

TEESDALE DISTRICT COUNCIL

**Report To: EXECUTIVE COMMITTEE
10 March 2008**

From: Lead Member for Improvement, Councillor John Salter

Ward Member(s): All

Subject: LOCAL PETITIONS AND CALLS FOR ACTION

1.0 SUMMARY

1.1 The Department for Communities and Local Government has issued a consultation paper, which outlines the Government's proposals, initially announced within the White Paper 'Strong and Prosperous Communities' in 2006, to place local authorities under a duty to respond to petitions, and also outlines situations in which the 'Councillor Call for Action' can be used.

1.2 The Overview and Scrutiny Committee considered a report on this consultation on 31 January 2008. Comments made at this meeting are included in Section 5.

2.0 RECOMMENDATIONS

2.1 It is recommended that members note the proposals contained within the consultation paper.

3.0 LINK TO CORPORATE KEY PRIORITIES/AMBITIONS

3.1 **Priority:** Improving Together: Community Leadership improvement project.

3.2 **Ambition:** To be a local authority which operates on the principles of community leadership and sound decision making supported by effective and transparent processes.

3.3 **Outcome:** Listening, and responding to, community concerns.

4.0 PROPOSALS

4.1 The consultation proposals build upon the legal framework laid down in the Local Government and Public Involvement in Health Act 2007 which:

- places a duty on local authorities to inform, consult and involve local people;

- introduces increased powers for councillors to 'call for action' on a broad range of local issues; and
- gives an increased status for local petitions.

4.2 **Local Petitions.** Government research indicated that petitioning was the most commonly undertaken 'civic engagement' activity undertaken by local people. However, it is considered that the responsiveness of local authorities to petitions is variable. There is currently no legal requirement for local authorities to respond to petitions, regardless of how many people sign them.

4.3 The proposal is that local authorities will be under a duty to respond to petitions in the following circumstances:

(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 arrangement;

(b) the petition has been organised by a local person. The consultation suggests several possible definitions of a 'local person (on electoral register, lives or works in the area, attends school or college);

(c) the petition demonstrates a sufficient level of support from local people. The paper does not precisely define 'sufficient level' but suggests it could be an absolute number or a percentage of the electorate or population of an area;

(d) the petition satisfies minimum requirements in relation to manner submitted, form, content (whilst avoiding complex requirements).

4.4 If the local authority ignores the petition or if its response is considered unsatisfactory, a local person may ask their local councillor to raise it under the 'Councillor Call for Action' procedure.

4.4 **Councillor Call for Action.** The Police and Justice Act 2006 enables a Council member to refer a local crime and disorder matter to the relevant local authority committee. (This Council has determined that this would be the Overview and scrutiny Committee.) The Local Government and Public Involvement in Health Act 2007 extended this to any local government matter.

4.5 The consultation paper outlines how this enhanced power may operate in practice. Any local member can refer any relevant (local government or crime and disorder) matter which is of direct concern to the ward or division which the member represents to the Overview and Scrutiny Committee. The

committee is required to consider it and deal with it as it sees fit (which may be to do nothing or to recommend that the Council takes some action).

4.6 There are likely to be some matters excluded from this procedure. The thinking here is to avoid overlap with established statutory processes such as planning and licensing appeals.

5.0 COMMENT

5.1 The proposals are currently lacking in detail (partly the purpose of the consultation) and an early response to the consultation has highlighted the need to clarify a number of matters, in addition to those raised in the paper.

5.2 These matters include:

(a) Should a petition be placed on the Council agenda (or Executive or Overview and Scrutiny) or dealt with by an officer?

(b) Will a representative of the petitioners have a right of address/right to ask questions at the meeting?

(c) Will there be a timescale for considering the petition?

(d) Is there a role for the local member in the process, either as champion for the matter or to rule that the petition has no merit?

(e) Can a petition be determined to be repetitious, vexatious, defamatory or scurrilous?

(f) Should there be a moratorium on petitions during the elections 'purdah period' to prevent them being used for publicity purposes?

(g) Will petitioners have a right to request a review of the Council's decision or to refer the matter to the Local Ombudsman if they remain dissatisfied?

5.3 The Overview and Scrutiny Committee welcomed the introduction of these proposals, expressing support for the strengthening of the right of individuals, supported by their local members, to bring matters of local concern to the attention of the Council. Whilst the public, and members, have always had the opportunity to raise matters, this legislation will formalise and lay down a procedure for it.

5.4 Overview and Scrutiny Committee also referred to a possible conflict between these new rights and the recently launched Teesdale Listens initiative. It is suggested, however, that the two

need not be mutually exclusive and may co-exist, each having a meaningful role to play.

6.0 STATUTORY CONSIDERATIONS

6.1 Financial Implications: None

6.2 Risk:

Risk	Category	Implications
Councils do not respond to, or listen to, legitimate concerns expressed by local community,	Reputation Legal	Council may be seen as non-responsive, lacking in community leadership

6.3 Equality and Diversity: These proposals extend the existing rights of local people to make their voices heard by the local authority.

6.4 Human Resources: Nil

6.5 Community Safety: There is a link to the Crime and Disorder Act 1998 in that these proposals give local councillors the right to raise local crime and disorder matters with their local authority.

6.6 Legal Issues: Legislation as referred to in the report.

Background papers:

Consultation paper referred to in the report.

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