

6th April 2017

Petition scheme review

Ward(s) All

Portfolios: All Portfolios

Executive Summary:

The Council's current Petitions Scheme as set out that part 5. 15 of the councils constitution is the scheme that was presented to Council on 13 September 2010, subject to minor amendments in subsequent years. It is appropriate that the petition scheme is reviewed to establish whether or not it is still fit purpose, and in fact whether or not the Council still wishes to have a petition scheme at all. It is all part of engaging local people in local democracy.

Reason for scrutiny:

The Chair of the Corporate and Public Services Scrutiny Committee has asked for a report to consider changes to the council's current petition scheme:

Recommendations:

That:

- 1. Members review the options set out for the potential amendment to the thresholds for the number of signatories required to see a petition considered by an Overview and Scrutiny Committee or Council;**
- 2. If Members wish to amend the current thresholds for the number or signatories required to see a petition considered by an Overview and Scrutiny or Council then guidance be provided on the numbers of signatories they wish the requirements to increase or reduce by;**
- 3. Members review the proposed wording for inclusion in the petition scheme regarding who is eligible to sign a petition.**
- 4. Consultation take place on the proposed changes to the scheme with the Group Leaders and their groups.**

Background papers:

None.

1.0 Background Information**Recent history**

1.1 An analysis of the number of petitions received over the last three years has taken place. This informs us that the numbers of petitions received for debate at scrutiny is relatively consistent. Council debates have peaks and troughs. A significant proportion of petitions in recent years have been motivated by seeking to prevent proposed budget savings. This typically means the majority of petitions are received between October – February.

1.2 The below does not included petitions for regulatory matters such as planning or licensing which are dealt with by separate processes.

Year	No of petitions	Breakdown
2014/15	39	22* – Responded to by Executive Director 10 – Scrutiny (3 libraries; cuts to voluntary sector; children's centres; lifelong learning centres: weekend access to GPs/hospital outreach; Ravenscourt redevelopment; traffic management; reinstatement of public conveniences) 7 – Council (2 libraries; 2 parking charges: 2 traffic management; garden waste collection)
2015/16	54	43* – Responded to by Executive Director 8 – Scrutiny (library, youth centre; youth funding; traffic management; grass cutting; save services; market charges) 3 – Council (2 libraries; unauthorised encampments)
2016/17	40**	27* – Responded to by Executive Director 9 – Scrutiny (3 libraries; 2 unauthorised encampments; defending jobs; traffic management; Remembrance Day; crossing patrol wardens) 8 – Council (3 libraries; cricket pitches, Leather Museum, Muslim graves; save services; traffic management)

* This number may be higher if petitions were handed directly to service area

**as at 10 March 2017

Thresholds

1.3 The Corporate and Public Services Overview and Scrutiny Committee recommended consultation take place on the future thresholds for the petition scheme moving forward.

For information the existing thresholds for a response to a petition are as follows:

Number	Response
0 - 499	Response from Executive Director
500 - 1499	Senior Officer gives evidence on issue at an Overview and Scrutiny Committee meeting
1500+	Council debate

Benchmarking:

1.4 The previous benchmarking exercise showed the following range of thresholds:

- Debate at Scrutiny – 750 – 2600
- Debate Council – 750 – 4,000.

1.5 Some authorities set the threshold for a debate at Council as a percentage of the local population.

1.6 From the benchmarking information available, at 500 signatories, Walsall has the lowest threshold for requiring a senior officer to give evidence at an Overview and Scrutiny Committee. The next lowest amount of signatories required is 750. Some authorities don't have a threshold for referral to scrutiny for debate. Petitions are either responded to at Council or by an officer.

1.7 As aforementioned some authorities set the threshold for a debate at Council at 5% or 2.5% of the local population. At the 2011 census the population of Walsall was 269,323. Therefore if the threshold was set at 5% or 2.5% in Walsall this would mean a petition would require 14,616 or 7,308 signatures respectively. If Walsall had adopted these thresholds then no petitions would have been debated at Council in the last three years.

The largest recent petitions have been:

- Stubbers Green 3,700 (Sept 16)
- Pelsall Library 3,082 (going to April 17)
- Streetly Library 3,000 approx (Jan 15)
- Pleck Library 3,000 approx (Feb 16)

2.0 Potential options for new thresholds

2.1 Before looking at the specific signatory thresholds it is possible to identify a number of options for operating a petitions scheme. These are set out below. It is suggested Members select their preferred option and then, if required, discussion can take place on suitable levels for thresholds in the future.

Option 1	Status quo
Anticipated impact – petitions to be considered in similar numbers at Council and Scrutiny Committees and by Executive Directors.	
Option 2	Increase Council threshold and leave scrutiny the same
Anticipated impact – will increase the number of petitions at Scrutiny Committees and reduce the numbers of petitions considered by Council. Executive Directors responses unaffected.	
Option 3	Increase/remove Scrutiny Committee threshold and leave Council the same

Anticipated impact – will increase the number of petitions to be responded to by Executive Directors. The number of petitions considered at Scrutiny would decrease or be eliminated. The numbers of petitions considered at Council would remain static.	
Option 4	Increase thresholds at Scrutiny Committee and Council
Anticipated impact – will increase the number of petitions to be responded to by Executive Directors. Anticipated to reduce the number of petitions considered at Scrutiny and Council to issues with more public support.	
Option 5	Reduce thresholds for debate at Council and Scrutiny Committees
Anticipated impact – will increase the numbers of petitions debated at Council and Scrutiny Committees. Will reduce the number of petitions to be responded to directly by Executive Directors	

3.0 Residency

3.1 It is not uncommon for petitions that affect Walsall to be signed from people around the world. Members expressed the view that petitions had greater weight when signed by local people truly affected by an issue. Notwithstanding the fact that Walsall petitions could sometimes have national and international importance too.

3.2 If this issue is to be addressed a new clause could be inserted into the petitions scheme along the following lines:

“For petitions of local significance petitions can be signed by anyone who lives, work or studies in the borough of Walsall, including young people under the age of 18.

For petitions of national and international importance petitions can be signed by any person, including young people under the age of 18.

The council reserve the right to review the signatories to petitions and remove the names of ineligible persons if required.

In order to decide if a petition signatory is valid or if a petition is of local, national or international significance the Head of Legal and Democratic Services will review the information available before making a decision. His/her decision will be final.”

4.0 Limitations with some petition issues

4.1 It also seems reasonable to include some text providing clarity on what a petition should cover and the limitations of the Council to act in some circumstances. For example the Council has previously considered a petition regarding the closure of local post office. Fortunately the post office was willing to engage and attend a meeting. This may not be the case in every circumstance.

“Petitions should relate to something that is of specific local concern and over which the council and its partners can exert influence.

If your petition is about something over which the council has no direct control (for example local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason then we will set out the reasons for this to you.”

5.0 Resource and legal considerations:

The Local Democracy, Economic Development and Construction Act 2009 briefly required a principle local authority to create a petitions scheme. The provisions of the 2009 act regarding petitions came into force on the 15 June 2010 and were repealed by the Localism Act 2011 with effect from 1 April 2012. For the majority of local authorities, processes for dealing with petitions were already in place to local authority by a body of citizens were usually presented to the full Council by one of the Council members. Some councils have removed or amended the provisions regarding petitions from their constitutions following the repeal of the statutory requirements, while others have retained the schemes introduced under the 2009 Act. Practice varies, but as a rule, no speech or debate is permitted on the petition that, either on the motion of the member presenting it or of the chairman or automatically under standing orders, is referred to the appropriate committee or Cabinet for consideration.

6.0 Citizen impact:

The DCLG guidance said that signing a petition is one way for citizens to express their concerns and priorities to their local authority and that a Citizenship Survey in 2007 showed that petitions are the most popular and recognised form of civic action. However in a 2008 survey of all local authorities the DCLG found that only one in five Councils make details about how to submit a petition publicly available. This led to the creation of legislation in relation to petitions. The rules on petitions were intended to enable public access to the decision-making processes of the authority and as such contribute towards open and inclusive governance. Data as to usage of the petition scheme is at 1.2 above.

7.0 Environmental impact:

None

8.0 Performance management:

To improve the efficiency and effectiveness of the operation of the council's petition scheme.

9.0 Equality Implications:


No, as what is being proposed are minor alterations to the scheme. Access to the petition scheme will still be available to all residents of the borough.

10. Consultation:

None as of yet as it is the purpose of this report to make a decision in respect of consultation. The level of consultation would be dependent upon the extent of proposals to change the scheme.

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