

Special Advisory Group

21 October 2016

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| Report title | Proposed Revised Petitions Scheme | |
| Cabinet member with lead responsibility | Councillor Milkinder Jaspal Resources | |
| Key decision | No | |
| In forward plan | No | |
| Wards affected | All | |
| Accountable director | Kevin O'Keefe, Governance | |
| Originating service | Democratic Support | |
| Accountable employee(s) | Colin Parr | Head of Governance 01902 550105 Tel Email colin.parr@wolverhampton.gov.uk |
| Report to be/has been considered by | Leader's Briefing | 15 August 2016 |

Recommendation(s) for action or decision:

That the Special Advisory Group endorse the following revised Petitions Scheme for recommendation to Full Council:

1.
 - a. *Petitions with fewer than 2,499 signatures be considered and responded to by employees, within 28 days of receipt by the relevant service area. A summary of responses will be reported to Scrutiny Board and the relevant Cabinet Member(s).*
 - b. *Petitions with 2,500-4,999 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 5,000+ signatures be considered by the Council as per the existing arrangements.*

1.0 Purpose

1.1 Under the Local Democracy, Economic Development and Construction Act 2009, the Council is obligated to operate a petitions scheme. This report recommends revised petitions arrangements following the dissolution of the Petitions Committee and the adoption of new arrangements for considering petitions from the public.

2.0 Background

2.1 At the Annual Council meeting held on 18 May 2016 it was resolved '*To approve the dissolution of the Petitions Committee, as previously recommended by the Special Advisory Group*' (min 8(6) refers).

2.2 The full recommendation of the Special Advisory Group (SAG) was as follows:

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 to be considered and responded to by employees, with a summary reported to Scrutiny Board and the relevant Cabinet Member(s).*
 - b. *Petitions with 50 – 2,499 signatures to be considered by the relevant scrutiny panel with recommendations made for action by employees or review by the Executive as appropriate.*
 - c. *Petitions with 2,500+ signatures to 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 Reviewing the Scheme

- 3.1 SAG resolved that the newly implemented scheme be reviewed in twelve months' time. However, discussions at Scrutiny Board and with the Leader and Managing Director have indicated that it would be preferential to bring forward and refresh the scheme in advance of next May.
- 3.2 The majority of petitions received contain between 50 and 2,499 signatories. Under the current system officers feel that their ability to take swift action and respond to petitioners in a timely manner is hindered by the need to wait for the next meeting of an appropriate scrutiny body. A less bureaucratic approach that continues to involve scrutiny in the petitions process is therefore required.
- 3.3 At the last meeting of the Scrutiny Board, Board members expressed the view that the ability of scrutiny to undertake investigations into areas to which their work could add value was fettered by the time that it had to dedicate to considering petitions.
- 3.4 Both scrutiny members and officers supporting the scrutiny process therefore agree that a less bureaucratic approach is required.

3.5 Through the Chair of SAG, Scrutiny Panel Chairs, the Chair of Scrutiny Board, the Cabinet Member for Governance, the Leader and Deputy Leader and the opposition Group were consulted on the following two options for a revised scheme:

Option A

- a. *Petitions with fewer than 2,499 signatures be considered and responded to by employees, within 28 days of receipt by the relevant service area. A summary of responses will be reported to Scrutiny Board and the relevant Cabinet Member(s).*
- b. *Petitions with 2,500-4,999 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 5,000+ signatures be considered by the Council as per the existing arrangements.*

Option B

- a. *Petitions with fewer than 1,499 signatures be considered and responded to by employees, within 28 days of receipt by the relevant service area. A summary of responses will be reported to Scrutiny Board and the relevant Cabinet Member(s).*
- b. *Petitions with 1,500-2,999 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 3,000+ signatures be considered by the Council as per the existing arrangements.*

3.6 The key benefits to the proposed amendments are:

1. Scrutiny bodies will have a greater amount of time to undertake investigations into areas to which their work could add value whilst still being involved in the petitions process.
2. The overall quality of scrutiny could be improved.
3. Officer time preparing reports and attending meetings will be reduced.
4. Most importantly, officers will be empowered to take swift action to address concerns raised by the public via petitions, thereby inspiring trust and confidence in the Council and demonstrating that it puts customers first.

3.7 It is proposed that petitions will be distributed internally to Heads of Service who will be responsible for complying with the requirement that a response is sent within 28 days of receipt. Where the petition covers multiple services/portfolios a lead Head of Service will be identified by Democratic Services. In all cases the relevant Cabinet Member(s) is to be informed of the outcome of any petition and a central record of the petition and both the Head of Service response and the Cabinet Member(s) update will be kept by Democratic Services.

3.8 It is proposed that the Scrutiny Board receive an annual report monitoring compliance with the requirement to respond within 28 days and summarising the outcome in each case. This would enable scrutiny to monitor the success of the new process, including performance monitoring of officer actions. It should also be noted that, although petitions containing less than the required threshold would not routinely be considered by scrutiny, in some cases officers, in consultation with the relevant Cabinet Member(s), may form the view that consideration by scrutiny would add value.

- 3.9 Should a change to the thresholds be implemented it will be necessary for adjustments to be made to the protocol for the consideration of petitions that was agreed by the Scrutiny Board on 12 July 2016.
- 3.10 For information, a table is attached at Appendix A which details the petitions thresholds of the other six West Midlands Metropolitan councils, along with the unitary authorities of Shropshire and Stoke-on-Trent.
- 3.11 Proposed Option A would see the Council adopt a scheme akin to that of the comparable local authority of Stoke-on-Trent City Council, whilst the thresholds proposed in Option B are the same as those adopted by neighbouring Sandwell.
- 3.12 The time between receipt of petitions and consideration by the appropriate body, be it the Petitions Committee under the old Petitions Scheme or the appropriate Scrutiny Panel under the current Scheme, is between three to six months. It is possible that this timescale could extend further as the Scrutiny Board have raised concerns regarding the potential impact on work programmes and have discussed limiting the number of petitions considered at any given meeting to two.
- 3.13 The impact of each option based on petitions received in 2015 is detailed in Appendix B.

4.0 Removing Bureaucracy and the Key Role of Scrutiny

- 4.1 Whilst the Council promotes its petitions arrangements and has an online system for submission, the number of petitions received is relatively low (10 in 2015, plus one that the lead petitioner requested be put on hold and was therefore not considered).
- 4.2 The Petitions Committee used to meet around six times per annum but it could still be three or four months from receipt of a petition to its consideration by the Committee due to the scheduling of meetings. This issue was not resolved by the dissolution of the Petitions Committee as the petitions thresholds remained the same, meaning that the ability of officers to act following receipt of a petition remains restricted as they still have to wait until the appropriate scrutiny body holds its next meeting. This can have a negative effect on the public image of the Council and failing to respond in a swift manner can often mean that events overtake the issues raised in the petition.
- 4.3 To put the numbers received into perspective, during 2015, 70% of petitions received had fewer than 100 signatures and only 10% (one petition) met the threshold for consideration by Council (2,500+ signatures). The other two petitions received had 132 and 852 signatures.
- 4.4 With those figures in mind, Members are asked to consider the value in scrutiny considering petitions with such low numbers of signatories when balanced against the resulting delay to officers being able to respond to matters important to the Wolverhampton public and to take appropriate action in a timely manner.
- 4.5 Also worth consideration is how having to consider so many petitions can impact upon the ability of scrutiny bodies to manage their workloads. Scrutiny members have expressed concern that the increased number of reports received could lead to the vital role of scrutiny becoming diluted.

- 4.6 Should either of the proposed amendments to the current thresholds be adopted, scrutiny will still retain an important role in relation to petitions. Petitions with the appropriate number of signatories will continue to be considered by the appropriate scrutiny body. In addition, petitions will be monitored through a performance indicator and the Scrutiny Board will receive details of all petitions received by the Council through its regular Corporate Performance Monitoring reports, therefore enabling scrutiny to assess the success of the amended scheme.
- 4.7 The Scrutiny Board itself will also retain its statutory role in relation to dealing with appeals from petitioners who believe that their petition has been dealt with incorrectly.

5.0 Consultation Responses

- 5.1 Following consultation, as detailed in paragraph 3.5, above, responses were received as follows.
- 5.2 Councillor Peter Bilson, Deputy Leader of the Council, stated that either option would be an improvement on the current scheme but that he would slightly prefer Option A.
- 5.3 Councillor Ian Angus, Chair of the Vibrant and Sustainable City (VSC) Scrutiny Panel, stated that he was supportive of the proposed revisions and made the following observations:
- Wolverhampton is presently out of step (by some considerable margin) in terms of how it deals with petitions compared to neighbouring authorities. I don't believe that the 'as is' scenario is desirable or sustainable.
 - Petitions are an important tool in the democratic process but the majority received are about *very* local issues which can be managed effectively by officers and do not require the formal involvement of scrutiny. Moreover, they can be managed more swiftly and efficiently without the involvement of scrutiny.
 - VSC Scrutiny Panel will be most affected by the SAG recommendation dated 18 May 2016. I am concerned that the addition of petitions will impact on the quality and robustness of scrutiny.
 - We had two petitions at the most recent VSC panel [two others had been withdrawn]. They were both straightforward, uncontentious issues yet, allowing for due process, accounted for the first 50 minutes of the meeting. In my view, neither warranted consideration by a panel of councillors. Complex, controversial petitions could blast scrutiny out of the water.
 - I am supportive of option A but understand that members may feel more comfortable with option B.
 - With regard to either I would make the case for more small 's' scrutiny of officers' responses to petitions. There is a risk that officers will default to the do nothing or absolute minimum options. Perhaps we could agree a threshold at which an officer's response is subject to scrutiny from the relevant scrutiny chair. Reports to Cabinet Members and Scrutiny Board are all good and well but that's simply a means of updating on a course of action already decided upon.
- 5.4 The opposition group, through Phil Meddings, Political Assistant, stated that it was "leaning towards Option B."
- 5.5 Following the above responses, Members are recommended to put Option A forward to Full Council.

6.0 Next Steps

- 6.1 If agreed by SAG, consideration by Full Council (a petition scheme must be approved at a meeting of the authority before it comes into force). Subsequent amendments to the Constitution which will be required can be picked up as part of the ongoing review of the Constitution.
- 6.2 Following agreement by the SAG and Full Council, the Scrutiny Board will be required to consider the protocol for considering petitions that fall within the relevant threshold.

7. Financial implications

- 7.1 The payment of special responsibility allowances to the Chair and Vice-chair ceased on dissolution of the Petitions Committee saving just over £12,000. There are no additional financial implications associated with the proposed revised petition scheme.
[GE/12102016/V]

8. Legal implications (including code).

Under the Local Democracy, Economic Development and Construction Act 2009, the Council is obligated to operate a petitions scheme. If adopted, the recommendations in this report would ensure that those obligations continue to be met.
[TS/12102016/P]

9. Equalities implications.

N/A

10. Environmental implications.

N/A

11. Human resources implications.

N/A

12. Corporate landlord implications.

N/A

Petition Scheme Thresholds

| Local Authority | Officer Response | Scrutiny (senior officer response at a public meeting) | Full Council Threshold | Approximate Population |
|--|------------------|--|---|------------------------|
| Birmingham | Up to 9,999 | 10,000 | 20,000 | 1,106,500 |
| Coventry | Up to 14,999 | 10,000 (consideration at a public meeting needs to be specifically requested) | 15,000 | 345,000 |
| Dudley | Up to 2,999 | Not stated | 3,000 | 313,000 |
| Sandwell | Up to 1,499 | 1,500 | 3,000 | 308,100 |
| Shropshire | Up to 199 | 200 | 1,000 | 306,500 |
| Solihull | Up to 999 | 1,000 | 2,000 | 210,500 |
| Stoke-on-Trent | Up to 2,499 | 2,500 | 5,000 (petitions with 100+ signatures are presented for information but not debated) | 249,000 |
| Walsall | Up to 499 | 500 | 1,500 | 257,000 |
| Wolverhampton (current) | Up to 49 | 50 | 2,500 | 253,000 |
| Wolverhampton (proposed Option A) | Up to 2,499 | 2,500 | 5,000 | 253,000 |
| Wolverhampton (proposed Option B) | Up to 1,499 | 1,500 | 3,000 | 253,000 |

APPENDIX B

Impact of Options Proposed Based on Petitions Received in 2015

| Option | Officer Response within 28 days | Scrutiny Panel (approximately 3 months) | Full Council (approximately 2 months) |
|---------------|--|--|--|
| A | 9 petitions | 0 petitions | 1 petition |
| B | 9 petitions | 0 petitions | 1 petition |