

# KENT COUNTY COUNCIL

## Corporate Policy Overview Committee

### LOCAL PETITIONS AND CALL FOR ACTION INFORMAL MEMBER GROUP

**NOTES** of a meeting of the Local Petitions and Call for Action Informal Member Group (IMG) held on Wednesday, 20 February 2008 held in Sessions House, County Hall.

**PRESENT:** Mr M Angell (Chairman), Mrs A Allen, Mrs T Dean, Mr R Parker and Mrs P Stockell.

**OFFICERS IN ATTENDANCE:** Mr N Warren, Consumer Monitoring Manager, Mr P Wickenden, Overview Scrutiny and Localism Manager, and Ms D Fitch, Assistant Democratic Services Manager (Policy Overview).

#### 1. DCLG Consultation on Local Petitions and Call for Action

(1) Circulated with the Agenda for the meeting was a briefing note from the Corporate Policy Unit which explained that the Department of Communities and Local Government had published its consultation on local petitions and calls for action in December 2007.

(2) Members were reminded that his Informal Member Group had been established by the Corporate Policy Overview Committee to formulate a response to the consultation for consideration by Cabinet on 17 March 2008 so that KCC's response could be submitted by the deadline of 20 March 2008. The consultation sought views on how the arrangements for local petitions could be strengthened, how the new system might operate and it also sought views on the Call for Action introduced under the Local Government and Public Involvement in Health Act 2007.

(2) Reference was made to the response compiled by the Labour Group at KCC which they had submitted to Government in response to this consultation, a copy of which was circulated at the meeting.

(2) Members discussed the questions raised within the consultation document and in addition to the comments made in the briefing notes made the following comments, which has been set out under the question headings raised by the consultation document:-

#### 1. What conditions must be met before a local authority is required to respond formally to a petition?

- It was important to establish within any guidelines what the definition of "response" to a petition would be.
- The guidance should also set out a timeframe for dealing with Petitions for example, set a certain number of days for responding, such as 28 days like the Freedom of Information.

### The subject of the petition (paras 20 – 22)

- In relation to certain partnerships which had no “controlling mind” for example, the Kent Partnership Board any petition addressed to them as a whole should be passed to the appropriate partner(s) via the Board.

### Petition organised by local person (paras 23 – 24)

- In relation to the issue of a “local person” mention was made of the situation where a student may go to University in Canterbury but live in London and therefore should the definition of “local person” include a person in education within the area.
- The difficulty of including young people under 18 with the definition of “local person” was raised. Although Members recognised the importance of including this group within those that could be involved with a petition, if support was measured by using the electoral roll, their participation would not be recognised.

### 2. In particular, how should we define the level of support required before a petition must get a formal, substantive response? (para 25)

- It was pointed out that if certain number or percentage of electorate was set for the level of support required for a petition, this may exclude some local issues which only involved a small number of people, for example issues involving a very small area or a specific care home. A more inclusive way of doing this could be to specify that there should be a certain percentage of the potential electorate for the area that the issues related to.
- There was agreement that if a level of support was specified for a petition it should be set as low as possible, if it was set too high it would rule out a lot of petitions on local issues.
- It was suggested that local authorities should be left with the freedom to decide an appropriate level of support for their area and/or specific situations.

### Signatures (paras 26 – 29)

- Members expressed concern about the use of e-petitions with electronic signatures. It was emphasised that if these were used there should be a robust process for verification.

### Petitions – minimum requirements (paras 30 – 32)

No specific comments were made

### 3. What if any matters should be excluded from the call for action? (para 40)

- It was agreed that the following should be excluded:-

- quasi-judicial matters
- Specific matters identified by Directorates as needing to be excluded
- matters of individual conscience
- Matters which are already subject to a statutory procedure which has Member involvement such as school closures

4. What guidance should Government provide for the operation of the councillor call for action? (para 41)

- It is important that Councils have a clear laid down process for dealing with Calls for Action

5. Taken together, would petitions and calls for action sufficiently empower communities to intervene with their elected representatives? Should we contemplate other measures? (para 43)

- A view was expressed that a petition was one of the weakest ways of empowering a community. A stronger way would be to establish parish councils across all areas which would give a local level of involvement that people could easily relate to. In relation to Call for Action Members generally believed that this role was already being carried out by most Councillors in an informal way and was often the next stage on from a petition.

6. Do you have other views on the operation of the new duty to respond to petitions and the call for action?

Petitions

- It was important to have some form of template for petitions to help people start petitions and to ensure that there was some consistency in presentation.
- If a certain number of individual letters were received on a certain issue consideration should be given as to whether these should qualify as a “petition” and fall within the guidance?
- The importance of retaining flexibility in relation to accepting petitions so that people were ruled in rather than ruled out by the process was emphasised.
- It is essential that there was an established process to track the progress of a petition or a call or action especially if it was subsequently passed to another authority to respond to. This process could be similar to the process used to track complaints.

- Local people organising a petition should attempt to involve their local Member if possible.

### Call for Action

- What would happen with issues that a Councillor raised as a Call for Action in relation to organisations such as the police or highways authority where the Council did not have an Overview and Scrutiny Committee with a remit to cover these bodies?
- The issue was raised of what would happen if a Councillor did not want to take an issue forward from his community and maybe part of a single Member ward or was involved in the issue in another way and therefore could not take the issue forward.
- The positive side of using this Councillor Call for Action to make PCTs and the police more accountable via elected representatives and giving Members a persuasive mechanism to draw issues to these bodies attention was emphasised. It places the emphasis on locally funded bodies such as the police, Fire, school governing bodies to be more accountable to their wider communities.
- It was suggested that these powers should be extended to calls for action in relation to Quangos such as SEEDA, who were publicly funded.
- As part of the Call for Action the issue of support for the Councillor was raised.
- There would be a cost to all of this legislation and the issue of funding for this was mentioned.

### Issues were raised for relating specifically to KCC

- It was suggested that Local Boards needed to be more flexible and had to have the resources to support more than four meeting as year if they were going to be used to respond to Calls for Action. Also, if Local Boards were going to be used to receive petitions and to deal with Calls for Action there should be more consistency in the way that they operated.
- It was pointed out that the majority of district councils had a process set down in their Constitution for Petitions but KCC did not currently have such a procedure and it was suggested that this was something that needed to be addressed as soon as possible. It was acknowledged that KCC did need to develop protocols in relation to petitions which should be enshrined within its Constitution.
- It was suggested that the induction pack for new Members should include advice on how to facilitate a petition what to do when they received a petition

RESOLVED that a draft response be formulated for Cabinet taking into account the comments and issues raised by Members and that a draft copy of this response be sent to Members of the IMG for approval by Wednesday 27 February to be approved by Friday 29 February for submission to Cabinet.

*(Post meeting note the suggested draft response including both the comments made at the meeting and in the briefing document is attached for Members comments and approval)*

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