

Contact Robert Della-Sala

Tel 0208 583 2279

E- mail robert.della-sala@hounslow.gov.uk

Borough Council – Tuesday 29 November 2011

Review and Update to the Petitions Scheme

Report by: Theo Dennison, Cabinet Member for Performance and Customer Care

1.0 Recommendations

1.1 That Members adopt the revised Petition scheme that is attached to this report

2.0 Executive Summary

2.1 In June 2010 the Council was required to establish a petitions scheme and in December 2010, the Council was required to implement an on-line e-petitions scheme.

2.2 The scheme established was designed to provide a simple mechanism for residents to let the Council know their concerns and request action to address them. It provided for a single point of contact in the person of the Mayor as first citizen supported by the Head of Democratic Services and required members of the Cabinet to propose a suitable response to the petitions received, The e-petitions scheme allowed residents to submit, and the Council to manage, petitions via the www.hounslow.gov.uk website.

2.3 It was agreed that a review of the scheme would be undertaken once it had been in operation for a reasonable time.

2.4 The purpose of this report is to provide Members with a summary of the petitions received and recommend changes to the scheme to ensure that it continues to operate effectively and can be managed within the confines of the time available at Council.

2.5 The main changes to the scheme are that where petitions concern local, ward, matters they may be referred by the relevant Cabinet member directly to the relevant Area Committee for consideration instead of to Borough Council first so allowing them to be dealt with more swiftly and to establish that where they concern matters arising from the annual budget setting process they will be incorporated straight into any formal budget consultation process.

2.6 In addition, this report recommends that Borough Council should receive a brief report outlining what petitions have been received and what actions have been taken to ensure they are properly considered.

2.7 This report also asks Members to note the new guidelines for when residents can call upon the Council to hold a referendum.

3. Petitions data

- 3.1 On-line petitions went live on 14/12/10; petitions that pre-dated this were also uploaded onto the web portal. This report therefore covers the whole of the first year of operation of the petitions scheme from 1/4/10 to 31/3/11.
- 3.2 The petition scheme has proved extremely popular and 85 petitions have been received. The table below shows a breakdown and analysis of these petitions.

Petitions		
Total petitions received	85	
Of which on-line petitions received	53	62.4%
Of which off-line petitions	32	37.6%
Total signatures	27,898	
Of which on-line signatures	4,060	14.6% ¹
Of which off-line signatures	23,838	85.4%
Average signatures per petition	336	

- 3.3 Feedback from residents has been very positive and petition organisers have commented on how easy it is to use the petitions web portal.
- 3.4 The table below gives an indication of the issues and Departments that petitions related to.

Department/Team	Number of petitions
All departments	2
CSLL – schools	4
CSLL – Youth Services	2
Community Services	12
Housing	1
Environment – Enforcement	4
Environment – Leisure	20
Environment – Planning	3
Environment – Parking	18
Environment – Street Services	5
Environment – Transport	4
Hounslow Homes	10

¹ On-line petitioners are required to register their email address so as to authenticate their signatures.

4.0 Lessons learned

- 4.1 Some petitions have been presented to Borough Council twice, on their original receipt and later when a response had been prepared. This has taken time at Council without obvious benefit.
- 4.2 There have also been a number of petitions that have been of a similar nature or have been created to counteract a petition that has been already submitted. This has meant that petitions on the same topics have been presented to Borough Council on several occasions. These have taken time to deal with without obvious benefit as members would inevitably have considered all options when determining a response to a petition.
- 4.2 Petitions relating to local, ward, matters have generally been referred to the relevant Area Committee but, having been presented to Borough Council first may have had their consideration at Area Committee delayed because the Borough Council meets infrequently. In addition, on occasion petitions on a ward matter have not been notified to the local ward councillors who in other circumstances may have been able to help resolve the matter.
- 4.3 The receipt of petitions has sometimes been taken as an opportunity for general debate. It was never intended that the petitions scheme should provide an opportunity for councillors to make their own comments or raise their own concerns on every issue. The scheme is intended to provide an opportunity for the public to raise a matter to the attention of members and for the Council to agree a response to the petition that in its opinion will best resolve that concern.
- 4.4 In its first year of operation, petitions relating to matters arising from the annual budget making process have been fed into the budget consultation process but then presented afresh to Borough Council after the budget had been agreed. The effect of this was that at the Borough Council in June 2011, the whole time originally allotted for the meeting was taken up dealing with petitions concerning issues considered at the March Borough Council. No limit is currently set for dealing with petitions and this can therefore mean that other items of Council business are denied an airing or meetings might continue later into the evening that is ideal.

5.0 Proposed Changes to the Petition Scheme

On receipt of the petition

- 5.1 The current scheme allows for a petition containing ten signatures to be formally presented to the Council. There will be no immediate change to this requirement. However the minimum number of signatures required on a petition will be reviewed every three months to ensure that the scheme continues to operate in an effective way.
- 5.2 Where a petition has already been reported to Council, it is recommended that petitions which are materially on the same subject will not be accepted for a period of six months from the last presentation, unless there has been a change in law or there is a material difference that requires a new decision to be made. Petitioners will be notified of this where a petition is being created

on-line or as soon as a petition has been received. It is recommended that the lead member will make the final decision as to whether to accept a similar petition within the six month period.

- 5.2 The revised petitions scheme provides that the deadline for petitions to be considered at a Council meeting should be 7 clear working days before the meeting (just as it is for council questions and motions). This will allow for the petition to be published as part of the agenda and allow adequate time for a response to be drafted. It will avoid petitions being presented twice at Council.
- 5.3 Paragraph 7.1 of the petitions scheme already says that 'The Council will endeavour to deal with the petition at its' next meeting, although on some occasions this may not be possible.'
- 5.3 It is recommended that paragraph 7.1 should now be amended to read: 'Petitions will normally be presented to the next available Council meeting so long as they are received 7 clear working days beforehand.'
- 5.4 Where the relevant Cabinet member proposes that one or more petitions should be referred to another meeting e.g. an area committee or scrutiny then these petitions should not be formally 'presented' at Council - they should simply be reported to the meeting and the proposed response (i.e. reference to another meeting) can then be noted or challenged in the usual way.
- 5.5 It is recommended that where a petition relates to a local, or ward, matter it should normally be referred by the Cabinet member to the relevant Area Committee in the first instance.
- 5.6 Where a petition has specific relevance to a ward, all ward members should be notified that the petition has been received.

At the Council meeting

- 5.7 It is recommended that the time allotted to dealing with petitions at Council should be set by the Mayor in the light of the other business to be considered. The time allocated should not prevent the Council or Area Committee from dealing with all other business on the agenda.
- 5.8 It is the traditional role of the Mayor or Chair of a meeting to ensure that the agenda is properly managed. It is recommended that the Council's procedural rules should be amended to add that the time allocated to petitions at Council or Area Committee should be no greater than 45 minutes.
- 5.9 Where two or more petitions are of a similar nature or the response proposed is the same, they should normally be grouped together and the Cabinet member responsible asked to make a single response.
- 5.10 Petitions should not be taken as an opportunity for a general debate (that opportunity is provided by motions). Receiving a petition should be limited to the presentation of the petition and agreeing a response. This can usually be achieved without a vote but if it is not clear that there is agreement, the Mayor should ask for the Cabinet member's proposed response to be formally seconded and then put to a vote without debate.

- 5.11 If the proposed response is not carried then the Mayor will invite another member of the Council to propose an alternative response which if seconded will then itself be put to the vote.
- 5.12 To clarify matters and avoid lengthy debate on every petition, it is recommended that paragraph 7.2 of the petitions scheme should be amended by deleting the word 'debate' in the second sentence and substituting the word 'response'.
- 5.13 It is recommended that the four minutes allocated for the lead petitioner to present their petition should be strictly kept to. If the petitioner has more to say they should be advised beforehand that may provide additional written representations if they wish.
- 5.14 It is recommended that a written response is prepared by the relevant Cabinet member if they feel that the five minutes allocated for them to make their response would otherwise be inadequate.
- 5.15 Where a petition is not presented in person at a relevant meeting of the Council there will be no requirement for member to provide an oral response to the meeting. Instead a written response shall be provided to the lead petitioner and members of the Council.

Feedback

- 5.16 To keep track on the petitions received and ensure the issues they raise are properly dealt with, it is recommended that the petitions report to the following Borough Council should briefly explain how petitions previously received have been dealt with.
- 5.17 Petitioners will continue to be informed by the Head of Democratic Services how the Council will deal with their petition, at what meetings their petition will appear and who they should contact for further information.

Petitions on matters arising from the annual budget making process

- 5.15 The petition scheme needs to address the special circumstances that arise in respect of petitions on budget issues. It is therefore recommended that such petitions should automatically be incorporated into the formal budget consultation process at an early a stage as possible.
- 5.16 In addition, it is recommended that all petitions relating to budget issues should be formally and collectively presented at the budget making meeting of the Council by the Mayor so that they can properly inform the Council's budget decision making. Members of the Cabinet should then be invited to respond to the petitions as part of the general debate on the budget.

6.0 Annual general meeting of the Council

- 6.1 No petitions will be presented at Annual General meeting of the Council (and Mayor Making).

7.0 Referendum

- 7.1 The Council's petition scheme makes no mention of a local referendum. Provision for the calling of a referendum is contained among the proposals in the Localism Bill which expected to receive Royal Assent later in 2011. In the Bill it is proposed that in order for a referendum to be called, the number of signatures required is no less than 5% of the resident population of the Borough as at the 1st April of each year.
- 7.2 Once the legislation on holding a local referendum has been passed, it is recommended that the Council publishes information on this new mechanism for local accountability and the relevant threshold on its website.

8.0 Equalities implications

- 8.1 There is no requirement for a petition or a referendum to be completed on-line but petitioners are encouraged to do so. Petitions and referendums can be raised off-line using traditional paper methods and these will then be loaded on-line so that the wider public is aware of the petition/referendum.
- 8.2 Petitioners who are unable to set up their own on-line petition/referendum can contact the Head of Democratic Services and will be afforded any assistance that they so require.
- 8.3 The changes that have been recommended will reduce the time delay in petitions being acknowledged and dealt with and as a result petitioners will hear the outcome of their petition at an earlier time.

9.0 Comments of the Assistant Director of Corporate Governance's Comments

- 9.1 The Assistant Director of Corporate Governance has been consulted in the drafting of this report and his comments have been incorporated

10.0 Comments of the Assistant Director of Corporate Finance

- 10.1 There are not expected to be any direct financial implications arising from this report.

Background papers: **Petitions scheme 2010**

Consultation paper and timetable

This report has been or is due to be considered by: **Borough Council**

This report is relevant to the following wards/areas: **ALL WARDS**