

# Scrutiny Board

12 July 2016

<b>Report title</b>	Revised petitions arrangements and schedule of petitions	
<b>Cabinet member with lead responsibility</b>	Councillor Milkinderpal Jaspal Governance	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Kevin O'Keefe, Governance	
<b>Originating service</b>	Democracy	
<b>Accountable employee(s)</b>	Deb Breedon	Scrutiny Officer
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<b>Report to be/has been considered by</b>		

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## Recommendation(s) for action or decision:

The Scrutiny Board is recommended to:

1. To consider the schedule of petitions and note the action taken by officers.

The Scrutiny Board is recommended to:

2. Note the revised arrangements for petitions.

## 1.0 Purpose

- 1.1 To consider the schedule of petitions and note the action taken by officers.

## 2.0 Background

- 2.1 At a meeting 21 April 2016 Special Advisory Group agreed the following:

1. That the proposed arrangements for considering petitions from the public from 19 May 2016 be approved, specifically:
  - a. Petitions with fewer than 50 signatures be considered and responded to by employees, with a summary reported to the next Scrutiny Board and the relevant Cabinet Member(s).
  - b. Petitions with 50-2,499 signatures be considered by the relevant scrutiny panel with recommendations made for action by employees or review by the Executive as appropriate.
  - c. Petitions with more than 2,499 signatures be considered by the Council as per the existing arrangements.
2. That the arrangements for considering petitions be reviewed in twelve months' time.
3. That the development of a protocol for the consideration of petitions by scrutiny panels, to ensure consistency in the way they are reviewed and responded to be supported.

## 3.0 Proposed future arrangements

- 3.1 All public petitions received by the Council will be reported to and co-ordinated by Democratic Services. A draft Petitions and E-Petitions Scheme is attached (Appendix 1)
- 3.2 Initial enquiry with the relevant service will confirm if the Council can do what the petition asks. The relevant Head of Service (HOS) will send acknowledgement to the lead and second petitioner to confirm that the Council has taken the action requested and the petition will be closed.
- 3.3 **Petitions with fewer than 50 signatures** will be assigned to the relevant Head of Service (HOS) to be considered and responded to by employees, with a summary reported to the next Scrutiny Board and the relevant Cabinet Member(s).
- 3.4 **Petitions with 50-2,499 signatures** will be considered by the relevant scrutiny panel with recommendations made for action by employees or review by the Executive as appropriate.
  - 3.4.1 The Head of Governance will determine the scrutiny panel to consider the petition based on the subject of the petition and the scrutiny panel remit it most closely aligns to.

- 3.4.2 The relevant HOS or nominee will be requested to investigate the petition. The HOS will consider the content of the petition and determine the proportional response required. Any documentation should be forwarded to Democratic Services in advance of the meeting in accordance with access to information requirements.
- 3.4.3 The relevant HOS or nominee will advise the relevant Cabinet Member(s) and any affected ward councillors.
- 3.4.4 The HOS or nominee will attend the scrutiny panel with the relevant Cabinet Member(s) to respond to the petition.
- 3.4.5 The lead and second petitioner receive a copy of the Scrutiny Panel minutes and recommendation(s) within ten working days of the meeting.
- 3.5 **Petitions with more than 2,499 signatures** will be considered by the Council as per the existing protocol for dealing with petitions at full council meetings detailed in paragraph 39 of the Councils constitution.
- 3.6 It is proposed that Democratic Services will monitor execution of the petitions scheme and a performance indicator relating to response to petitions will be reported to Scrutiny Board.

Petitions with fewer than 50 signatures	Reviewed and responded to by employees within 20 working days.  Summary reported to the next Scrutiny Board meeting, and also reported to the relevant Cabinet Member(s).
Petitions with 50-2,499 signatures	Reviewed and responded to by employees at the next meeting of the relevant scrutiny panel.  Democratic Services will forward a copy of the minutes and recommendations to the lead and second petitioner within ten working days of the meeting.
Petitions with more than 2,499 signatures	Reviewed and responded to at the next meeting of the Council.

- 3.7 The proposals above should ensure that a prompt response and resolution can be provided for residents and Councillors to what are often minor, neighbourhood issues, whilst protecting the ability of members of the public to escalate any matter of concern for consideration by the Council.

#### 4.0 Schedule of Petitions

- 4.1 The schedule of petitions is attached (Appendix 2)

## **5.0 Financial implications**

5.1 There are no financial implications associated with the report recommendations. The administration of the proposed petition processes will not require any additional resources. [Finance code: GE/29062016/M]

## **6.0 Legal implications**

6.1 Under the Local Democracy, Economic Development and Construction Act 2009, the Council is required to have a petitions scheme and thereby a mechanism for consideration of petitions from the public. The proposals contained in this report will enable the Council to continue to meet this obligation.  
[Legal Code: TS/30062016/P]

## **7.0 Equalities implications**

7.1 The proposals outlined in this report do not require an equalities analysis, as the Council does not propose to change its current practice of encouraging, considering and responding to petitions. The change in respect of smaller petitions should enable a quicker turnaround and resolution of issues raised through petitions, providing an improved service to all members of the community.

## **8.0 Environmental implications**

8.1 There are no environmental implications arising from this report.

## **9.0 Human resources implications**

9.1 There are no human resource implications arising from this report.

## **10.0 Corporate landlord implications**

10.1 There are no corporate landlord implications arising from this report.

## **11.0 Schedule of background papers**

n/a

# Appendix 1

## CITY OF WOLVERHAMPTON COUNCIL



## Petitions and E-Petitions Scheme

## Introduction

The Council welcomes petitions and recognises that they are one way in which members of the public can let us know their concerns and have a direct influence on operational issues and/or a role in the policy development process. Petitioning provides direct access to elected Councillors and other key policy makers. It can raise the awareness of a particular campaign and put issues on the Council's agenda which might not otherwise be considered. The petitions process is a key part of the Council's commitment to participation, openness and accessibility.

## Background

Under the Local Democracy, Economic Development and Construction Act 2009, the Council is required to have a petitions scheme and thereby a mechanism for consideration of petitions from the public. Statutory guidance has been provided from the Department for Communities and Local Government. The Council is required to treat something as a petition if it is identified as being a petition or it seems to the Council that it is intended to be a petition.

## Main features

1. Anyone who lives, works or studies in the local authority area, including under 18's, can sign, or organise a petition and trigger a response. The government guidance recommends that councils be as flexible as possible in applying these provisions and that they may take account of signatures of people who do not supply such information or supply information which shows that they do not live, work or study in the City.
2. Petitions submitted to the Council must include the following information:
  - Details of the lead petitioner: include name, a contact address to where all correspondence will be sent and (if possible) an email address and a phone number. This is the person we will contact to explain how we will respond to the petition.
  - Text of petition: state clearly and concisely what action you want the Council to take.
  - Additional information: provide additional information relevant to your petition and the reasons why you consider the action requested to be necessary. This information will be made available to Councillors prior to its consideration of your petition and should be limited to no more than three sides of A4.
  - Action you have taken before submitting the petition: please provide a summary of the action you have taken to try and resolve the issue of concern including details of elected representatives, Council employees or other agencies (e.g. Police, etc.) you have approached.
3. Petitions should raise issues which fall within the responsibilities of the Council and have a public interest in what they propose.
4. Petitions submitted which relate to a matter on which a decision has already been made by the Council may still be considered by the relevant scrutiny panel. The Head of Governance will determine the scrutiny panel to receive the response to the petition.

5. Petitions should be submitted in good faith and be decent, honest and respectful. They should not seek to ask the Council to determine:
  - personal or commercial issues
  - specific or individual employee relations matters
  - disciplinary or grievance matters
  - matters which are subject to formal or statutory appeal processes or are sub judice (under consideration by a judge or court)
  - individual planning, licensing and housing issues or school admission appeals
  - decisions of the Standards, Audit, Planning or Licensing Committees of the Council
6. Petitions should not include:
  - offensive, intemperate, inflammatory, sarcastic or provocative language or language that might reasonably offend readers
  - false or defamatory statements
  - information which is protected by an interdict or court order
  - commercially sensitive or confidential material
  - in relation to criminal accusations, the names of individuals, or information that might easily identify them
7. The Council will not take action on any petition which it considers is covered by any of the above.
8. Petitioners may not ask the Scrutiny Panel to adjudicate on personal or commercial interests which should be determined by a court or other tribunal. Petitioners must also be able to demonstrate that there is a public interest in what they are calling for.
9. Petitions which are the same or substantially similar to other petitions and which are lodged by or on behalf of the same person or organisation will not be considered unless more than a two years have passed since the original petition was considered. In cases of dispute, the relevant scrutiny panel will decide whether a petition is admissible. For advice regarding these issues, please contact Democratic Support (details on page 6).
10. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case, we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will normally write to you to explain the reasons.

## **How do I submit a petition?**

11. Any petitions must be signed by ten or more persons from five or more identifiable households within Wolverhampton.
12. In order to process the petition, a name, address including postcode, and signature must be clear for each petitioner.

## Paper Petitions

13. Paper petitions should be submitted to the Council using the official form which can be obtained from the City Council's website: [here](#), or by contacting Democratic Support. (details on page 6)

14. Please post petitions to:

Democratic Support, Wolverhampton City Council,  
Civic Centre,  
St Peter's Square,  
Wolverhampton,  
WV1 1SH

or deliver to the Civic Centre asking for Democratic Support at main reception.

15. If you do not submit your paper petition using the official form, you will be contacted by the Democratic Support Officer and asked to complete and submit the relevant form.

## E-petitions

16. The Council welcomes e-petitions which are created and submitted through its website: <http://www.wolverhampton.gov.uk/article/2920/E-petitions>

E-petitions must follow the same guidelines as paper petitions.

17. When you sign an e-petition you will be asked to provide your name, address and a valid email address. This will trigger an email containing a link which you must click in order to confirm the email address is valid. Once this is completed your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

18. You will also need to decide how long you would like your petition to be open for signatures. Petitions can be open for a maximum of 12 months. When you create an e-petition, it may take up to five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

19. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your e-petition if you wish.

20. When your e-petition has reached its end date, you will need to submit it to Democratic Services, via the website, for processing as this is not done automatically.

21. Your e-petition will be considered in the same way as a paper petition.



## Next Steps

22. An acknowledgement will be sent to the lead petitioner with details of what the Council plan to do with the petition and when they can expect to hear from us again.
23. When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.
24. If we can do what your petition asks, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.
25. The petition will be considered by the relevant service, the relevant scrutiny panel or by the Council meeting depending on the number of signatures accrued. The acknowledgement will confirm this and tell you what will happen next.

Petitions with fewer than 50 signatures	Reviewed and responded to by employees within 20 working days A performance report against this will be reported to each Scrutiny Board meeting.
Petitions with 50-2,499 signatures	Reviewed and responded to by employees at the next meeting of the relevant scrutiny panel.
Petitions with more than 2,499 signatures	Reviewed and responded to at the next meeting of the Council.

26. If the petition applies to a planning or licensing application, is a statutory petition (for example, requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. For advice regarding these issues, please contact Democratic Support (details on page 6).
27. All petitions are considered in public.
28. Once received, Democratic Support will refer the petition to the relevant Head of Service (HOS) or nominee to investigate the substance of the petition. The HOS will consider the content of the petition and determine the proportional response required. Any documentation should be forwarded to Democratic Services in advance of the meeting in accordance with access to information requirements.
29. The relevant HOS or nominee will advise the relevant Cabinet Member(s) and any affected ward councillors.
30. The HOS will attend the scrutiny panel with the relevant Cabinet Member(s) to respond to the petition.

## Full Council Debates

31. If a petition contains more than 2,499 valid signatures or it is a petition asking for a senior Council employee to give evidence at a public meeting it will be debated by the Full Council. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next appropriate meeting.
32. The lead petitioner will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 40 minutes. The Council will decide how to respond to the petition at this meeting. It may decide 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, for example by a relevant committee or scrutiny panel. Where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The lead petitioner will receive written confirmation of this decision.

## Scrutiny Board and Panels

33. All petitions submitted to the Council with fewer than 50 valid signatures will be reported to Scrutiny Board. Petitions with 50 – 2499 valid signatures will be considered by the relevant scrutiny panel.
34. Where the subject of the petition cuts across more than one panel remit it will be dealt with by the panel that is most closely aligned with subject of the petition. The Head of Governance will determine which scrutiny panel will consider the petition.
35. Scrutiny panel's membership and schedule of meetings can be viewed [here](#). Scrutiny meetings are held in public approximately every eight weeks. The political balance of the Scrutiny Board and panels reflects the balance of the Council. The role of scrutiny is to ensure that appropriate action is taken in respect of each considered petition.
36. The lead petitioner will be invited to appear before the scrutiny panel to speak in support of the petition and answer questions that Councillors may have or you can ask your ward Councillor to attend on your behalf. Alternatively, written evidence can be provided in support of the petition and the scrutiny panel can deal with your petition in your absence. The relevant HOS or nominee and Cabinet Member will attend the meeting.
37. A summary of the debate and any recommendations will be recorded in the minutes. A copy of the minutes will be forwarded to the lead and second petitioner with ten working days of the meeting.

## How will the Council respond to petitions?

38. Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:
- taking the action requested in the petition
  - considering the petition at a Council meeting
  - holding an inquiry into the matter
  - undertaking research into the matter
  - holding a public meeting
  - holding a consultation
  - holding a meeting with petitioners
  - referring the petition for consideration by the Council's Petitions Committee
  - referring the petition for consideration by the Full Council meeting where the petition contains more than 2,499 signatures
  - calling a referendum
  - writing to the petition organiser setting out our views about the request in the petition
39. If your petition is about something over which the Council has no direct control (for example the 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 (see appendix) and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example, if what the petition calls for conflicts with Council policy), then we will inform you of this. You can find more information on the services for which the Council is responsible here <http://www.wolverhampton.gov.uk/>
40. If your petition is about something for which a different Council is responsible the petition will be referred to the relevant Cabinet Member(s) to consider what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event, we will always notify you of the action we have taken.

## What can I do if I feel my petition has not been dealt with properly?

41. If the main petition contact is not satisfied with the process followed during consideration of his/her petition, he/she may appeal in writing to the Scrutiny Board by notifying the Scrutiny and Systems Manager of his/her intention to appeal within 20 working days of being notified of the Council's decision on the petition.
42. Scrutiny Board may request the relevant HOS to report on the steps taken in response to a petition and may make recommendations to the appropriate Cabinet Member.

## **Petitions Scheme**

43. These arrangements for considering petitions came into operation on 19 May 2016.
44. Review date Spring 2017

## **Contact**

For further information and advice on the petitions process, please contact Democratic Support:

**Email:** [democratic.support@wolverhampton.gov.uk](mailto:democratic.support@wolverhampton.gov.uk)

**Telephone:** 01902 550181

**Write to:** Democratic Support, Wolverhampton City Council, Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH

## **Partner Organisations**

The following are listed by the Local Government and Public Involvement in Health Act 2007 as partner authorities.

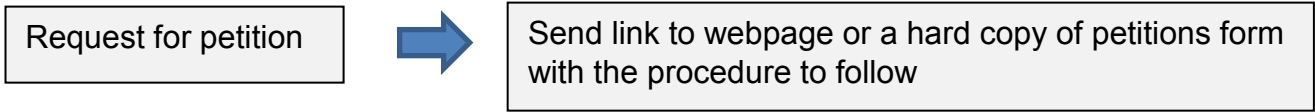
- The Fire and Rescue Authority
- Police and Crime Commissioner
- The Chief Constable of West Midlands Police
- Clinical Commissioning Group
- Black Country Partnership Foundation Trust
- Royal Wolverhampton NHS Hospital Trust
- West Midlands Ambulance Trust
- The Local Probation Board
- The Youth Offending Team
- The Arts Council for England
- The English Sports Council
- The Environment Agency
- The Health and Safety Executive
- The Historic Buildings and Monuments Commission (English Heritage)
- The Learning and Skills Council for England
- The Museums, Libraries and Archives Council
- Natural England

## **Other Partners**

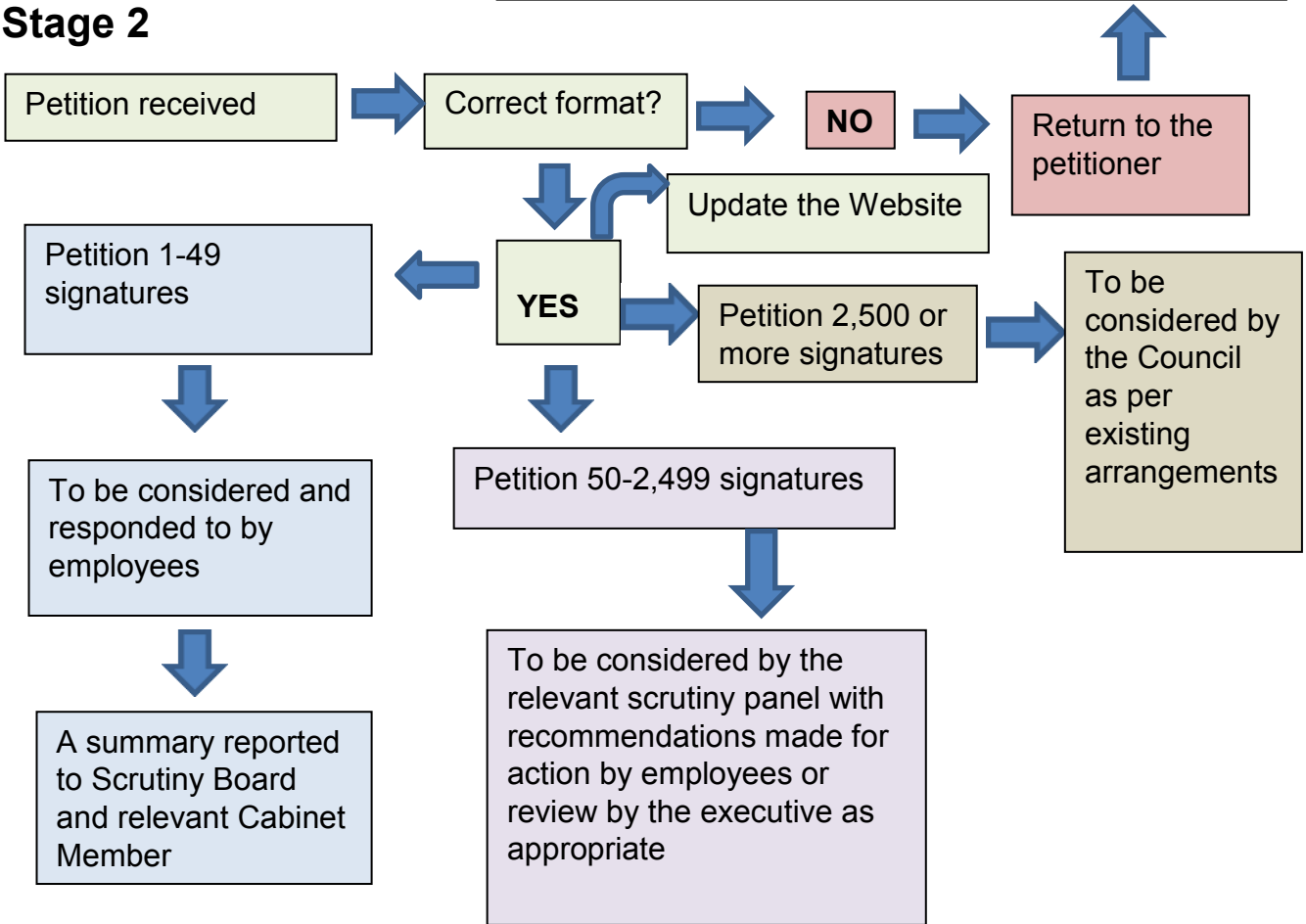
Wolverhampton Homes hold its own Petitions Committee. For more details telephone 01902 554704 or email [complimentsandcomplaints@wolverhamptonhomes.org.uk](mailto:complimentsandcomplaints@wolverhamptonhomes.org.uk).

## Petitions process

### Stage 1



### Stage 2



## Operational Procedure

### Stage 1

1. Petitions received will be reported to and co-ordinated in Democratic Services
2. If the petition is not in the correct format or relate to matters that should not be included in a petition (detailed in paragraph 6 of the Petitions scheme) it will be returned to the petitioner with an explanation why it has been returned.
3. If in the correct format the petition will be acknowledged and referred to the relevant work stream
4. Democratic Services act as main point of contact for organiser and service head.
5. The website will be updated.
6. The lead petitioner is advised of the progress and what happens next.

**Note** Initial enquiry with the relevant service will confirm if the Council can do what the petition asks. The relevant Head of Service (HOS) will send acknowledgement to the lead and second petitioner to confirm that the Council has taken the action requested and the petition will be closed.

### Stage 2

#### Petition 1-49 signatures

7. Petitions with fewer than 50 signatures will be assigned to the relevant Head of Service (HOS) to be considered and responded to by employees.
8. Officers respond to the petitioner and send a summary to Democratic Services for inclusion in the Scrutiny Board report to be reported to the next Scrutiny Board and to the relevant Cabinet Member(s).

#### Petition 50-2,499 signatures

9. Petitions with 50-2,499 signatures – relevant Heads of Service (HOS) will be requested to investigate the petition. The HOS will consider the content of the petition and determine the proportional response required.
10. The Cabinet Member and HOS will be to respond to the petition at the next meeting of the relevant scrutiny panel and advised of timelines.
11. Scrutiny officers co-ordinate the arrangements for the report writer, petitioner and public to attend and speak at the meeting.
12. Scrutiny officers include the item on the agenda for the relevant scrutiny panel.
13. The Head of Governance will determine the scrutiny panel to consider the petition based on the subject of the petition and the scrutiny panel remit it most closely aligns to.

14. Any documentation to support the petition or to evidence the response should be forwarded to Democratic Services in advance of the meeting to be distributed in accordance with access to information requirements.
15. The relevant HOS or nominee will advise the relevant Cabinet Member(s) and any affected ward councillors.
16. The HOS or nominee will attend the scrutiny panel with the relevant Cabinet Member(s) to respond to the petition.
17. The Scrutiny Chair will ask the Scrutiny Panel to agree the recommendations on the Petition and explain the outcome of the debate to the petitioners including the recommendations made for action by employees or review by the Executive as appropriate.
18. The lead and second petitioner receive a copy of the Scrutiny Panel minutes and recommendation(s) within ten working days of the meeting.

**Petition 2,500 or more signatures**

19. To be considered by the Council as per the existing protocol for dealing with petitions at full council meetings detailed in paragraph 39 of the Council's constitution.



<b>Timescale</b>	<b>Activity</b>	<b>Notes</b>
5 Minutes	The lead petitioner presents the Petition	The petitioner may nominate someone (including a Councillor) to speak on their behalf
5 minutes	Cabinet Member and Head of Service (HOS) respond to the petition	The Cabinet Member and HOS will offer a response to the Petition and may ask questions of clarification of the Petitioners.
10 minutes	Scrutiny Councillors participate in debate or ask questions of the Cabinet Member	
3 minutes	Petitioner able to ask up to three questions of the Cabinet Member	All questions to be raised at the same time.
5 minutes	Cabinet Member to respond to any questions	
2 minutes	The Chair asks Scrutiny Panel to agree the recommendations on the Petition and explains the outcome of the debate to the petitioners	
This will normally be sent within 10 working days of the meeting	The lead and second Petitioner receive a copy of the minutes and decision of the Scrutiny Panel.	

## Appendix 2 Schedule of Petitions

### Written petitions

**Q1 April – June 2016** One new petition received

Date Petition received	Issue Raised		Petition No.
29/ 06 /2016	Parking Issues – Richmond Road/Horsehill Drive Wednesfield		01 – 29/06/2016
Service Group	Area of City (Ward)	Councillors notified	Contact Officer
Place	Wednesfield		Gwyn James
Action Taken/Outcomes			
Requested the petition to be completed on the appropriate template. Once received the petition will be registered and sent to ward councillors and the relevant			
Action completed			

### E-Petitions

**Q1 April – June 2016** One new petition received

E-petition	Date	Topic	Published	End Date
E01- 14/06/2016	14.6.2016	Positive Participation commissioned Asian Mental Health Issues	22.6.2016	15.07.2016