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Chief Executive

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18th January 2008

Dear Ms Milner

LOCAL PETITIONS AND CALLS FOR ACTION CONSULTATION

Thank you for the opportunity to respond to the above consultation. The consultation document was considered by the Council Business Committee on 17th January 2008 and the response of Lancaster City Council is set out below.

Lancaster City Council firmly supports the Government's initiatives to empower communities. The City Council welcomes the intention of the Secretary of State to formalise the process regarding the submission of petitions and create a duty on local authorities to respond. Whilst the City Council takes petitions very seriously and there is a formal process in place for petitions and addresses to be presented to full Council this is not well developed and has rarely been used for the submission of a petition, nor for a Councillor to take up a cause on behalf of a local community.

The Council would support the principle that the subject of petitions should be broad, as set out in paragraph 19a and not just limited to local authorities statutory duties, as this fits well with the Council's ambitions in terms of community leadership and place shaping.

Organiser-of-Record

Again we would support the principle that the organiser-of-record of local petitions should be a local person. In terms of this definition we would propose the adoption of the following:

- a person appearing in the electoral register for the local authority's area
- any adult who works in the area at the time the petition is submitted.
- children and young people who live or attend full time education in the area at the time the petition is submitted.

The Council believes that the definition as set out above is open whilst protecting the 'local' nature of petitions. The Council notes that whilst it would be difficult beyond reasonable doubt to substantiate the eligibility of the last two clauses, it is our belief that on balance this offers a reasonable approach, whilst ensuring inclusivity. The Council does not support option (c) which

proposes a 'qualifying period' which would be difficult to verify and is unnecessarily bureaucratic.

Levels of Support

The Council supports the principle that the level of support required for a petition would best be expressed in terms of:

- an absolute number or a given proportion of the population, whichever is lower.

The Council believes that the example of 200 or 5% of the **relevant** population offers a reasonable threshold which does not discriminate against small communities. The Council proposes the use of census figures to determine the relevant population threshold, which includes those not on the electoral roll e.g. children and young people. These figures are also readily available.

The Council does not support an absolute number which would discriminate against small communities or a proportion of the electorate which would discriminate against those not on the electoral roll and involve time and resources in obtaining this information

Signatures

In order to ensure simplicity the signatures on local petitions should be the same criteria that is adopted for the organiser-of-record, therefore our proposal would be:

- a person appearing in the electoral register for the local authority's area
- any adult who works in the area at the time the petition is submitted.
- children and young people who live or attend full time education in the area at the time the petition is submitted.

In terms of validity the Council would support the principle that signatures should be collected within 12 months of the date of the first signature. The Council would at this stage support that petitions are restricted to paper based documents containing the Signature, Date and **Qualifying** and home address of petitioners. At present it is felt difficult if not impossible to verify the authenticity of electronic petitioners with greater opportunities for abuse of the system, the Council is of the view that this should be linked to the proposals regarding declaration of voters and the same principles applied where possible.

The Council supports the principle that local authorities should be able to accept signatures without further validation; but should be empowered to investigate if they felt necessary, and to strike them out if appropriate. Experience from petitions for the creation of town and parish councils has proven that validation is an onerous and resource intensive process.

Presentation of Petitions

The Council would support that each Council should have the duty of specifying in their constitution the process for the presentation of petitions. There is merit in the options being retained of presentation to a Councillor or Council/ Committee meeting (as specified in the constitution) which would enable the Organiser-of-Record to approach a Councillor if they did not feel able to present the petition at a meeting. The Council would further propose that Councillors should have the option of agreeing or declining to accept a petition, but where they have agreed to accept a petition there is a duty on them to present the petition to the next

available Council meeting (as specified in the constitution). This is important, in order to ensure that petitions are properly recorded, tracked and the duty to respond complied with.

The Council believes this is important as the petition may be on an issue which the Councillor feels for moral, religious or political reasons they do not wish to be associated, this does not affect the right of the Organiser-of-Record to approach a different Councillor or to present the petition themselves.

Outcomes

The Council would support Councils having a menu of options as to the way they could decide to deal with a petition once presented, they should include:

- The referral to a Committee
- The referral to Overview and Scrutiny for investigation (equating to a Call for Action)
- A report on the issues prepared by officers for consideration.
- Other course of action

The Council would also support a duty being placed upon Councils to specify to the Organiser-of-Record when they will receive a response to the issue they have raised.

Councillor Call for Action Excluded Matters and Guidance

In effect Overview and Scrutiny at Lancaster City Council has for the last four years allowed Councillors to trigger informal calls for action through requesting Overview and Scrutiny to consider and look at an issue. Overview and Scrutiny then considers the issue and if it decides not to investigate gives the reasons for this and consequently has some experience in already operating informal 'Excluded Matters'. The Council would suggest from its experience the following should constitute Excluded Matters:

- Planning decisions and items which may be brought for decision.
- Licensing decisions and items which may be brought for decision.
- Audit process and items which are likely to be considered by the Audit process.
- Standards decisions and items which may be brought for decision.
- Appeals decisions and items which may be brought for decision.
- Matters within the proper remit of the Section 151 and Monitoring Officers.
- Breaches of the Constitution and its protocols e.g. Code of Conduct etc.
- Matters relating to the terms and conditions of employment or conduct of individual or groups of staff or Members.
- Matters relating to a particular identifiable service recipient or potential service recipient.
- Complaints or matters before the courts or local government Ombudsman.
- Contractual matters, other than performance monitoring and review.

The Council believe it would be helpful if the Secretary of State provided minimum standards to be observed with regard to the Councillor Call for Action, which allowed local authorities flexibility to tailor this to their own Overview and Scrutiny processes.

Overall Conclusions

The Council believes that petitions and Councillor Call for Action are but parts of the democratic process and need to be considered alongside existing engagement mechanisms such as public speaking at meetings, the right to attend meetings, consultation, co-option, stakeholder engagement, appointments to Standards Committees and Independent Remuneration Panels

etc. as well as the proposals being brought forward with regard to community engagement, neighbourhood governance and devolution. The Council would suggest that the Secretary of State may wish to issue guidance to encourage Overview and Scrutiny Committees to consult the public with regard to potential issues for their annual work programmes, in addition to advertising the greater use of a better defined petitioning process.

Yours sincerely

CHIEF EXECUTIVE