

# Item no.

Report to: **Executive**

Date: **18 March 2008**

Report of: **Executive Member for Neighbourhood Engagement and Communications**

Subject: **Department for Communities and Local Government (DCLG)  
Consultation: Local Petitions and Calls for Action**

Ward: **All**

## 1.0 **Purpose of Report**

1.1 To advise Executive of the Department for Communities and Local Government (DCLG) consultation for Local Petitions and Councillors Calls for Action to consider how the Council would wish to respond to the consultation.

## 2.0 **Consultation**

2.1 In preparing this report, I have consulted with the Leader of the Council, the Monitoring Officer, the Management Team, the Head of Marketing and Communications, the Head of Democratic Services and Administration and the Scrutiny Support Manager. The Council's recommended response is to be found at Appendix A.

## 3.0 **Background**

3.1 The 2006 Local Government White Paper "Strong and Prosperous Communities" made clear that new discretion for town halls needed to go hand in hand with greater accountability to local people. The Local Government and Public Involvement in Health Act 2007 provided a vital framework - a duty on local authorities to inform, consult and involve local people in their decisions and services, and new powers for local Councillors to call for action on a broad range of local issues.

3.2 In October 2007, the Secretary of State for Communities and Local Government, published an "Action Plan for Community Empowerment" which set out what DCLG was doing to give people a real way over their neighbourhood.

3.3 One of the commitments in the plan is to look carefully at the idea of placing a duty on local authorities to respond constructively to the petitions they receive from local people. The purpose of the DCLG consultation is to offer people the chance to shape any potential legislative framework.

3.4 The closing date for responses to the consultation exercise is 20 March 2008.

#### 4.0 **Position Statement and Option Appraisal**

4.1 The DCLG published a consultation paper in December 2007 which sought views on: -

- \* how the arrangements for local petitions can be strengthened and the details of how the new system might operate
- \* the call for action introduced under the Local Government and Public Involvement in Health Act 2007.

#### **Local Petitions**

4.2 The consultation document makes several references to research suggesting that a formal process for handling petitions adds value to public life and that petitions are a popular method by which the public engage with and bring issues to the attention of local government.

4.3 However, there is a degree of scepticism amongst the public regarding local government's ability or willingness to act on or be responsive to petitions.

4.4 Research concluded that responsiveness is a key element to petitions' political effectiveness, whether in the form of a formal response from the governance body concerned, or of a referendum or ballot to decide the issue.

4.5 In considering what general principles should underpin a new duty, the Government believes that local authorities should respond to petitions in the following circumstances: -

- (a) Where the subject of the petition relates to the functions of the local authority or other public services with shared delivery responsibilities with the local authority through the Local Area Agreement or other partnership arrangement.
- (b) Where the petition has been organised by a local person.
- (c) Where the petition demonstrates a sufficient level of support from local people.
- (d) Where the petition satisfies minimum requirements in relation to: -
  - (i) the manner in which it is submitted;
  - (ii) its form;
  - (iii) its content

4.6 In respect of (a), the Government's proposal is that local authorities should be required to respond to any petition that asks them to consider any issue falling within their functions which includes the promotion of the social, environmental and economic well-being of the area and its people. However, petitions which would be more properly dealt with by another public body and which raise issues relating to neither local improvement targets agreed by that body, nor to the area's sustainable community strategy would fall outside the proposed new duty.

- 4.7 In proposing that the petition should have been organised by a local person, the Government has asked for views about how "local person" should be defined. Options proposed by the Government include: -
- (i) a person appearing in the electoral register for the local authority's area;
  - (ii) any adult who lives or works in the area at the time the petition is submitted, or
  - (iii) any adult who has lived or worked in the area for at least a qualifying period of time before the petition is submitted.
- 4.8 Options (ii) and (iii) could be extended to anyone who attends a school or college in the area, in order to make this available to children. Again, the Government are asking for views on this proposal.
- 4.9 In determining whether a petition demonstrates a sufficient level of support from local people, consideration should be given to setting a threshold for the "sufficient level of support".
- 4.10 The Government suggests three possible approaches to setting such a threshold. They are to define:-
- \* in absolute terms the number of relevant signatories that a qualifying petition must have (ie. at least 200 signatures)
  - \* a qualifying petition as one that has the signatures of a given proportion of those whose signatures are regarded as relevant (ie. at least 1% of the electorate of the area in question)
  - \* an absolute number or a given proportion of the population whichever is the lower (i.e. "200 signatures or 5% of the population would mean that communities of less than 4000 people would have to find fewer than 200 signatures")
- 4.11 In determining what would constitute a "relevant" signature, the consultation paper suggests that this could be one of either: -
- (a) an elector of the area; or
  - (b) anyone who lives or works in the area
- 4.12 Views are also requested on the option for extending the range of relevant signatures to local children who either live in the area, or attend school there.
- 4.13 Reference is also made within the consultation to the submission of electronic petitions and the views of local authorities on how such petitions would operate.
- 4.14 In determining whether a petition satisfies minimum requirements, the Government has taken the view within the consultation document that a petition should at least contain:-
- (a) the proposition which it promotes
  - (b) the name and address of the organiser

- (c) the local authority from which a response is sought (and if more than one, all the local authorities to which it has been submitted)
- (d) the area to which it relates (i.e. the whole authority or a defined area forming part of it)
- (e) the names, addresses and signatures of those who support it (or in the case of an electronic petition, their names, addresses and e-mail addresses)

### **Calls for Action**

- 4.15 When the Local Government and Public Involvement in Health Act 2007 was passed, an amendment was made to section 19 of the Police and Justice Act 2006 to bring the "Community Calls for Action" proposals in both pieces of legislation in line.
- 4.16 All councillors are thus empowered to refer local government matters and local crime and disorder matters for consideration by the relevant Overview and Scrutiny Committees. This process has been badged as a "Councillor Call for Action".
- 4.17 The Committee is required to put the matter on its agenda and discuss it at a meeting. It is not required to take any further action; but all powers it has - to mount inquiries, to require information and to make reports and recommendations, are available to it.
- 4.18 The power to refer a matter is available only where the matter is of direct concern to the ward or division which the Councillor represents. A Councillor can refer a matter even if no citizen has asked them to consider it.
- 4.19 The consultation paper reviews the Councillor Call for Action proposals and asks further questions prior to the preparation of statutory guidance.
- 4.20 Regarding "excluded matters" the document highlights that the Secretary of State has power to list excluded matters to avoid confusion between the CCFA and other processes such as planning and licensing appeals. Views are sought on what ought to be excluded and why?
- 4.21 The Secretary of State is also empowered to issue statutory guidance for local authorities, their committees and their members. Respondents are invited to highlight the key issues on which guidance, whether statutory or not, would be helpful.
- 4.22 Reference is made to the Government's desire to achieve greater direct empowerment of communities. Having established the Councillor Call for Action, the Government's view is that a duty on local authorities to respond to qualifying local petitions would amount to a community call for action - albeit a call made by a community of interest. However, the Government is inviting views on whether other steps should be also considered.

### **5.0 Issues for Consideration**

- 5.1 The Council has no laid down procedure for dealing with petitions submitted to it in respect of specific issues other than that relating to the petitioning for an elected mayor.

- 5.2 Whilst in general petitions are rare, they are frequently submitted in respect of quasi-judicial matters for which the Council is responsible namely, development control and licensing applications.
- 5.3 In considering the consultation questions relating to petitions, the Council needs to examine whether it would wish to adopt a model procedure for dealing with general petitions, perhaps by considering them in the first instance by the full council and thereafter referring them to the relevant appropriate Director and/or Scrutiny Committee for consideration as part of a broader "Community Call for Action" if appropriate.
- 5.4 If so, it would be considered appropriate for the Council to adopt criteria for establishing the validity of a petition in respect of those issues identified in Sections 4.5 of the report.
- 5.5 Accordingly, the Council is invited to consider which of the options available for qualifying the criteria relating to the petition it would wish to support as part of this consultation exercise.
- 5.6 Appendix A to this report, details the relevant questions for consideration and it is suggested that the options agreed by the Council be submitted as Council's response to the consultation exercise.
- 5.7 In doing so, the Council might consider that such options should not be applicable to petitions submitted in respect of quasi-judicial matters such as development control and licensing issues and that all petitions submitted in such circumstances be considered and reported in the usual manner. The Council is also recommended to exclude topics which have recently been the subject of public consultation/participation.
- 5.8 Similarly, in respect of the Councillor Call for Action proposals, it is considered that issues relating to development control and licensing applications should be excluded from the Councillor Call for Action as there are already methods of recourse for members of the public in terms of making representations to the Council regarding these matters.

## 6.0 **Implications**

### 6.1 **Financial Implications**

There are no financial implications arising from this report.

### 6.2 **Legal Implications**

There are no legal implications arising from this report.

### 6.3 **Policy Implications**

There are no direct policy implications arising from the report. However, should the Council consider adopting a procedure for dealing with petitions and Councillor Calls for Action following the outcome of the consultation exercise, then a subsequent report will be brought before Council.

### 6.4 **Risk Implications**

A risk assessment has been undertaken and steps taken to mitigate any risks.

## 6.5 **Communications Implications**

The proposed response to the consultation exercise supports the work that the Council is undertaking in re-invigorating its communications and engagement strategies. The proposals in respect of Local Petitions and the Councillor Call for Action will provide the public with further methods of engaging with the Council and its Partners regarding priority issues in their communities.

## 6.6 **Local Government Review Implications**

There are no direct Local Government Review implications arising from this report. The County Council have supplied a copy of their proposed response and Officers will seek to incorporate members wishes in the workstream covering community engagement to ensure continuity after April 2009.

## 7.0 **Corporate Implications**

### 7.1 **Corporate Plan and Priorities**

The proposals within the report will contribute towards the Council's corporate objective of quality services for our people.

### 7.2 **Equality and Diversity Implications**

There are no equality and diversity implications arising from the report.

### 7.3 **E.Government Implications**

The report identifies the role of electronic petitions in the engagement process and it is considered that the Council will need to agree a methodology for receiving and dealing with electronic petitions. To this end, whilst the Council can respond to the consultation and outline its views on electronic petitions, in considering the formulation of a procedure for dealing with petitions should include the issues around electronic petitions.

### 7.4 **Procurement Implications**

There are no procurement implications arising from the report.

## 8.0 **Recommendations**

### 8.1 The Council are recommended to: -

- (i) receive this report and agree the proposed response to the consultation at Appendix A;

## **Background Papers**

1. Communities and Local Government - Local Petitions and Calls for Action Consultation Paper - December 2007
2. LGIU Briefing - Local Petitions and Calls for Action: A consultation

## APPENDIX A

### RESPONSES TO CONSULTATION QUESTIONS

#### PETITIONS

##### General Principles underpinning a new duty

(1) The Council agrees that there should be a duty on local authorities to respond to petitions where: -

- (a) "the subject of the petition relates to the functions of the local authority or other public services with shared delivery responsibilities with the local authority through the Local Area Agreement or other partnership arrangements"
- (b) "the petition has been organised by a local person"

For the purposes of defining a "local person" the Council considers that this should be: -

- \* a person appearing in the authority's electoral register, or
- \* any adult who lives or works in the area at the time the petition is submitted or who did so for at least one year before the petition is submitted, or
- \* any child who lives or attends a school or college in the area at the time the petition is submitted or who did so for at least one year before the petition is submitted.

(c) "the petition demonstrates a sufficient level of support from local people.

(i) The Council considers that there should be a threshold set for defining a "sufficient level of support?" and that this should be set at at least 1% of the electorate of the area in question. The definition of "electorate of the area in question" should be sufficiently flexible to avoid excluding minorities on topics which affect a very limited part of the District.

(ii) For the purposes of the above, a "relevant" signature should be either of:-

- \* an elector of the area
- \* any adult who lives or works in the area
- \* any child who lives or attends a school or college in the area

(iii) For the purpose of electronic petitions, the Council would welcome these and would agree that they should contain the names, addresses and e-mail addresses of signatories.

(d) "the petition should at least contain:-

- \* the propositions which it promotes

- \* the name and address of the organiser
  - \* the local authority from which a response is sought (and, if more than one, all the local authorities to which it has been submitted)
  - \* the area to which it relates (the whole authority or a defined area forming part of it)
  - \* the names, addresses and signatures of those who support it (or, in the case of an electronic petition, their names, addresses and e-mail addresses)
- (2) The Council considers that the aforementioned principles would not apply insofar as a "response" from the Council is concerned where the petition has been submitted in respect of a development control or licensing application. In such circumstances, these would be considered as part of the Council's quasi-judicial procedures for dealing with such applications. The Council would also seek to exclude issues where a formal or statutory consultation process has recently been concluded.

### **The Councillor's Call for Action**

- (1) In considering potential "excluded matters", the Council feels that where the issue relates to development control and licensing applications, then this should constitute an excluded matter.
- Reason: There already exist well-defined statutory procedures for public representations to be made and considered in respect of development control and licensing applications.
- (2) The Council would welcome guidance to be issues by the Secretary of State in respect of the Councillor Call for Action, specifically around: -
- \* the potential timeframes within which Councillor Calls for Action can be reasonably undertaken.
  - \* the expectations made of Councillors in initially dealing with Councillor Calls for Action prior to referral to Overview and Scrutiny.
  - \* the co-operation that can be reasonably expected by the local authority of partner "public bodies" who are affected by or can have influence on the Councillor Call for Action issue identified.

### **General Issue**

The Council considers that the proposals in respect of Councillor Calls for Action and the duty to respond to qualifying local petitions, are consistent with and will help to further the aims of the government in empowering local communities to engage with their local authority.



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