

EXETER CITY COUNCIL

EXECUTIVE
18 MARCH 2008

LOCAL PETITIONS AND COUNCILLOR CALLS FOR ACTION - CONSULTATION

1 PURPOSE OF REPORT

- 1.1 To inform members and seek a response to the Government's proposals in respect of local petitions and Councillor calls for action.

2 BACKGROUND

- 2.1 The Government is proposing a statutory duty on local authorities to respond to local petitions. The Department for Communities and Local Government (CLG) has commenced a consultation exercise that also takes account of the impact of petitioning on the Councillor call for action process introduced by the Local Government and Public Involvement in Health Act 2007.

- 2.2 The Consultation Paper which has been circulated to Councillors can be downloaded from the CLG website at :
<http://www.communities.gov.uk/publications/localgovernment/petitionscalls>

The consultation runs until 20 March 2008. The Government will then consider the responses received and issue a report on the consultation by 12 June 2008.

3. LOCAL PETITIONS

- 3.1 The Consultation Paper outlines the circumstances in which councils would be deemed to have a duty to respond to a petition, namely that the petition relates to services delivered by the council alone or in partnership; it is organised by a local person; has sufficient local support; and, satisfies requirements on signatures and the form it takes.
- 3.2 The paper proposes that petitions that would be better dealt with by another body would fall outside the duty. It seeks to define "a local person" and proposes a threshold to indicate a sufficient level of support. The Government makes clear its wish that children should be able to petition. It proposes that signatories would be an elector or anyone living, working or attending school in the area. Whilst the majority of petitions take a traditional form, it acknowledges that work is needed to determine how electronic petitions might work.

- 3.3 This Council, like most other authorities, already has procedures in place for responding to petitions and there appears to be no evidence of public dissatisfaction with the Council's performance in this area. The Government's proposals seek to formalise the process by specifying the requirements and definition of a petition.
- 3.4 This Council's Standing Orders currently provide for petitions addressed to the Council or the Lord Mayor to be presented to Council as the Lord Mayor's communications. If the subject matter comes within the jurisdiction of the Executive or any Committee the petition is referred without discussion to the Executive or relevant committee for consideration and report. Petitions, or letters with multi signatures, presented directly to departments would generally be treated in the same way as other requests, comments or complaints in respect of a service including, where appropriate, consideration of the matter by Committee. Petitions or multiple-signatory letters received in response to planning consultations are normally reported to Planning Committee at the time of consideration of the planning application. All petitions received by the Council are given equal consideration regardless of the number of signatories.

4. CALLS FOR ACTION

- 4.1 The Consultation Paper also addresses the introduction of the Councillors call for action, which aligns the provisions of the Local Government and Public Involvement in Health Act 2007 and the Police and Justice Act 2006. All Councillors are able to refer a local matter affecting his or her ward or division to the appropriate overview and scrutiny committee of his or her authority. The Committee is then required to put the matter on its agenda and discuss it at a meeting. 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 him or her to consider it.
- 4.2 The paper sets out the situations in which this can be used, but the main focus is on the power of the Secretary of State to exclude some matters from the call for action process, for example planning and licensing matters in order to avoid confusion with already well-defined statutory processes. The consultation seeks views on the matters that should be excluded from the call for action process. Respondents are also asked to highlight key issues on which it would be useful to have guidance.
- 4.3 This Council's Constitution currently allows only members of the Scrutiny Committee to put items on that Scrutiny Committee agenda and it will be necessary to amend the Constitution to reflect this legislation. The majority of requests for action are resolved at service level and this mechanism should only be used as a measure of last resort where efforts to resolve issues through normal channels have failed.

5 CONSULTATION QUESTIONS

The Government wish to take the views of citizens, local authorities, councillors and community organisations on all the details of the proposals set out in the Consultation Paper, but have specifically asked for views on the following questions – a suggested response is set out in italics for consideration by Executive:

(i) Petitions

- (a) The Government believes 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?

The Council endorses the view that local authorities should be required to respond to any petition that asks them to consider any issue which falls within their broad functions or shared role as place shaper for the area. Whilst the proposals formalise and in some ways appear to restrict a process which already works effectively in many Councils, it agrees that, if a common framework is deemed to be necessary, it is essential that a workable system is created.

It agrees that petitions which would more properly be dealt with by another public body – such as the example quoted of educational issues which can only be addressed by governors and head teachers of a particular school - should fall outside the proposed new duty.

The Council supports the view that the organiser should be any “local person” who lives or works in the area at the time the petition is submitted. Requiring the organiser to be on the electoral register appears to be unduly restrictive.

- (b) In particular, how should we define the level of support required before a petition must get a formal, substantive response?

- 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?

This Council treats all petitions received with equal consideration regardless of the number of signatories. However it acknowledges that some qualification may be necessary to control the additional processes and costs arising from the proposal. The only option that would work in practice would appear to be a number in absolute terms. The options of a proportion of the electorate or of local population are likely to present complex problems.

The proposal to allow electronic petitions is supported. Further work is required on the practical application of this. A validation process for signatories would be desirable in circumstances where it was felt to be required.

The Government's proposals to define the minimum requirements for definition as a petition, in relation to its manner of submission, form and content, appear to be reasonable. Guidance will be welcomed in due course on the Government's proposed three-stage process for presentation of a petition.

(ii) Calls for Action

- (c) What, if any, matters should be excluded from the call for action?

The Government is right to list excluded matters to avoid confusion between this mechanism and other statutory processes such as planning and licensing appeals. The Council has identified no particular additions to the list of exclusions although it would clearly be an inappropriate mechanism to deal with issues of a personal nature relating to individual residents, for example allocation of housing to an individual.

- (d) What guidance should the Government provide on the operation of the Councillor call for action?

Guidance on the operation of the Call for Action process would be welcomed. There are no specific key issues which the Council would wish to highlight for inclusion in the guidance.

(iii) Overall

- (e) Taken together, would petitions and calls for action sufficiently empower communities to intervene with their elected representatives? Should we contemplate other measures?

The Council considers that the proposals for petitions and calls for action adequately fulfil the commitment made by the Government in the Governance of Britain's Green Paper to achieve greater direct empowerment of communities.

- (f) Do you have other views on the operation of the new duty to respond to petitions and the call for action?

The Council has no other views to express on the proposals.

6 RECOMMENDED:-

- (1) That Executive responds to the Department for Communities and Local Government's Consultation Paper on Local Petitions and Calls for Action, specifically in respect of the questions set out in paragraph 5 above; and
- (2) the Council's Constitution be amended to reflect the Councillor Call for Action process, subject to guidance awaited from Government.

ASSISTANT CHIEF EXECUTIVE

5 March 2008

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None