate petitions from local communities and to guarantee a response on the issues which have been raised.
- 2.4 The consultation document can be accessed via the Council's

Committee Information website (CMIS) link or by means of the following link;

<http://www.communities.gov.uk/documents/localgovernment/doc/625656>

- 2.5 The deadline for response to the consultation is 20 March 2008. Any guidance or legislation resulting from the consultation is not expected until some time in 2009.
- 2.6 The consultation seeks the views of local authorities on all the details of the proposals contained in the consultation document and specifically asks for answers to the following questions:

### **Petitions**

- (a) The Government believes that there should be a statutory duty on local authorities to respond to local petitions. What conditions must be met before a local authority is required to respond formally to a petition?
- (b) How should the level of support required before a petition must get a formal substantive response be defined?
- By a fixed number of signatures?
  - By a percentage of the electorate in the area?
  - By a hybrid of the two?
  - Or in some other way?

### **Calls for Action**

- (c) What if any matters should be excluded from the call for action?
- (d) What guidance should Government provide on the operation of the councillor call for action?

### **Overall**

- (e) Taken together would petitions and calls for action sufficiently empower communities to intervene with their elected representatives? Should Government contemplate other measures?
- (f) Other views on the operation of the new duty to respond to petitions and the call for action?
- 2.7 Responses to the consultation have been sought from the Community Safety Partnership and from the Constitutional Services Team. A compilation of the responses that have been received are contained in Appendix 2 of this report.
- 2.8 Scrutiny Management Commission is asked to consider the consultation and having regard to the responses contained in Appendix 2, to agree on what should be submitted to the Department for Communities and Local Government as the City Council's response to the consultation.

- 2.9 The Constitutional Services Team has prepared a note that sets out the way in which the City Council currently responds to petitions and compares this response with that of other local authorities. This note is contained in Appendix 3 of this report.
- 2.10 Appendix 3 also contains extract from the websites of Stoke on Trent City Council and Cambridgeshire County Council. The extracts explain how these local authorities respond to petitions. The Commission may wish to recommend the adoption of a similar approach by Derby City Council.

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<b>Background papers:</b>	Appendix 1 – Implications
<b>List of appendices:</b>	Appendix 2 - Views of officers on the consultation questions Appendix 3 - Derby City Council's current response to Local petitions

## Appendix 1

### IMPLICATIONS

#### Financial

1. None arising from this report.

#### Legal

2. None arising from this report.

#### Personnel

3. None arising from this report.

#### Equalities impact

4. Responsive local government will benefit all Derby people.

#### Corporate Objectives

5. This report has the potential to link with all the Council's Corporate Objectives,

## Suggested response to the consultation questions

Petitions		
(a)	What conditions must be met before a local authority is required to respond formally to a petition?	<ol style="list-style-type: none"> <li>1. The subject of the petition should relate to the functions of the local authority or to those of other public services which have shared delivery responsibilities with the local authority through the LAA or other partnership arrangements</li> <li>2. The petition should have been organised by a 'local person'. In order to provide young people with an opportunity to take part in the democratic process, a 'local person' should be defined as someone who:  Is any person aged 12 years or over who lives, works, or attends any school or college in the local authority area</li> </ol>
(b)	How should the level of support required before a petition must get a formal substantive response be defined? <ul style="list-style-type: none"> <li>• By a fixed number of signatures?</li> <li>• By a percentage of the electorate in the area?</li> <li>• By a hybrid of the two?</li> <li>• Or in some other way?</li> </ul>	<ol style="list-style-type: none"> <li>1. It is considered that local authorities should respond formally only to petitions that contain the relevant signatures of at least 250 people.</li> <li>2. It is considered that there should be written acknowledgement by the local authority of petitions that contain relevant signatures of less than 250 people and that they should be referred to the appropriate Council Cabinet member and Chief Officer who should respond informally to the petition.</li> <li>3. To involve young people in the process, a 'relevant signature' should be that of anyone over the age of 12 years who lives, works or attends an educational establishment in the local authority area. A signature should not be considered relevant unless it is accompanied by an unambiguous postal or electronic address.</li> <li>4. Local authorities should be empowered to accept signatures without validation but also</li> </ol>

		to investigate their validity where this was felt necessary.
<b>Calls for Action</b>		
(c)	What if any matters should be excluded from the call for action?	<p>It is suggested that the following matters should be excluded from the call for action:</p> <ul style="list-style-type: none"> <li>• Matters such as planning or licensing which involve the use by the Council of its regulatory powers.</li> <li>• Matters that are already or could reasonably be expected to be, the subject of court proceedings</li> <li>• Matters that amount to a disagreement with, or a refusal to accept, a rule of law which the Council is applying</li> </ul>
(d)	What guidance should Government provide on the operation of the councillor call for action?	A clear and comprehensive statement of how and where the call for action can be used.
<b>Overall</b>		
(e)	Taken together would petitions and calls for action sufficiently empower communities to intervene with their elected representatives? Should Government contemplate other measures?	To a large extent empowerment will depend on the nature of the community that it is intended to empower and on in the social, economic and environmental factors affecting that community. The Council considers that the continued development of effective neighbourhood boards and forums which positively engage with the community will have the most positive impact on empowerment.

(f)	Other views on the operation of the new duty to respond to petitions and the call for action?	<p><b>Petitions</b></p> <ol style="list-style-type: none"> <li>1. In general the Council does not favour the control of the petition processes through legislation as it is considered that this would be too prescriptive and inflexible. However it is suggested that the Government in consultation with the LGA should publish model guidelines for submitting a petition. These should set out what are considered to be the minimum requirements for a petition and the response which local authorities are expected to provide.</li> <li>2. Petitioners should be able to present petitions to elected members, or at Council meetings and the Council should also have a facility for accepting petitions electronically or by post.</li> <li>3. Local authorities should have a published procedure for receiving, recording and acknowledging petitions and for ensuring that they are brought to the attention of the appropriate members and officers.</li> </ol> <p><b>Call for Action</b></p> <ol style="list-style-type: none"> <li>1. Government should publish clear guidance on the Call for Action. The guidance should explain how the call for action works, detail any exclusions, and set out the minimum standard of response expected from local authorities.</li> </ol>

**Derby City Council's current response to Local petitions – this information has been provided by Constitutional Services**

1.1 In 2007 the City Council received the petitions shown in Table 1

**Table 1. Petitions received in 2007**

<b>Petition Subject</b>	<b>Neighbourhood/ SMC/ Other?</b>	<b>Number of signatories</b>	<b>Notes</b>
Bramblebrook	SMC	4028	
CCTV Cameras at the Cavendish	Neighbourhood	1527	
Cathedral Quarter and The Lanes	SMC	1294	
Over 60s Advisory Project	SMC	734	
Traffic Issues, Spondon	Neighbourhood	308	
Pedestrian Crossing, Carlisle Ave	Neighbourhood	250	
Crossing, Kings Highway Island	Neighbourhood	162	
Parking Scheme, Markeaton St	Neighbourhood	160	
Zebra Crossing, Whitecross St	Neighbourhood	118	
Safety Measures, Victory Rd	Neighbourhood	81	
Street Lights, DE24	Neighbourhood	80	
Parking, Vestry Rd	Neighbourhood	74	
Traffic Calming, Shelton Dr	Neighbourhood	62	
Closure of Footpath, Alvaston	Neighbourhood	38	
Closure of Footpath, Spondon	Neighbourhood	35	
Community Theatre in Derby	SMC	23	
Parking, Nuns St	Neighbourhood	14	
Damaged Kerbs, Breadsall Hilltop	Neighbourhood	10	
Parking Permits, Fox St	Neighbourhood		7 Only 8 Houses on street
Derby Playhouse	Other		4 Not accepted

1.2 Derby City Council currently responds to all petitions that meet the following criteria:

- The petition is signed by at least five Derby residents from five different addresses
- Each sheet of the petition has an identical introduction that clearly states what the petitioners object to, and introduces the subject
- The petition states what action they wish the Council to take to resolve the issue
- The original petition is submitted and not a photocopy

1.3 If a petition meets the criteria, Constitutional Services will forward the papers to:

**Neighbourhood Boards:** If the issue is a local one it will be considered by a Neighbourhood Board. The original petition goes to the

relevant Chief Officer and Ward Councillors, the Cabinet Member and Neighbourhood Manager are notified in writing. Constitutional Services keep a file copy of correspondence and write to the lead petitioner setting out the action taken.

**Scrutiny Management Commission (SMC):** All council-wide issues are presented to the next available meeting of the SMC. This Commission is scheduled to meet six times a year but a Sub Commission has recently been established to respond to petitions as soon as possible after their receipt.

**Other:** Petitions about anti-social behaviour and tenants in council-owned properties are referred to the Board of Derby Homes. Those about anti-social behaviour of private tenants are referred to the Cabinet Member for Neighbourhoods, Social Cohesion and Housing Strategy. Petitions relating to a planning application are referred to the Planning Control Committee.

## 2. How other Councils respond to petitions

- 2.1 In preparing this document, six local authorities were contacted and were asked about the way in which they respond to petitions. The key findings of this survey are detailed in Table 2 below.

**Table 2**

Name of authority	Minimum number of signatures	Body that petitions are submitted to	Notes
Wolverhampton	10 (min. 5 addresses)		
Cambridgeshire	50		Procedures published as an FAQ list
Barking and Dagenham	No lower limit	Less than 100: to department 100 or more: to Chief Officer of London Assembly	Procedure contained in Borough Constitution
Stoke on Trent	No lower limit	Full Council	
NE Lincolnshire	5	20 or more: to Scrutiny Commission	

## 3. Guidance to the Public on Presenting Petitions

- 3.1 No guidance or information about presenting petitions is currently provided on the Council website, and guidance for lead petitioners such as it is, is only sent out after the petition has been received.



- 3.2 It is considered that it would be of benefit to the public if the Council were to publish some guidance on drawing up and presenting a petition, and if that guidance were to explain how the petition would be received by the Council and how it would respond to the petition. Stoke on Trent City Council and Cambridgeshire County Council provide the following guidance on their websites. It is suggested that it would be helpful if Derby City Council were to do something similar.

### **Stoke on Trent City Council - Petitions**

You have the right to present a petition to the city council about issues that the City Council has responsibility for or is of major significance or general concern affecting the city.

#### **Are there limits to what petitions can be about?**

Your petition can be about any of our services or an issue that affects the city, but they must **not**:

- be libellous or abusive;
- name a particular person;
- lead to the council acting illegally;
- support your financial interest;
- relate to a political party or organization; or
- relate to matters which are the subject of legal proceedings.

Also petitions cannot be submitted from employees about terms and conditions of employment; or duplicate a previous petition submitted within the previous six months. The exact detail can be found in our constitution.

#### **How will my petition be reported to the council?**

If your petition has been signed by 50 or more people the lead petitioner will have the right to speak for up to three minutes about the issues contained in the petition. Following this there will be a period of five minutes when councillors can ask you questions about the petition, it will then be referred for the relevant chief officer to consider. Your petition may also be referred by councillors to an overview and scrutiny committee for them to consider. If your petition has less than 50 signatures then the Assistant Chief Executive will report that it has been received to the council meeting.

Please note that the name and address of the lead petitioner will be incorporated in the report to City Council. If you object to this please make it clear when you submit your petition.

#### **Are there any petitions that will not be reported to council?**

If your petition is about a particular licensing or planning application then it will be dealt with and reported to meetings that deal with the application so that it can be taken into account when decisions are made.

#### **How do I submit my petition?**

Fill the petition form that can be downloaded from this page and then return it to the Chief Executive's Directorate.

Petitions must be received 14 days before the meeting of the council in order to be reported at the meeting; any petitions received after this date will be dealt with at the next meeting.

#### **What feedback will I receive?**

If you submit a petition to the city council we will write to you within five working days to let you know it has been received and to tell you which meeting of the council it will be reported to.

We will also give you contact details for the officer who is dealing with the issues raised by the petition and let you know if you have the right to speak at the meeting.

#### **How do I find out more?**

Please download the guide to presenting petitions from this page. This gives you more details about what headings to include in your petition and how the petition will be considered at the council meeting. You can also find out more by telephoning 01782 232842 or by emailing [memberservices@stoke.gov.uk](mailto:memberservices@stoke.gov.uk)

### **Democracy in Cambridgeshire- Council's Petitions Procedure**

<b>1.</b>	The Council welcomes comments from the public. As part of this process, a petitions procedure has been introduced to provide an opportunity for residents of the County to submit petitions on issues about which they feel concerned. In certain circumstances petitioners will be able to voice their concerns at Council meetings.
<b>2.</b>	This document explains the main features of the procedure and, hopefully, answers many of the questions which you may have about the process. It is divided into the following sections:
	<ul style="list-style-type: none"> <li>- Making your views known to the Council</li> <li>- Content of petitions</li> <li>- Presenting the petition</li> <li>- Speaking to Councillors about the petition</li> <li>- Feedback on the Council's decision</li> <li>- Further information and advice</li> </ul>
<b>3.</b>	The full Council is responsible for determining the overall policies and for setting the budget each year. The executive Cabinet of up to ten Councillors, led by the Leader of Council, is responsible for most day-to-day decisions and plays a key part in implementing Council policies and in recommending new policies. Each member of Cabinet has responsibility for particular aspects of the Council's services. Cabinet decisions and recommendations are subject to scrutiny by the Council's scrutiny committees.
<b>4.</b>	Area Committees have been created in each district with membership drawn jointly from County Councillors and City/District Councillors. They exercise powers delegated to them mainly on environment and transport functions.
<b>5.</b>	<b>MAKING YOUR VIEWS KNOWN TO THE COUNCIL</b>
	<p>You can make your views known in a number of ways.</p> <p>You can write to the Council, addressing your letter to your local County Councillor who can raise the matter on your behalf. Secondly you can write to the Leader of Council or to the Cabinet member responsible for the service in question. Thirdly if you are not sure which Councillor to write to you can send your letter to the Chairman of the Council who will ensure that it receives appropriate attention.</p>

	<p>Alternatively, if the issue is an operational matter you could write to the Director responsible for that service or to the Chief Executive, if you do not know which Director to write to.</p> <p>You can also speak to your local Councillor or officers of the Council, either by telephone or in person. Please bear in mind that it would be helpful to make an appointment if you want to speak to someone in person.</p> <p>Finally, the submission of a petition is seen by many as lending weight to a particular viewpoint and demonstrating that the view is shared by others.</p> <p>Petitions may be co-ordinated by individuals or by local organisations. They should not be co-ordinated and submitted by political groups as the democratic process already provides elected members with other opportunities to make their views known.</p> <p>However you choose to express your views, the Council will always take these into account when reaching decisions. The Council often has to take account of a range of factors when reaching a decision, which may include legal and financial constraints and competing priorities for resources.</p>
<b>6.</b>	<b>CONTENT OF PETITIONS</b>
<b>6.1</b>	What sort of headings should the petition include?
	People need to know what they are signing. The petition should state clearly what it is about and include statements about what is wrong and what you want to happen. It should also be capable of being read in a few moments to enable people signing the petition to read it first. The petition should state to whom it is directed, (eg Cambridgeshire County Council).
<b>6.2</b>	What information should be included about the people who sign the petition?
	Ideally the petition should include the name (in block capitals), address and signature of each person who signs it. This will help the Council to assess the extent to which the views represent a particular locality. This could be relevant if the issue relates to a specific part of the County.
<b>6.3</b>	Are there any issues which the Council will not consider?
	Yes. The petition must relate to functions for which the Council has powers or duties or, exceptionally, if it relates to an issue of particular concern to the County. The Council will not accept petitions which are abusive or libellous or are otherwise considered to be an abuse of the procedure.
<b>6.4</b>	What about petitions on planning matters?
	Planning applications are considered by the Council's Development Control Committee. Details of how supporters and objectors can speak to the Committee about applications can be found here.
<b>7.</b>	<b>PRESENTING THE PETITION</b>
<b>7.1</b>	Who should I send the petition to?
	You should send your petition to the Head of Democratic Services at Shire Hall. Alternatively you can send it to your local County Councillor. Details of all County Councillors and advice on the functions of each Council department are available from the sources listed in section 9 below.
<b>7.2</b>	When should the petition be submitted?
	Find out, if possible, the date when any decision is to be taken on the issue. The Department concerned will usually be able to give guidance on this. Obviously, the

	petition will need to be received in advance of any decision if it is to have any chance of influencing the outcome.
<b>7.3</b>	Can I present the petition to Councillors in person?
	Yes. Petitions may be presented in person at meetings of the County Council, the Cabinet, a Scrutiny Committee or at area committee meetings.
<b>7.4</b>	Will the petition be discussed?
	That depends. If there is an item on the agenda which relates to the subject of the petition, the meeting will take into account the views expressed in the petition when reaching a decision on the issue. If there is no item on the agenda, the petition cannot normally be discussed at the meeting. However the petition will be considered informally by the relevant Director and Members following the meeting and you will be informed of the outcome. This could involve a report being made to a future meeting.
<b>8.</b>	<b>SPEAKING TO COUNCILLORS ABOUT THE PETITION</b>
<b>8.1</b>	Can I speak to the Cabinet, a Scrutiny Committee or an area committee about the petition?
	<p>Yes, provided the following conditions are met by the petition: it must relate to the powers and duties of that body</p> <ul style="list-style-type: none"> <li>• it must be signed by at least 50 residents of the County who have an interest in the subject of the petition - the addresses of the signatories must be included for this</li> <li>• it must have been received by no later than 9.00am two working days before the meeting</li> <li>• it must be accepted by the Leader of the Cabinet or the Chairman of the Committee for presentation at the meeting. This is likely to be agreed unless there are exceptional circumstances.</li> </ul>
<b>8.2</b>	What about speaking to the petition at the full County Council meeting?
	You may speak to a petition presented at the Council meeting provided that the above conditions are met and there is a relevant item on the Council agenda or the Chairman of the Council decides that it is sufficiently urgent to allow representations to be made at the meeting.
<b>8.3</b>	Can I present the same petition to different meetings?
	No. A petition may only be presented once and only one opportunity will be given to speak to it. The Council's Democratic Services staff can advise on which meeting would be appropriate.
<b>8.4</b>	Who can speak about the petition?
	Almost anyone may represent the petitioners. As organiser of the petition you may speak to the petition or you may ask someone else to this do this. County Councillors do not speak to petitions under this procedure as they have other opportunities to make their views known.
<b>8.5</b>	When will I be called to speak on the petition?
	If there is an item on the agenda which relates to the petition, you will usually be asked to make your presentation at the beginning of that item. If there is no item on the agenda, representations on petitions will usually be heard at the start of the meeting.
<b>8.6</b>	How much time will I be given at the meeting to speak about the petition?
	Three minutes. The person chairing the meeting may extend the time allowed but only in exceptional circumstances.
<b>8.7</b>	Can I say what I like?
	Almost, although because time is limited you should concentrate on getting the main

	issues across and avoid straying off the subject of the petition. You must also ensure that what you say is neither abusive or libellous.
<b>8.8</b>	Can I take part in the debate on the petition?
	No. Once you have spoken to the petition, Councillors may wish to ask you questions about the petition. Thereafter, only Councillors can take part in any debate or discussion.
<b>9.</b>	<b>FEEDBACK ON THE COUNCIL'S DECISION ON PETITIONS</b>
<b>9.1</b>	Will the petitioners be told of the outcome?
	Yes, a letter will be sent following the meeting. This will either set out the decision of the meeting on the petition, or if the petition was not discussed, it will explain the outcome of the informal Councillor and officer discussions and any further action proposed.
<b>9.2</b>	Will all the people who signed the petition be informed?
	No. It would be too costly to send individual letters. One letter will be sent to the organiser of the petition or, if this is not known, to the first signatory on the petition.
<b>10.</b>	<b>FURTHER INFORMATION AND ADVICE</b>
<b>10.1</b>	How can I find out more information about the Council's services?
	Guidance on the functions of both District and County Councils is contained in an A-Z of Council Services available on the Council's website ( <a href="http://www.cambridgeshire.gov.uk">www.cambridgeshire.gov.uk</a> ). Copies of this booklet and further advice can be obtained from your local library, town hall or Cambridgeshire Information Point. You can also telephone Cambridgeshire Direct on 0845 045 5200 or by email <a href="mailto:info@cambridgeshire.gov.uk">info@cambridgeshire.gov.uk</a>
	Details of the Chairman of Council, the Leader of Council and Cabinet members are also available on the website.
<b>10.2</b>	Who should I contact for advice on petitions?
	Further advice on the operation of the petitions procedure can be obtained from the Council's Democratic Services Section at Shire Hall. Telephone (01223) 717293.