

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

12 JANUARY 2012

**REPORT OF
CORPORATE
MANAGEMENT TEAM**

CABINET DECISION/COUNCIL DECISION

Corporate Management & Finance– Lead Cabinet Member – Councillor Harrington

REVIEW OF THE COUNCIL'S PETITION SCHEME

1. Summary

This report highlights the first year of operation of the Council's new Petition Scheme which was approved by Council in July 2010.

2. Recommendations

1. The findings presented from the review of the Council's Petition Scheme be noted.
2. The Council continue to operate the scheme and seek to increase public awareness and understanding of its criteria via the community engagement and promotion initiatives outlined.
3. The further action identified as being necessary to ensure clarity of outcomes arising from a Council debate on a petition, be noted.

3. Reasons for the Recommendations/Decision(s)

Cabinet at its meeting held on 8th July 2010 (Min CAB 39/10 refers) requested that a review of the operation of the Council's petition scheme be carried out in twelve months' time and the findings be included in an annual report to be submitted to Cabinet/Council.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION/COUNCIL DECISION

**REVIEW OF THE COUNCILS NEW PETITION SCHEME WHICH WAS INTRODUCED
DUE TO THE DUTY TO RESPOND TO PETITIONS-LOCAL DEMOCRACY, ECONOMIC
DEVELOPMENT & CONSTRUCTION ACT 2009**

SUMMARY

This report highlights the first year of operation of the Councils new Petition Scheme which was approved by Council in July 2010

RECOMMENDATIONS

1. The findings presented from the review of the Council's Petition Scheme be noted.
2. The Council continue to operate the scheme and seek to increase public awareness and understanding of its criteria via the community engagement and promotion initiatives outlined.
3. The further action identified as being necessary to ensure clarity of outcomes arising from a Council debate on a petition, be noted.

BACKGROUND

1. Council at its meeting held on 14th July 2010 (Min C 78/10 refers), approved a new Council Petition Scheme based on the following principles and against the background of legislation introduced by the Local Democracy, Economic Development & Construction Act 2009:-

-a threshold of 50 signatures be set as the minimum amount required before the Council would regard a submission as a petition for consideration;

-a valid petition should contain a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take;

-a valid petition must contain the name and address and signature of any person supporting the petition;

-anyone who lives works or studies in the local authority area, including under 18's can sign or organise a petition;

-petitions would be welcomed in both paper or electronic form;

-the threshold of petition signatures required for senior members of staff being required to give evidence at a meeting of overview and scrutiny be set at 1000;

-the threshold of petition signatures required for triggering a full Council debate be set at 2000;

-the details of any petitions received, and subsequent action taken, be posted on the Council's website;

-in instances where a petition organiser is not satisfied with the way the Authority has responded to a petition, he/she may request that an independent Committee of the Council undertake a review of the authority's response; and that this ordinarily be undertaken by the Executive Scrutiny Committee (unless the matter had already been considered in some previous way by this Committee, in which case the most appropriate Select Committee would be identified);

- The Head of Democratic Services be the Council's responsible officer for the receipt, recording and acknowledgement of petitions received and for ensuring that the authority's response to any petitions received is in accordance with the approved scheme.

2. Having made its decision regarding implementation of the new Petition Scheme, this Council, along with all other local authorities, were subsequently advised by the Department for Communities and Local Government in September 2010 that the new Government had relaxed its approach towards the introduction of the requirements on the duty to respond to petitions as contained within the Local Democracy, Economic Development & Construction Act 2009 by withdrawing its previously issued statutory guidance on the subject. This in effect gave more discretion to local authorities to determine how it wished to respond to the duty given the new Government's commitment to removing unnecessary prescription for local authorities, and their priority for cutting out all unnecessary spending.
3. Having already given its commitment to introducing a new Petition Scheme, the key principles of the scheme allowed this Council to have a more structured and defined mechanism in place for dealing with petitions, in comparison to the scheme which had gone before it, with a greater degree of public accountability with regard to petitions received. Previously, petitions handed in to the Council would usually be in hard copy form and would either be presented to the relevant officer dealing with the matter; or occasionally handed to the Mayor either at full Council or in person at the Council offices. The Council's response to petitions received would be determined by the relevant Chief Officer, in consultation with the Cabinet Member if appropriate, and the lead petitioner advised of what action the Council intended to take in writing.
4. The new scheme has introduced more accountability regarding action taken in response to petitions received, through the measures outlined to alert the public to their detail on the Council's website; has allowed petitions to be debated at full Council in public session should they meet the required threshold; has made provision for senior officers of the authority to be required to give evidence/answer questions regarding their work at a meeting of the Executive Scrutiny Committee; and has introduced the option for lead petitioners to request a review of how the

Council has responded to a petition received, should they be dissatisfied with the response made.

DETAIL

Petitions Received

5. In the period of just over a year following the introduction of the Council's new petition scheme in July 2010, a total of 13 paper petitions have now been received; the details of which are summarised at **Appendix 1**.
6. It should be noted that petitions on the following matters are excluded from the scheme so as not to duplicate procedures where established processes already exist for communities to have their say:-
 - any matter relating to a planning decision, including about a development plan document or the community infrastructure levy;
 - any matter relating to an alcohol, gambling or sex establishment licensing decision;
 - any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.
7. Of the 13 petitions received to date, 1 petition fell below the minimum threshold of 50 signatures required to qualify as a petition. This was therefore dealt with by the relevant officers and responded to by way of correspondence, indicating details of what action the Council intended to take.
8. The majority of valid petitions received have had between 50 and 234 signatures and these therefore did not have enough signatures to require a Council debate. As indicated at **Appendix 1**, topics covered by these petitions have included requests for action to be taken to rid areas of anti-social behaviour, a request for a Day Centre to be kept open, and a request for a skateboard park within the Borough. These petitions were therefore responded to by officers, and consultation undertaken where necessary with the relevant Cabinet Member to confirm approval of the proposed action to be taken, and progress was logged on the Council's website within its petition scheme.
9. None of the valid petitions received sought to request that an officer be required to give evidence at a meeting of the Council's Executive Scrutiny Committee.

Council Debate

10. 2 petitions received have exceeded the 2000 signatures threshold required to trigger debate of the petition by full Council; and these (Objection to the Demolition of Billingham House and Opposition to the Relocation of Stockton Market) were considered by Council on the 29th June 2011 and the 7th September 2011 respectively.
11. For each of these meetings, additional resources were deployed to ensure the smooth hearing of these petitions. Pre-planning and facilitation of public and petitioner attendance, in addition to technical support where required, ensured that all

parties were dealt with successfully. Representatives of the lead petitioners were invited to attend full Council and present to members details of their concerns and reason for their petition. Due to the number of both lead petitioners and other members of the public in attendance on each occasion, it was necessary for an alternative venue to the Town Hall to be chosen for the Council meeting. In each case, the Auditorium of the Baptist Tabernacle was used, and this incurred a hire charge of £1k in total.

12. Given the numbers of people attending, approximately 12 in respect of Billingham House and 50 for the Stockton Market petition, it was also necessary to have more officers present at the meeting to show people to their seats and explain the process that was to be followed. There was also additional pre meeting planning required on each occasion with several discussions and meetings held with the lead petitioners and the venue organisers, with additional sound equipment required to ensure that those attending could hear the debate.
13. A draft procedure was also produced to assist Council in its consideration of each petition, and details of this are attached at **Appendix 2**.
14. The outcome of each Council debate was published on the Council's website to ensure that anyone unable to attend the Council meeting was made aware of the Council's response.
15. It was evident however that there was some uncertainty at the conclusion of each debate as to what further action, if any, the Council intended to take on each petition, and this therefore has highlighted a need for clarity for future situations to ensure that there is certainty regards 'what will happen next' to each petition.

E-Petitions

16. As part of the Council's new petition scheme, it was also agreed that an electronic petition scheme be procured and developed. This was completed and made available on the Council's website to the public in December 2010. Whilst no electronic petitions have as yet been received, the facility is utilised to indicate the details of all of the hard copy petitions received by the Council, and to state what action has been taken.

Neighbouring Authorities

17. Neighbouring authorities have been contacted to enable us to compare the responses they had received since the implementation of their new petition schemes, with each local authority having been required by the legislation to have an appropriate scheme in place.
18. The number of petitions received by the other Tees Valley Authorities is in the main less than Stockton, with only Middlesbrough having received a similar amount. There has been no significant increase in the number of petitions these authorities have received following the introduction of their revised petition scheme. In Stockton's case, it is difficult to quantify whether there has been any real significant increase in the number of petitions received as the data regarding the number of petitions received prior to July 2010 is limited. However, from the petitions that were known to have been officially deposited with the Council each year prior to 2010, it is reasonable to conclude that the number received has at least doubled and that is probably in part due to the increased information made available to the public at the time the legislation was introduced; the high public profile of petition schemes

generally, such as the 10 Downing Street Petition Scheme; the success of community engagement initiatives locally such as the 'Getting Heard' events aimed at raising public awareness of the methods by which contact can be made with the Council; and the available information contained on the Council's website.

19. None of the other Tees Valley authorities have received a petition that exceeded their threshold for triggering a full Council debate. Some have however received a small number of electronic petitions whilst others similar to ourselves, have not received any via this means. It is unknown why the response across the Tees Valley has been so varied, but one possible reason may be the extent of public awareness for each petition scheme.
20. None of the neighbouring authorities have any immediate plans to review their scheme and each were happy to carry on with their scheme as it currently stood.

FUTURE IMPACT OF THE LOCALISM ACT

21. The right of the public to hold their local authority to account is further strengthened within the Localism Act 2011. However, this is by means of provisions relating to referenda, rather than petitions and related schemes..
22. Under the Act, powers have been granted to allow the public to call for a referenda regarding:-
 - a change to the local authority's governance arrangements and whether to have an elected mayor;
 - the right to approve or veto excessive council tax rises;
 - the right for the public to vote to approve its own neighbourhood development plan.

CONCLUSIONS

23. The introduction of the Council's new Petition Scheme has seen an increase in the number of petitions submitted (approximately double the number of petitions have been received when compared to previous periods prior to the scheme's introduction). However, the actual number of petitions received is still fairly small in number.
24. It is evident also from consideration of the petitions submitted to date that the quantity of valid signatures received was in some cases low in comparison to the number of people who had signed the petitions. This was because that in order for a signature to be valid, it must also be accompanied by the name of the person signing the petition and an identifiable correspondence address. To validate a signature, names and addresses must be traceable to minimise the number of bogus petitions. Merely stating a street name and/or town is not accepted as a valid signature. However, unless the public visit the information contained on the Council's website prior to commencing their petition and read the guidance, they do not see the criteria a valid petition needs to meet and can often therefore be unaware that the format or content of part of their petition may be invalid. One way around this would be to include regular advice within Stockton News regards the conditions and requirements of the Council's Petition Scheme, for information to be available within the Council's Contact Centre, and for information to be featured on the Council's website and Councillor web pages. This promotion of the scheme would also highlight to the public the option available to them for submitting petitions electronically, and

establishing support for a petition on-line, as opposed to obtaining signatures for a hard copy petition either door to door or by establishing a presence in populated locations.

25. From experience gained with regard to the handling of the two petitions received that triggered a debate at full Council, there are obvious difficulties in determining the number of members of the public who may attend the full Council meetings. This creates a dilemma in terms of choice of meeting venue. Should it be established that any more than 10 additional persons would be expected to attend full Council, it would be likely in each case that an alternative venue to the Council Chamber would be required to be found in order to accommodate all members, officers and the public attending. As indicated earlier, this may therefore result in the hire of a third party venue, with a small financial implication associated.
26. Finally, it should be noted that to date, no requests have been received from petitioners dissatisfied with the Council's response to their petition, which would give some indication that the scheme is working reasonably well at present.

EQUALITY IMPACT ASSESSMENT

27. This report is not subject to an Equality Impact Assessment because details of the Council's Petition Scheme are available on the Council's website, making it available to all communities and also fulfilling the governments Web Accessibility Initiative with a double A rating (WIA-AA) which was driven by e-Government Interoperability Framework (E-GIF).

FINANCIAL AND LEGAL IMPLICATIONS

28. The potential financial implications arising from the venues which may need to be hired to hold large numbers of members of the public are referred to at paragraph 10.

RISK ASSESSMENT

29. Low to medium risk

COMMUNITY STRATEGY IMPLICATIONS

30. Enhancing democratic representation and local democracy is a key feature of the Council Plan.

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Education related No

Background Papers Cabinet report 8th July 2010

Ward(s) and Ward Councillors: N/A

Property N/A