

Overview and Scrutiny Management Committee

6 January 2009



Update in relation to Local Petitions

Report of Feisal Jassat, Head of Overview and Scrutiny

Purpose of Report

- 1 To provide members with an update in relation to the process for petitions received by the local authority, the role of Overview and Scrutiny within the process and the current situation regarding those petitions received by the Authority to date.
- 2 To ensure the members are fully aware of the petitions process and their role in signposting members of the public to the process (frontline Councillor role).

Background

- 3 In the Governance of Britain Green Paper in July 2007, the Government indicated it was considering the idea of placing a duty on local authorities to respond to local petitions where they had achieved sufficient local support. The Secretary of State followed this up in the 'Action Plan for Community Empowerment' by announcing that consultation about the idea would take place.
- 4 It was Government's view that such a measure would complement the Councillor Call for Action introduced by the Local Government and Public Involvement in Health Act 2007 empowering elected Councillors to call for action which will be facilitated by the Overview and Scrutiny Committee.
- 5 The Consultation Paper 'Local Petitions and Calls for Action' was published in late December 2007 and focused mainly on the principles which the Government would need to put in place to ensure that the duty to respond applies only where a petition is local in nature and has a sufficient level of support.

Report to Cabinet March, 2008

- 6 The constitution prior to March 2008 briefly outlined the general provisions under which any citizen has the right to present a petition to the Council (Article 3:01 refers). In addition Part 4 of the Constitution (Council Procedure Rules) includes further information on petitions from the public regarding period of notice, number and scope of petitions that can be presented to a Council meeting.
- 7 The Constitution also contained a commitment that as a next step the Council would establish a protocol for managing and responding to petitions with detailed discussions with the Head of Overview and Scrutiny and the Senior Community Development Officer to establish what action needed to be taken.
- 8 In March 2008 Cabinet considered a report of the Acting Director of Corporate Services outlining the response suggested to the Communities and Local Government Consultation Paper and proposals for the introduction of a protocol for managing and responding to petitions.

Durham County Council Protocol for Managing and Responding to Petitions

- 9 As part of the deliberations, research was undertaken into how petitions are dealt with in the Scottish Parliament and the Royal Borough of Kingston upon Thames, as they are viewed as leading practitioners in the field.
- 10 The Public Petitions process enables individuals, community groups and organisations to participate in the democratic process, by raising issues of public concern with the Council and allowing Councillors to consider the need for change.
- 11 In this context it was seen from the outset that Overview and Scrutiny be seen as the mechanism to signpost, facilitate, monitor and evaluate the outcome of the petition process. This approach accommodates the proposals outlined in the CLC consultation.

- 12 It was accepted that the above role would complement the involvement of Overview and Scrutiny in Councillor Call for Action procedures whereby any Councillor will be able to refer a local matter affecting his or her Division to the relevant Overview and Scrutiny Committee for consideration. The Committee is required then to put the matter on its agenda and discuss it at a meeting. Overview and Scrutiny is required to use all its powers to mount inquiries, to require information and to make reports and recommendations available to it, should it decide to take up the matter.

Current Situation

- 13 The Council's transitional constitution from May 2008 includes a Petitions Protocol attached as Appendix 1.
- 14 From September 2008 all petitions received in the Authority are forwarded to Overview and Scrutiny to acknowledge, signpost, facilitate, monitor and respond to the petitioner/s.
- 15 To date the Authority has received 9 petitions covering a wide range of issues. Information providing an update in respect of each petition is attached in Appendix 2 to this report.

Next Steps

- 16 The existing process will be monitored to ensure that it continues to be 'fit for purpose' however Officers are currently looking at how the existing system can be improved and how electronic petitions can be accommodated.
- 17 It is intended that Members will receive regular reports to the Overview and Scrutiny Management Committee updating them of the current situation regarding petitions received by the Authority.

Recommendations

- That Members note the update report.

- That Members receive regular update reports at future meetings of the Overview and Scrutiny Management Committee.

Contact: Feisal Jassat

Tel: 0191 383 3506
