

**Report to:** Overview & Scrutiny

**Date:** 3 March 2008

**Subject:** Consultation on Local Petitions and Calls for Action from Department for Communities and Local Government

**Report of:** Deputy Chief Executive

**Contact officer:** Diane Taylor 2135

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**Purpose / summary:** To seek members views and comments on the Government's proposals to develop a framework for dealing with local petitions and calls for action.

**Alternative options considered and reason for selecting the one recommended:** None

**Recommendation / decision:** That Members consider the pre-response and add to or amend where necessary so that we can take their response to Cabinet for their consideration on 13 March, and include in a full response to DCLG.

**Key Decision:** This report does not involve a key decision. The decision made as a result of this report will be published within **48 hours** and cannot be actioned until **seven working days** have elapsed, i.e. before 3 March 2008

**Risks / Implications:**

Financial:	None
Staffing:	None
Policy:	None
Equal Opportunities - Has a Diversity Impact Assessment been conducted?	A diversity impact assessment is not necessary at this stage, however, equality and diversity implications have been considered when producing this report.

Wards affected:

Summary of reasons for report being closed in the public It is a consultation documents for Elected Members and Council Officers at this time.

interest:

**Property Implications – Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?**

No

**If yes, have the property implications been agreed with the Corporate Property Officer?**

**Does this proposal have significant implications for the Council and the local population?**

A diversity impact assessment is not necessary at this stage, however, equality and diversity implications have been considered when producing this report.

**Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?**

A diversity impact assessment is not necessary at this stage, however, equality and diversity implications have been considered when producing this report.

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Has the Director of Legal and Property Services confirmed that the recommendations within this report are lawful and comply with the Council’s Constitution? **Yes / No \***

Has the Director of Finance and IT confirmed that any expenditure referred to within this report is consistent with the Council’s budget? **Yes / No \***

Are any of the recommendations within this report contrary to the Policy Framework of the Council? **Yes / No \***

\* delete which applicable

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**For Cabinet reports only :**

Categorisation of the report:	<b>x</b>
Discussion leading to a decision	
Monitoring	
Sharing for corporate understanding	

	<b>x</b>
Discussion	
Decision	
Information	

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**Tracking/Process:**

	Consultation	Ward Members	Partners
Panel	Overview & Scrutiny	Cabinet	Council

The Background Papers for this report contain Exempt Information under Schedule 12A of the Local Government Act 1972.

Proper Officer \_\_\_\_\_

Date

\_\_\_\_\_

**Background:**

**Proposals:**

**Alternative options considered and reason for the recommended option:**

**Conclusions:**

**Diversity Impact Assessment form**

Section:
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Policy/Service Area:
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Person Completing Form:	Date:
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Do any of the below groups suffer specific disadvantage (please indicate)

	Yes	No		Yes	No
Race			Disability		
Ethnicity			Gender		
Age			Religion		
Class			Sexual Orientation		

Is there evidence of disadvantage or associated problems?

How was the information collected and/or who have you consulted with?

Action Plan – <i>What specific actions are planned to tackle any disadvantage identified?</i>

Is the policy in line with current equality legislation and relevant codes of practice?

Timescale	
Responsibility	
Comments	

**Are the actions specified included in any other documents/plans?**

Departmental Service Plan	
Section/Team Plan	
Other (Specify)	

Date for further review
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## Local Petitions and Calls for Action Consultation

The intention of the consultation is to assist in developing a framework for dealing with local petitions. It is being led by the Department for Communities and Local Government and its deadline for responses is 20 March 2008.

It seeks views on:

- How 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.

We have considered some background information which includes current arrangements in Wigan and research on what methods are used in other local authorities.

We have used this information to put together a draft response to the consultation.

### **Wigan's response**

#### **Petitions**

##### **Wigan's current arrangements for dealing with petitions.**

Wigan has no official arrangements for dealing with petitions. It seems that it is rare for a petition to come through for officers and members to deal with.

We have arrangements in place, which deal with appeals such as the schools admission and the planning process, these are not classed as petitions.

[At a regional level Association of Greater Manchester Authorities \(AGMA\) has no formal mechanism for dealing with petitions at sub-regional level. However, if a petition was received by AGMA at this level then it would be taken to the monthly leaders meeting.](#)

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#### **The consultation**

- 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?**

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[A legal requirement to formally respond](#) could mean:

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- A requirement for dedicated resource.
- Raising expectations. If someone has signed a petition, they may assume things will change automatically.
- A potential to undermine councillors decision making.

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- More bureaucracy.

However we acknowledge that authorities should act in according to the spirit of the legislation as petitioning is one way of recording public satisfaction or dissatisfaction with local services. We would welcome government giving examples of best practice in dealing with petitions where authorities have already established conditions for responding. We should not waste time reinventing the wheel if some authorities do this to good effect. There is a good model in Scotland and perhaps government should consider this.

If a petition was to be area based, and we did have a legal duty to respond, we would have to ensure that all partners signed up to that duty and so had relevant guidance and paperwork along with the resources to support this function.

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

Your suggestion of a 'local person' would need defining. The Electoral Roll should be the start point. This is based on the eligibility rules for candidates at local elections plus schoolchildren. Although government might be accused of introducing limitations to a process designed to give people easier access to local government, using the ER as the start point would offer the opportunity to confirm a genuine local connection. It might also encourage some people, who have not done so, to actually register to vote..

It would also make it just that bit more difficult for some non-local organisation or vested interest to raise a petition that promotes their own interests and not necessarily those of local people.

We can see real diversity and equality issues arising, as petitions could exclude those hard to reach groups or individuals in certain areas. Although 100% of a small community might sign the petition, this might be extremely small numbers, but the decision could impact on other communities.

A referendum notice is published each year announcing the latest number of electors to support a request for a mayoral referendum. This applies to the whole borough and could be broken down into wards and polling districts to give figures for individual communities. However, checking petition signatures could have resource implications for the Elections Office, particularly at election and canvass times. It might be useful if implemented, if the council decided the numbers based on individual petitions and the issue being considered.

It is not clear how you could verify a signature for somebody who works in the area.

**Deleted:** If we are required to respond to a petition that relates to the functions of the local authority, or other public services with shared delivery responsibilities through the LAA or other partnership agreement. We are questioning who overall responsibility would lie with in order to respond to petitions effectively? ¶

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We question how competing petitions will be dealt with. These mechanisms will need to be clear in any guidance.

## **Calls for action**

### **d) What if any matters should be excluded from the call for action?**

We agree that process such as planning and licensing appeals such be excluded. We would also ask that school admissions appeals should be excluded.

### **e) What guidance should Government provide on the operation of the councillor call for action?**

Practical examples should be provided on what is and what isn't a call for action. From our research it appears that most councils have systems in place to deal with this process as and when it happens. There is no current meeting at Wigan that equates to a crime and disorder committee so this would have to be accommodated either through separate arrangements or additional work for the existing Scrutiny function. Some authorities have area committees to deal with issues before they come to Overview and Scrutiny.

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## **Overall**

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

We feel it has always been the role of the councillor to help members of the public reach satisfactory outcomes with the council. By assisting the public to navigate routes through the council's decision-making structures, councillors can help citizens to participate in local democracy. We might be sceptical and ask "Why do we need a Councillors Call for Action?" Some authorities have already shown how overview and scrutiny committees can take a hard look at ward level issues without using Councillors Call for Action. Most local authorities, including Wigan, have local area committees (or Townships in Wigan's case). It would be hoped that these could deal with issues at the local level and that councillor calls for action and local petitions are seen as the exception rather than the rule.

We are currently reviewing our constitution and decision making process to better enable community engagement and leadership. We would seek some clarity on how the petitions and calls for action would also work alongside of the proposed Link organisations and PACTS that are about to be developed in our local authority?

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In any councillors enquiry, there is likely to be a range of issues which might lend themselves to this type of inquiry, lack of local bus services, complaints about local health services, local noise nuisance for example. The issues that offer the most scope for these scrutiny inquiries are those which local councillors feel they have been unable to get resolved through the usual

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channels. If the issue represents a significant and genuine concern affecting a number of individuals within the wider community and which is about the quality of public service provision at a local level, it could very well appear as a CCfA. Bearing this in mind the further guidance provided in a simplistic and clear will be extremely helpful.

On a positive note, a legal right with guidance, would promote consistency between the way councils deal with petitions.

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

We will need to consider how best to implement the CFA and petitions if implemented, to fit with our existing policies and procedures, for example with the authority's complaints procedure, scrutiny agenda management and support for ward councillors. We will also need to consider as part of our review how we will resource the whole process to ensure its success.

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On a practical level, we will need to consider how to deal with the concern that CFA's could lead to overview and scrutiny committees' planned work programmes being overwhelmed or even CFA's being used with the wrong intentions.

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