

**Governance Committee**

**28<sup>th</sup> November 2011**

**Review of Petitions Scheme**

**Report by Head of Legal and Democratic Services**

**Executive Summary**

When the current Petitions Scheme was approved by the County Council on 28<sup>th</sup> May 2010 the Governance Committee requested that the operation of the scheme, including the number of signatures required to trigger debates at County Council and officers giving evidence to Select Committees, should be reviewed by the Committee after a year of operation. The Committee is therefore asked to endorse a number of proposed improvements to the scheme and to consider some further options for recommendation to the County Council.

**Recommendations**

- (1) That the County Council be recommended that:
  - (i) The number of signatures required for a debate at County Council or consideration of an issue by a Select Committee remain at 3,000 and 500 respectively and that there continue to be no minimum number of signatures required for a response to a petition from the County Council (paragraphs 2.5 and 2.6);
  - (ii) The deadline for submission of petitions to be debated by a Council meeting be increased from 13 to 15 working days (paragraph 2.7);
  - (iii) The order of business at Council meetings be revised to allow debates on petitions to be taken after any address by a Cabinet Member (paragraph 2.8);
  - (iv) The petitioner and the Cabinet Member be given the opportunity to make a closing statement at the end of a debate for a maximum of three minutes each, with any propositions put forward after any closing statements (paragraph 2.10);
  - (v) The deadline for submission of petitions to be debated by a Select Committee meeting be set at 15 working days (paragraph 2.12);
  - (vi) The procedure for allowing the petition organiser to present a petition at a Council meeting be applied to the consideration of petitions by Select Committees (paragraph 2.14);
  - (vii) Guidance on what may happen as a result of a Select Committee debate on a petition be included in the Petitions Scheme as is the case with debates at Council meetings (paragraph 2.15); and

- (viii) The consequential changes to the Constitution, as set out at Appendix 1, be approved.
- (2) That the Committee considers whether it wishes to recommend to the County Council any further changes, including either of the options set out below:
- (i) A restriction on duplicate petitions being submitted within six months (paragraph 2.4).
- (ii) The submission of a written statement of not more than 500 words to accompany a petition (paragraph 2.9).

## 1. **Background**

- 1.1 The current Petitions Scheme was approved by the County Council on 28<sup>th</sup> May 2010 and came into effect by 15<sup>th</sup> June 2010. The scheme enables anyone who lives, works or studies in the county to sign or organise a petition and require a response from the Council if the petition meets the criteria. An electronic petitions facility was introduced in December 2010.
- 1.2 If a petition acquires a prescribed number of signatures the scheme provides for the matter to be debated at full Council (3,000), or for a senior officer to be called before a Select Committee (500 signatures). There is also provision for Select Committees to review the County Council's response to a petition at the request of the petition organiser.
- 1.3 The County Council has received 44 petitions since the introduction of the Petitions Scheme in May 2010. Of these 33 have been paper petitions and 11 have been submitted via the e-petitions facility. There have been three petitions that have reached the 3,000-signature threshold to trigger a debate at County Council as follows:
- Fire Service Redesign
  - Day Care Services
  - Adults' Services - 'Don't Cut Us Out: Speaking for the Vulnerable'
- 1.4 There was also a petition which reached the 500-signature threshold and was considered by the Adults' Services Select Committee in March entitled 'Speak up for Vulnerable People in West Sussex' on Fair Access to Care Services. The other petitions have all been handled appropriately and have been considered by the appropriate Cabinet Member, County Local Committee or Director, depending upon the topic. The lead petitioner always receives a response setting out what action the Council is able to take and is kept informed of progress.

## 2. **Review of Scheme**

- 2.1 When the Governance Committee considered the draft Petitions Scheme before its approval by the County Council it requested that the operation of the scheme, including the number of signatures required to trigger debates at County Council and officers giving evidence to Select Committees, should be reviewed by the Committee after a year of operation.

- 2.2 Since the introduction of the scheme the Department for Communities and Local Government has withdrawn the statutory guidance on the duty to respond to petitions (with effect from 24<sup>th</sup> September 2010) so that local authorities have more discretion to decide how to approach petitions locally. The statutory duties to provide the facility remains in place but local authorities can now consider variations to respond to local need.
- 2.3 It is therefore timely to consider the operation of the County Council's Petitions Scheme to ensure it is working in the most cost effective and efficient way and fulfilling its aim of enabling people in the county to petition the Council and to obtain a reasoned response. Whilst in general the scheme is working well and achieving its objectives there are some areas which could be improved as set out in the recommendations. In addition, research shows that a number of variations have been adopted by local authorities and some further options are included for the Committee's consideration.

### **Submission of petitions**

- 2.4 The procedure for the submission of petitions is working well. Petitioners are encouraged to submit petitions via the e-petitions facility wherever possible but paper petitions are also accepted. One improvement would be to clarify that duplicate petitions will not be accepted within a particular period, say six months. This is easier to monitor and control with an e-petition as it can be rejected on the system before it starts. The petitioner would be e-mailed to explain the reason for rejection. However, it could also apply to paper petitions. If someone were to submit a duplicate paper petition a standard letter could be sent to explain why their petition was being rejected but also referring them to the earlier petition and its outcome.

### **Number of signatures required**

- 2.5 The signature thresholds adopted by the County Council for petitions to be considered by either the full Council or a Select Committee are amongst the lowest of any county councils. However, given that in the first year of operation only four petitions reached the thresholds, it is suggested that the number of signatures is about right. It is therefore recommended that the signature thresholds remain at 3,000 for a debate at County Council and 500 for consideration by a Select Committee.
- 2.6 Consideration has also been given to whether or not setting a minimum number of signatures for a response from the County Council would be beneficial. However, it is not felt that it would significantly change the number of petitions received. It might also prevent small petitions on very local issues being considered by County Local Committees and for these reasons no minimum is being proposed.

### **Consideration of petitions by the County Council**

#### **Timing of submission of petitions to Council**

- 2.7 The scheme gives a deadline of 13 working days before a County Council meeting for a request to present a petition to the Council but does not give guidance on how long before a Council meeting a petition should be

completed to fit in with the agenda despatch for the meeting. In practice it would be helpful if petitions were completed at least 15 working days before a meeting to allow time for verification of the number of signatures and inclusion on the agenda. Petition organisers who are attempting to gain enough signatures to make a presentation to the County Council are encouraged to liaise with Democratic Services so that they are clear about procedure and timing. An amendment to Petitions Scheme to put this into effect is set out at Appendix 1.

### **Position of petitions on the Council agenda**

- 2.8 The current order of business puts petitions after Leader's question time. This means it is unlikely that a petition would be debated before about 12.30 p.m. For the three petitions debated so far, with the agreement of the Council, the debates have been taken before written questions. This ensured that the debates were completed in the morning sessions and made it easier to state the timing of the debate for those wishing to watch the webcast. It is therefore proposed that the order of business for Council meetings set out in Standing Orders should be revised to allow debates on petitions to be taken after any address by a Cabinet Member. An amendment to Standing Order 14 to put this into effect is set out at Appendix 1.

### **Statement to accompany petitions to Council**

- 2.9 Some authorities allow petitioners to submit a written statement of not more than 500 words to be received by 5 p.m. on the Monday of the week of Council. The relevant directorate also submits a brief position statement/briefing note by the same deadline. The Committee may wish to consider if it feels it would be helpful for the County Council to adopt such a practice.

### **Closing Statement by petitioner and Cabinet Member at end of petition debate at Council**

- 2.10 The procedure for debates on petitions at County Council meetings allows for the petition organiser to make a five-minute presentation followed by a five-minute reply by the Cabinet Member. This is followed by a maximum of 30 minutes for a debate. It is suggested that, in addition to the five-minute slots before the debate, it would also be helpful for the petitioner and the Cabinet Member to be given the opportunity to make a closing statement at the end of the debate to comment briefly on the issues raised. It is suggested that there should be a maximum of three minutes each for both the petitioner and the Cabinet Member. It is proposed that any propositions should not be put forward until after the petitioner and Cabinet Member have made their closing statements. Propositions should not be open to comment or debate but will be put to the vote. Amendments to Standing Order 10 and to the Petitions Scheme to put this into effect are set out at Appendix 1.

### **Consideration of petitions by Select Committees**

- 2.11 As mentioned previously, so far only one petition has been considered by a Select Committee. In general petitioners have expressed more interest in making presentations to the County Council than to a Select Committee

despite the low threshold compared with other county councils. Whilst the statutory duty requiring the County Council to make available a facility for petitioners to question officers at Select Committees remains, it is recommended that the guidance on how petitions are dealt with at Select Committees should be reconsidered and suggestions are set out below in paragraphs 2.12 to 2.15.

### **Timing of submission of petitions to Select Committees**

- 2.12 The scheme as currently drafted gives a deadline for submission of questions to a Select Committee (five working days) but does not give guidance on how long before a Select Committee meeting a petition should be completed in order to fit in with the agenda despatch for the meeting. In line with the proposal in relation to petitions for debate at County Council it is proposed that petitions for Select Committee consideration should be completed at least 15 working days before a meeting to allow time for verification of the number of signatures and inclusion on the agenda. An amendment to Petitions Scheme to put this into effect is set out at Appendix 1.

### **Presentation of petitions to Select Committees/written statements**

- 2.13 As currently drafted the Petitions Scheme does not provide for the petition organiser to make a presentation to the Select Committee but instead suggests that questions should be submitted in advance for the Chairman to ask on the petitioners' behalf. At the discretion of the Chairman, when the Adults' Services Select Committee considered a petition in March the petitioner was allowed to address the committee and this was appreciated by the petitioners. Some local authorities give the petitioner the opportunity to address the committee for five minutes following which the relevant senior officer (accompanied by the Cabinet Member in some cases) is required to address the committee on the issue raised by the petition. Members then question the relevant officer and the Chairman may invite the petitioner to suggest questions to be put to the officer. Others allow the petitioner a further five minutes to question the officer directly, to be used to seek only genuinely new information. Some local authorities also allow the submission of a written statement of no more than 500 words.
- 2.14 The views of the Select Committee chairmen and vice-chairmen have been sought and their preference is to follow the same procedure as for petitions to the County Council with regard to presentations. It is therefore proposed that the petitioner should have the opportunity to address the Committee for five minutes followed by an address by the relevant senior officer. The petitioner and the officer will also be given the opportunity to make a closing statement at the end of the debate to comment briefly on the issues raised. Amendments to the Constitution to put this into effect are set out at Appendix 1.

### **Response of Select Committees to petitions**

- 2.15 The guidance in the Petitions Scheme on the consideration of petitions by Select Committees does not give any guidance on the action a Select Committee may take as a result of a petition. It is suggested that it would be helpful, as is the case in the guidance on debates on petitions at Council

meetings, to set out what may happen as a result of the Select Committee's deliberations. Suggested wording for inclusion in the Petitions Scheme is set out at Appendix 1.

### **Conclusion**

- 2.16 The Committee is asked to endorse the recommendations for approval by the County Council and to consider whether to recommend any further changes from the options set out in the report. Amendments to the Constitution will be drafted prior to the County Council meeting for any further changes that are endorsed by the Committee.

### **3. Consultation**

Members of the Cabinet and Select Committee chairmen and vice-chairmen have been consulted. Their comments have been taken into account in drafting the report.

### **4. Equality - Customer Focus Appraisal**

- 4.1 A Customer Focus Appraisal has been undertaken and is attached as [Appendix 2](#) to this report.
- 4.2 The very nature of the petition process can be a stressful one for all involved and can be more difficult for some customers with protected characteristics. Whilst the addition of the opportunity to make closing statements at the end of a debate or submit a written statement may be more difficult for some of the protected characteristic groups, there is no requirement to make a presentation in support of their petition and the adoption of a written statement, if adopted, might be preferable. Petitioners can ask their local member to make a presentation on their behalf. In addition, officers offer support and advice to those wishing to make a presentation. Therefore whilst some aspects of the proposals could be more difficult for some protected groups to take advantage of, there are advocacy arrangements in place which should mitigate any negative impacts on particular groups of customers.
- 4.3 The effectiveness of the changes to the Petitions Scheme will be monitored through feedback from petitioners and members and officers responsible for responding to petitions. In addition, the implications for the Petitions Scheme from the Localism Bill will be assessed once the Bill is enacted.

### **5. Resource Implications and Value for Money**

There are no resource implications arising from any changes to the running of the petitions scheme that the Committee may wish to endorse.

### **6. Risk Management Implications**

None arising from this report.

7. **Crime and Disorder Act Implications**

None.

8. **Human Rights Act Implications**

None.

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**Background Papers**

None other than published

**Amendment to Standing Orders**

Petitions

**10.(1) (b)** The organiser of the petition (or his or her nominee) may attend the meeting of the County Council so as to address the County Council for not more than five minutes. The relevant Cabinet Member **(s)** (as determined by the Head of Legal and Democratic Services in consultation with the Chairman) shall be entitled to speak for up to five minutes in reply and the matter may then be debated for no more than 30 minutes, with a time limit of three minutes per member. ***The Chairman shall have the discretion to allow the petitioner and the relevant Cabinet Member(s) to make a closing statement for not more than three minutes each at the end of the debate and before any proposition is made. Propositions will not be open to comment or debate but will be put to the vote.***

(d) Where the petition meets the criteria for requiring the attendance of a senior officer before a meeting of a Select Committee the organiser of the petition (or his or her nominee) may submit in writing at least five days before the meeting questions to be answered by the relevant senior officer at the meeting. ***The organiser of the petition (or his or her nominee) may attend the meeting of the Select Committee so as to address the Committee for not more than five minutes. The relevant senior officer(s) (as determined by the Head of Legal and Democratic Services) shall be entitled to address the Select Committee for up to five minutes in reply. The Chairman shall have the discretion to allow the petitioner and the relevant senior officer(s) to make a closing statement for not more than three minutes each at the end of the debate and before the Select Committee decides how to respond to the petition.***

**Order of Business; Time Limits**

**14. (1)** The order of business at a meeting of the County Council shall be:

(i) To choose a member other than a member of the Cabinet to preside if the Chairman and Vice-Chairman of the County Council are absent;

- (ii) When required by statute, to elect a Chairman;
- (iii) When necessary, to appoint a member of the County Council to be Vice-Chairman;
- (iv) Members' interests;
- (v) To consider whether the minutes of the last meeting of the County Council are a correct record;
- (vi) Where necessary to appoint a member to fill a vacancy which has arisen on any committee.
- (vii) To deal with business required by statute to be done at the meeting;
- (viii) To deal with business specially brought forward by the Chairman;
- (ix) To receive an address from a Cabinet Member under Standing Order 15(5).
- ~~(xxiv)~~ To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 10(1).
- ~~(xi)~~ To deal with business remaining from the last meeting, if any;
- ~~(xii)~~ To answer questions asked pursuant to Standing Order 15(2);
- ~~(xiii)~~ To answer questions asked pursuant to Standing Order 15(11);
- ~~(xiv)~~ To answer questions asked pursuant to Standing Order 15(12);
- ~~(xv)~~ To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 10(1).

### **Amendments to the Petitions Scheme**

#### **County Council Debates**

17. If a petition contains a minimum of 3,000 signatures the County Council will debate it unless it is a petition asking for a senior council officer to give evidence at a public meeting (see below). The County Council will endeavour to consider the petition at its next meeting (***as long as the petition is completed at least 15 working days before the meeting to allow verification of signatures***), although on some occasions this may not be possible and consideration will then take place at the following meeting.

18. If you would like to present your petition to the Council, or would like your local Member to present it on your behalf, please contact the Head of Legal and Democratic Services at least 13 working days before the meeting and an officer will talk you through the process. The petition organiser will be given five minutes maximum to present the petition at the meeting.
19. The relevant Cabinet Member **(s)** will be given five minutes (maximum) for a right of reply before members discuss the petition for no more than 30 minutes with each member allowed to speak for a maximum of three minutes. ***The Chairman has the discretion to allow the petitioner and the relevant Cabinet Member(s) to make a closing statement for not more than three minutes each at the end of the debate and before any proposition is made. Propositions will not be open to comment or debate but will be put to the vote.***
20. The County Council will debate how to respond to the petition at this meeting. It may for example recommend a relevant Cabinet Member to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter. Where the issue is one on which a Cabinet Member is required to make the final decision, the County Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.
21. Dates and times of County Council meetings can be found on the website.

### **Officer Evidence**

22. Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.
23. If your petition contains a minimum of 500 signatures, and your petition clearly states the specific issue you want to raise, the relevant senior officer **(s)** will give evidence at a public meeting of the appropriate Select Committee. ***The Committee will endeavour to consider the petition at its next meeting (as long as the petition is completed at least 15 working days before the meeting to allow verification of signatures), although on some occasions this may not be possible and consideration will then take place at the following meeting.***
24. ***If you would like to present your petition to the Select Committee, or would like your local member to present it on your behalf, please contact the Head of Legal and Democratic Services at least 13 working days before the meeting and an officer will talk you through the process.***
25. ***The petition organiser will be given five minutes maximum to present the petition at the meeting. The relevant senior officer(s) will then address the Committee for a maximum of five minutes. The***

***Chairman has the discretion to allow the petitioner and the senior officer(s) to make a closing statement for not more than three minutes each at the end of the debate and before the Select Committee decides how to respond to the petition.***

26. The senior officers that can be called to give evidence are the Chief Executive, Executive Directors and officers from the Strategic Management Group. Their details can be found on the County Council's website. You should be aware that the Select Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition - for instance if the named officer has changed jobs. The Select Committee may also decide to call the relevant Cabinet Member **(s)** or another Member to attend the meeting.
  
27. The Select Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chairman of the Committee by contacting the County Council's designated Scrutiny Officer up to five working days before the meeting. Details will be given to you to assist with this process. ***The Select Committee will consider the petition and decide how to respond. It may, for example, recommend a relevant Cabinet Member to take action arising from the debate. The petition organiser will receive the relevant minute of the Select Committee's deliberations and recommendations, which will also be published on the County Council's website.***