



Report to Cabinet

Date: 10 January 2008

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Subject: Consultation Paper - Local Petitions and Calls for Action

1. Purpose of the Report

The Department for Communities and Local Government has issued a consultation paper seeking views on:

- how the 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.

The consultation paper is available at:

www.communities.gov.uk/publications/localgovernment/petitionscalls.

A copy is available in the Members' Room.

Members are asked to consider whether to respond to the consultation paper either through Cabinet or the Policy Review Scrutiny Committee.

2. Background

The Governance of Britain Green Paper published in 2007 identified petitions as an important way for communities to express their views collectively, generate local debate and improve the connection between residents and local authorities. The Local Government and Public Involvement in Health Act 2007, introduced a power for Councillors to refer local government matters for consideration by a relevant scrutiny committee.

The consultation paper raises various questions, set out below, as to how these proposals might work in practice.

3. Consultation Questions

A. Petitions

- (a) **The Government believes that 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 suggested conditions are:

- (i) the subject of the petition relates to the functions of the local authority or its partners;
- (ii) the petition has been organised by a local person;

Views are requested on how to define “local person”; suggested options are:

- a person on the electoral register for the area;
- any adult working in the area when the petition is submitted;
- any adult who has lived or worked in the area for a qualifying period before the petition is submitted.

Other than the first option it is also suggested that the definition of “local person” be extended to cover anyone attending a school or college in the area to make the submission of a petition available to children.

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

A balance has to be drawn between requiring a local authority to respond to all petitions, even those with very little support, with all the attendant costs and setting a very high level of required signatures before a response is required, which would defeat the object. There are three suggested approaches:

- an absolute number eg at least 250 signatures;
- a proportion of relevant signatures eg at least 1 percent of the electorate of the area in question;

This could make it difficult for the petition organiser to know how many signatures were required and for the Council to know what was the area affected, unless this was defined by Wards.

- an absolute number or a given proportion of the population whichever is lower eg 200 signatures or 5 percent of the population.

Views are requested on these or any alternative.

B. Calls for Action

- (a) **What if any matters should be excluded from the call for action.**

The Secretary of State can exclude matters from being subject to the call for action. This power has been given to her in order to remove from a Councillor's power to refer matters to scrutiny such things as planning or licensing matters which have their own statutory appeal and review mechanisms for decisions taken by a local authority.

The Secretary of State now seeks views as what exactly should be excluded and why.

- (b) **What guidance should Government provide on the operation of Councillor call for action.**

It is suggested that guidance may be provided to members as to when and in which circumstance they would exercise the power to call for action.

Statutory guidance could also be provided in terms of the timetable for responses.

- (c) **Overall**

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

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

It is **recommended** that Cabinet consider the consultation paper and whether they would wish to respond or refer the paper to the Policy Review Scrutiny Committee for consideration.