

## Summary Sheet

Overview and Scrutiny Management Board – 31 March 2017

### Title

Review of the Council's Petitions Scheme

### Is this a Key Decision and has it been included on the Forward Plan?

Yes, this is a key decision and has been included on the Forward Plan

### Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

### Report Author

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### Ward(s) Affected

All wards

### Summary

The Council adopted a petitions scheme in May 2010 in accordance with the Local Democracy, Economic Development and Construction Act 2009. This scheme was subject to a subtle changes following the review of Standing Orders in 2014. However, a more fundamental review of the scheme is required as part of the wider review of governance in the Council and this report sets out opportunities to amend the scheme to improve its operation and its wider understanding amongst Members, officers and the public.

### Recommendations

1. That the existing Petitions Scheme be replaced with guidance on petitions (as set out in Appendix B)
2. That a log of petitions be maintained on the Council's website detailing the nature of the petition, the directorate referred to, the response provided to the lead petitioner and the action taken.
3. That a period of up to 15 minutes be allocated at the beginning of Council meetings for members of the public to formally present their petitions to the Mayor.

4. That associated constitutional changes be incorporated within the wider review of Standing Orders being undertaken by the Association of Democratic Services Officers.

**List of Appendices Included**

Appendix A – Current Petition Scheme

Appendix B – Draft Petition Guidance

**Background Papers**

Report to Council – 21 May 2010 – ‘Local Government Reform – duty to respond to petitions: commencement and Council scheme’

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Constitution Working Group – 17 March 2017

Council – 19 May 2017

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

## **Review of the Council's Petitions Scheme**

### **1. Recommendations**

- 1.1 That the existing Petitions Scheme be replaced with guidance on petitions (as set out in Appendix B)
- 1.2 That a log of petitions be maintained on the Council's website detailing the nature of the petition, the directorate referred to, the response provided to the lead petitioner and the action taken.
- 1.3 That a period of up to 15 minutes be allocated at the beginning of Council meetings for members of the public to formally present their petitions to the Mayor.
- 1.4 That associated constitutional changes be incorporated within the wider review of Standing Orders being undertaken by the Association of Democratic Services Officers.

### **2. Background**

- 2.1 The Local Democracy, Economic Development and Construction Act 2009 introduced a duty for local authorities to adopt a scheme setting out how it would manage and respond to petitions submitted as calls for action. The legislation also introduced a requirement for local authorities to host a system for citizens to submit e-petitions to increase participation in local democracy.
- 2.2 The requirements of the duty set out that the Council had the flexibility to determine the details of the scheme subject to meeting the following minimum requirements:
  - Anyone who lives, works or studies in Rotherham, including under 18's, can sign or organise a petition and trigger a response;
  - Petitions must be acknowledged within a time period specified by the Council;
  - Among the many possible steps that the Council may choose to take in response to a petition, the following steps must be included in the scheme:
    - Taking the action requested in the petition;
    - Considering the petition at a meeting of the Council;
    - Holding an inquiry;
    - Holding a public meeting;
    - Commissioning research;
    - A written response to the petition organiser setting out the Council's views on the request in the petition; and
    - Referring the petition to scrutiny.
  - Petitions with a significant level of support trigger a debate of the full council. The Council will determine this threshold locally but it must be no higher than 5 per cent of the local population;

- Petitions with a requisite level of support, set by the Council, trigger a senior local government officer to give evidence at a meeting of the authority's overview and scrutiny committee. The committee may also require the relevant Cabinet Member, or other member as appropriate to attend; and
  - Petition organisers can prompt a review of the Council's response if the response is felt to be inadequate.
- 2.3 In May 2010, the Council adopted a petition scheme which included all of the provisions required by statute. The current scheme is appended to this report (Appendix A). The petitions scheme was reviewed by Members in 2014 as part of a wider review of Standing Orders.
- 2.4 The Localism Act 2011 repealed Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act 2009, which made petitions schemes a statutory requirement for local authorities. The Localism Act specifically removed:
- the need for the Council to make a scheme for the handling of petitions which are made to the authority (with the exception of those petitions made under another enactment, such as one asking for a referendum on an elected mayor).
  - the need for the Council to be able to accept petitions electronically.
  - the need for Council to comply with its own petition scheme.
  - the need to publish the Council's petition scheme on its website.
  - the need to acknowledge petitioners, tell petitioners what we intend to do with their petitions or place their petitions on the Council's website.
  - the need for the Council to do one of the list of the required steps when considering a petition.
  - the need for the Council to have thresholds to determine how to process petitions, for those thresholds to be reasonable and the requirement for petitions reaching those thresholds to be debated at Council and or Overview and Scrutiny.
  - the power of review by the Secretary of State, to review the Council's scheme if we do not receive any petitions that the Council has to debate.
  - the specified reasons for the rejection of a petition

### **3. Key Issues**

- 3.1 The petition scheme has been reviewed once since it was adopted by the Council. It is timely to review the scheme in the context of the wider review of the Constitution and following anecdotal feedback from Members and officers regarding the lack of awareness and understanding of the provisions of the scheme.

### 3.2 The key aspects of the petitions scheme are:

- 2000 signatures are needed for a petition to be debated at a Council meeting
- Where a petition is debated at a Council meeting, the lead petitioner has five minutes to address the meeting and a further 15 minutes is allocated for councillors to debate the call for action within the petition.
- 750 signatures are needed to require a Member or a senior officer to give evidence to Overview and Scrutiny

3.3 There has not been an occasion since the adoption of the petitions scheme in Rotherham where a petition has been debated at a Council meeting or where a Member or senior officer have been required to give evidence to Overview and Scrutiny. The fact that neither threshold has been met does not itself imply that there is an issue with the scheme, but has led to some questions in respect of the value of petitions.

3.4 Petitions schemes were introduced in statute because the Government had identified that local people felt that they could not influence decision making or get things done in their local area. The Government White Paper *Communities in Control* very much focused on the need to provide formal routes for calls for action to be submitted and responded to. Whilst the statutory provision no longer exists, the need to give local people the opportunity to make a call for action through a petition remains an important pillar of robust local democracy.

3.5 The advancement of social media and digital technology has changed the way that residents interact with the Council and councillors. Whilst traditional methods of petitioning remain for organised groups, many individuals lobby for action or change through social media campaigns, directly lobbying councillors and partner organisations. This trend has not reduced the number of petitions, but it should be recognised that petitions are not the only avenue for valid concerns or calls for action to be raised with the Council or councillors.

3.6 The formal provisions of the existing petitions scheme cover what was previously required by the law, but neither the scheme or the Council's Constitution adequately set out what the authority will do when it receives a petition that does not meet the threshold for a debate at Council. Conventional practice is that a petition will be referred to the relevant Strategic Directorate for consideration and a response to be sent to the lead petitioner and ward councillors, where appropriate. This practice works in the sense that a petitioner receives a response, but the process fails to acknowledge the democratic call for action, aside from limited reporting of the receipt of petitions to Council meetings, and the potential for debate on matters of policy, which would capture the public interest in an issue and consequently invigorate Council meetings.

- 3.7 In order to attach greater value to petitions and calls for action, consideration should be given to how the Council can demonstrate how it encourages and responds to petitions. Presently, the minutes of Council meetings detail the receipt of petitions, but there is no follow up to detail what has happened as a result of the petition or call for action. Some authorities publish a log of petitions received and report on the action taken in response. This capability exists within the existing Modern.Gov software that manages the democratic content on the Council's website. To demonstrate the value of petitions, it is proposed that this software be better utilised to detail:
- The receipt of a petition
  - The department referred to
  - The response provided
  - The action taken
- 3.8 Other local authorities dedicate a period of time at the beginning of Council meetings for members of the public to hand in their petitions to the Mayor or Chairman of the Council. This is not a practice currently in operation in Rotherham and is one which may again contribute to improving confidence in the Council. The reality of any such approach is that the Mayor would receive the petition from the lead petitioner and give an assurance that the petition would be referred to the relevant Strategic Directorate for response. This would require little effort, but would demonstrate that the Council is open to receiving calls for action from its residents.
- 3.9 The petitions scheme itself is a detailed document which is not particularly user friendly. Any member of the public wanting to consult it for guidance on how to submit a petition or understand its provisions would currently find it difficult to locate and then subsequently not be clear in respect of what actions would be necessary to comply with the scheme. Consideration should therefore be given to replacing the existing scheme with guidance written in plain English and easily accessible on the Council's website. Draft guidance is appended to this report (Appendix B).
- 3.10 The Constitution's provisions in respect of the handling of petitions are set out in Standing Orders 8A and 8B. If the Council is minded to dispense with the current petitions scheme and introduce guidance, more detailed Standing Orders in respect of petitions will be required. This report is not concerned with recommending constitutional amendments, but rather with reviewing the current practice of how petitions are handled by the Council. Any associated amendments to Standing Orders can be incorporated within the external review of the Constitution which is being undertaken by the Association of Democratic Services Officers.

#### **4. Options considered and recommended proposal**

- 4.1 As the statutory provisions concerning the operation of a petitions scheme have been repealed, the Council has the discretion to manage petitions in any way it considers appropriate, including having no provision at all. Given that strengthening governance and public trust and confidence in the Council are key areas of the authority's improvement journey, the option of removing provision for petitions is not recommended.

4.2 This report has identified that the Council’s approach to handling petitions can be improved in a procedural sense and also in terms of the wider trust and confidence held in the Council by the residents of the borough. It is recommended that the current petitions scheme be replaced by guidance which provides clearer advice to citizens on how to submit a petition and what to expect after submission to the Council.

## 5. Consultation

5.1 This report has been submitted to the Constitution Working Group for review. Members considered the thresholds, potential changes and minimum numbers, verification processes for e-petitions and the numbers that would determine what constituted a petition.

5.2 The Constitution Working Group recommended that the thresholds for petitions be set at:

20 signatures	For a call for action to be regarded as a formal petition and presented to the Mayor at Council
600 signatures	For an officer to be required to give evidence to Overview and Scrutiny
2,000 signatures	For a petition to be debated at a Council meeting

5.3 Members also welcomed the recommendation to include relevant Ward Members in the response to a lead petitioner. It was also recommended that the Chair of Overview and Scrutiny Management Board vacate the chair for any debate on a petition that might directly affect their ward.

5.4 It was considered appropriate to remove reference to calling a referendum within paragraph 15 of the existing Petitions Scheme.

## 6. Timetable and Accountability for Implementing this Decision

6.1 If the preferred approach detailed in paragraph 4.2 were to be agreed by the Constitution Working Group and the Cabinet for recommendation to the Council, then the final decision will be made at the Annual Meeting on 19 May 2017. In order to give effect to the proposed change, amendments will be required to Standing Orders which would require the approval of Council. These amendments will be proposed as part of the wider review of Standing Orders being undertaken by the Association of Democratic Services Officers and on the recommendation of the Constitution Working Group.

6.2 Accountability for implementing the decision will rest with the Assistant Director of Legal Services and the Democratic Services Manager, who will also be responsible for the ongoing operation of the petitions process.

## 7. Financial and Procurement Implications

7.1 There are no financial or procurement implications associated with this report.

## **8. Legal Implications**

8.1 The legal implications are detailed within the main body of the report.

## **9. Human Resources Implications**

9.1 There are no Human Resources implications associated with this report.

## **10. Implications for Children and Young People and Vulnerable Adults**

10.1 There are no implications for children and young people or vulnerable adults arising from this report.

## **11 Equalities and Human Rights Implications**

11.1 Public Authorities must ensure that decisions are made in such a way which minimises unfairness, and without a disproportionately negative effect on people in respect of nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation. It is important that Councillors are aware of this duty before they take any decision.

11.2 Enabling petitions to be submitted both as paper documents and electronically through the Council's website enables people from all groups and backgrounds to petition the Council about matters which concern them.

## **12. Communications Implications**

12.1 Highlight any communications implications arising from your report, and outline any communications advice provided.

## **13. Implications for Partners and Other Directorates**

13.1 If the proposals within the report require input or action from other directorates or partner organisations in the Borough, you should set out specifically what the implications are and what consultation has taken place.

## **14. Child Centred Borough Implications**

14.1 There are no implications which directly impact on the Council's ambition to become a Child Centred Borough.

## **15. Risks and Mitigation**

15.1 There are no strategic or specific risks associated with this report.

## **16. Accountable Officers**

Assistant Director of Legal Services – Dermot Pearson  
Democratic Services Manager – James McLaughlin



Approvals Obtained from:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services		
Assistant Director of Legal Services		
Head of Procurement (if appropriate)		
Head of Human Resources (if appropriate)		

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