

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services

Council: 27 October 2010

Subject: Proposal for a Petitions Committee

1. Purpose

1.1 This report informs the Council of the various options available to deal with petitions from members of the public and makes recommendations thereon.

2. Background

2.1 At the Council Meeting on 26 August 2009, Councillor McGlinchey raised a motion that officers should bring forward a report on the viability of setting up a Petitions Committee to allow members of the public to petition Council on issues concerning services or activities it provides. The motion proposed that this report should consider using the Community Participation Committee as a possible vehicle for dealing with petitions and that officers should also consider the viability of setting up an e-petitions system.

2.2 The Council approved the motion on the basis that the proposal should be considered as part of the Best Value Improvement Plan (BVIP). At subsequent meetings, the issue was remitted to the Community Engagement Workstream, reporting to the Improvement and Efficiency Executive (IEE).

2.3 At its meeting on 9 March 2010, the IEE considered a report by the Executive Director of Corporate Services on options for handling petitions and agreed that the report should be submitted to the Community Participation Committee (CPC) for consideration and consultation.

2.4 At its meeting on 16 June 2010, the CPC considered the issue of petitions and recommended to the IEE that the Council should retain the status quo. The full recommendations from the CPC are shown in the following section.

2.5 At its meeting on 30 September 2010, the IEE considered the views of the CPC and agreed to refer the matter back to Council for consideration.

3. Main Issues

3.1 The Council has currently no specific provision in Standing Orders for dealing with petitions. However, in the past, some petitions have been presented to Council using the procedure for receiving deputations.

3.2 The Scottish Parliament has a well-established e-petition system. In England and Wales, the Local Democracy, Economic Development and Construction Act 2009 has created an obligation on councils to promote democracy, including a requirement to introduce formal mechanisms to deal with petitions, particularly in electronic form. This part of the legislation has not yet been commenced, although indications are that the system could be introduced from April 2011. This legislation is not yet proposed for Scotland, however, three Scottish Councils – Stirling, East Lothian and Renfrewshire – have already created their own Petitions Committees or Boards. A note on the operation of their petitions meetings is contained as Appendix 1 to this report.

3.3 There are a number of options available to the Council for handling petitions and these are explored below:-

3.4 *Option 1 – Maintain the status quo*

3.4.1 The first question to be addressed is whether the Council needs a Petitions Committee. The Council already has well-established ways of engaging with the community through its system for deputations (Standing Order 17 refers), through the mechanism whereby community members of the Community Participation Committee (CPC) can have items raised on the agenda for its meetings and through the Open Forum sessions which are regularly held at Council and at CPC meetings respectively.

3.4.2 In addition, the Community Planning Partnership (CPP) has recently appointed ODS (Organisational Development and Support) to deliver a range of community engagement services on behalf of the CPP, which could have the potential to provide new avenues for wider community involvement which will enhance existing provision.

3.4.3 Members of the Community Engagement Workstream expressed a view that there was no convincing evidence that there was a need locally for a Petitions system and that the issue could be revisited once the new community engagement mechanisms had had the opportunity to bed in. Members of the IEE, however, felt that this would build in a considerable delay to the decision making process.

3.4.4 The question was raised whether Councils who have adopted Petitions Committees may not be as well provided in terms of alternative community engagement mechanisms. This was investigated, but while East Lothian has no other specific methods of community engagement, both Renfrewshire and Stirling have local area committees or forums with participation by community organisations and Renfrewshire's meetings have Open Forums.

3.5 Option 2 – Establish a Petitions Committee

3.5.1 A Petitions Committee would require a carefully defined operating framework which should be devised in consultation with elected members and members of the community. Among the issues to be addressed are the following:-

- a) Frequency of meetings - scheduled or ad hoc;
- b) Operating rules including:
 - i) Eligibility to submit a petition
 - ii) Minimum number of signatories for the petition to be valid
 - iii) Definitions of issues which it will be appropriate for the committee to consider – e.g. services and activities provided by the Council
 - iv) Subjects which cannot be considered in the form of petitions, including matters dealt with by the Regulatory Committees or matters that are sub judice.
 - v) Deadlines for the submission of petitions (in relation to the scheduling of the committee): and
 - vi) Timescales during which a matter previously submitted by petition cannot be resubmitted; and
- c) The administrative arrangements for processing petitions including the option to introduce an e-petitions model.

3.5.2 A Petitions Committee would have no powers to overturn decisions of Council or service Committees. Where it is agreed that the petition has merit and the action required falls within the remit of one or more of the service committees, the Committee would refer the matter to the appropriate committee(s) for consideration. In these circumstances, the Petitions Committee could choose to recommend a specific course of action, although this would not be binding on the service committee(s). Where an action does not fall within the remit of any of the service committees, the matter would be referred to the full Council for consideration.

3.5.3 It is not possible to estimate the volume of business which a Petitions Committee would generate. Since the introduction of the Petitions Committee in East Lothian in January 2009, there have only been six petitions submitted for consideration, one of which was advised on submission to be outwith the remit of the Committee.

3.5.4 Further information on the types of petition that have been dealt with in other Scottish councils is attached as Appendix 2 to this report. The subjects of the petitions are very varied. Worth noting are the types of petitions that have been rejected as being outwith the scope of the authorities' petitions schemes.

- 3.5.5** The main advantage of introducing a Petitions Committee is the additional opportunity to demonstrate the Council's commitment to community engagement while the main disadvantage is the time it would take to process petitions given that the petition must first be submitted to the Petitions Committee and thereafter to the Council or relevant service Committee.
- 3.5.6** This mechanism is also the most costly in terms of financial and staff resources and in elected member time.
- 3.6** *Option 3 – refer petitions to the Community Participation Committee*
- 3.6.1** Councillor McGlinchey's original motion proposed that the CPC be considered as a possible vehicle for handling petitions.
- 3.6.2** This option would involve amending the remit of the CPC to include the consideration of petitions. This Committee currently meets every two months and is comprised of 10 elected members and 17 community members, with the quorum of elected members standing at 3.
- 3.6.3** The procedures for receiving and processing petitions would be similar to that required by a Petitions Committee. Petitions would appear as a standing item near the beginning of every CPC meeting and petitioners could be invited to address the Committee in support of the petition. Again, the role of the Committee would be to determine the merits of the petition and, if necessary, remit the matter (with a recommendation, if thought appropriate) to the appropriate Committee or to Council for consideration.
- 3.6.4** Like the Petitions Committee, the CPC would be unable to determine the outcome of the petitioners' requests, only to refer them on to Council or the appropriate service committee, but in this model, community representatives, not just elected members, would have a say in rejecting the petition or determining to remit it elsewhere.
- 3.6.5.** In terms of cost and administration, arrangements are already in place for meetings of the CPC and the additional work could be absorbed into its workload.
- 3.6.6** The advantage of using this method of handling petitions is that the mechanism already exists, although it would still have to be supported by robust procedures for the acceptance and processing of petitions. Like a formal Petitions Committee, the submission of all petitions to a central body would also provide a simple monitoring record of the petitions received and the actions taken on them.
- 3.6.7** However, the dynamic of the Committee would have to change to incorporate this issue. This is primarily a forum for discussion and consultation rather than a decision making body. Handling petitions would involve making decisions on rejecting petitions or referring them on.

3.6.8 Increased Officer support might be required at the Committee in relation to the particular petitions under consideration. Additional legal officer support might be required at meetings. All members of the Committee would require training in the petition system and its operation while community members in particular might require additional support on voting procedures and on the declaration of interests.

3.6.9 At the Community Engagement Workstream, concern was expressed that participation in such a forum might expose community representatives to unwelcome lobbying and pressure from petitioners in varying degrees. This way of handling petitions, as with the Petitions Committee, would also have the disadvantage of taking considerable time, since the petition would firstly have to be submitted to the CPC before being remitted to Council or the service committee to consider the action to be taken.

3.7 *Option 4 – Receive petitions at Council and Service Committee Meetings*

3.7.1 The final option would be to introduce a provision whereby the agenda for Council and for appropriate service committees would include a standing item for the consideration of petitions. This would not apply to the Regulatory Committees.

3.7.2 This method would still require the development of a robust petitions framework, in the same way as it would with a Petitions Committee or the CPC, and care would have to be taken, by way of limiting the number of petitions to be heard at any one meeting, to ensure that the volume of business remains manageable.

3.7.3 The advantages would be that the mechanism already exists, that no additional meetings would have to be accommodated in the meetings timetable and that the petitions could be dealt with more quickly, which is likely to be preferable to the petitioners.

3.7.4. One disadvantage would be the increase in business for the Council and service Committees. It should be noted that, if a petition is referred by another body, whether Petitions Committee or CPC, the committee or Council would still have to consider it as a business item. However, if the petitioners had already addressed the Petitions Committee or CPC, there would no requirement for the Council or Service Committee to hear the petitioners again.

3.7.5 In the absence of a single committee being responsible for receiving petitions, a clear audit trail would have to be established demonstrating how petitions have been received and handled and monitoring how they have been dealt with. A reporting mechanism would be required and this might best be dealt with through the Audit and Performance Committee.

3.8 The Community Participation Committee has considered the above options and its views are detailed below:-

- (a) *to note that Murdoch Cameron indicated that the Community Council Forum Management Committee had voted 4-3 in favour of establishing a separate Petitions Committee;*
- (b) *to note that June Todd, CCF, was in favour of maintaining the status quo in the interests of saving costs;*
- (c) *to note that the consensus of opinion among the Community Representatives present at the meeting was to maintain the status quo for petitions received;*
- (d) *to note that Councillor Black wished to thank the Community Representatives for their input and confirmed he considered the status quo to be adequate;*
- (e) *to thank the Manager of Administrative Services for the amount of work put into the report; and*
- (f) *to note that the next step in the process would be to report the comments received from the CPC back to the Improvement and Efficiency Executive.*

4. People Implications

- 4.1 The level of resource issues will depend on the solution adopted and on the volume of petitions received. The most resource-intensive option is the creation of a new committee, but the introduction of any new procedure necessarily involves additional resources. There could be workload issues for all departments in investigating of and reporting on issues raised through petitions.

5. Financial Implications

- 5.1 The financial implications will depend on the model chosen. In due course, if the Council is minded to adopt an e-petition system, there would be costs involved in purchasing and maintaining the necessary software.
- 5.2 The introduction of any new system requires publicity. If a petitions system is to be introduced this could be launched by advertisement in the local press and by printing posters and leaflets for circulation in the community. It would be appropriate to set a budget for any such campaign. This could be in the region of £2,500.

6. Risk Analysis

- 6.1 The main risk involved in the context of this report is that the system introduced is inefficient or difficult for the public to understand resulting in reputational damage to the Council. This risk will be mitigated by involving the community in the design of the petitions system.

7. Equalities Impact

- 7.1** If approved, the new petitions system would be designed to be as widely accessible as possible and consultations will take place with appropriate groups.

8. Conclusions and Recommendations

- 8.1** Given the concerns of the Community Engagement Workstream, the views of the community representatives on the Community Participation Committee and the financial pressures which the Council is currently facing, it is recommended that the Council retains the status quo and does not put in place any new mechanism to consider petitions at this time.

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Wards Affected: All wards

Background Papers: Report to Improvement and Efficiency Executive on 9 March 2010.
Report to Community Participation Committee on 16 June 2010.

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Appendix 1 -Petitions Committees in Scottish Councils

Name of Council	Type of petition	Procedure adopted	Min No of signatures	Title of Committee	Frequency	Points of interest
East Lothian	Online/paper	Jan 2009	2	Petitions Committee	Quarterly	Petitioners can submit both online and paper petitions but the signatures cannot be duplicated. Petitions can be accepted only in relation to council services.
Renfrewshire	Paper	2007	1	Scrutiny and Petitions Board	Three weekly (approx)	This Board also carries out the Audit and Scrutiny function. Provision for scheme to be reviewed annually after public consultation. Latest review (March 09) reduced 12 month rule to 6 months. Will consider petitions on services by other bodies (e.g. police and health) - caveat that Board has limited influence.
Stirling	Paper, but can be completed online prior to signature	2008	25	Petitions Panel	5 times per year (1 per cycle)	Petitioners must be resident and on the electoral roll or have the support of the relevant community council or a local elected member. Should have exhausted other avenues before submitting petition. Accepts petitions on services provided by statutory community planning partners – police, fire and rescue, NHS, Scottish Enterprise, Transport partnership. Will also consider whether to accept a petition about an external corporate body – e.g. National Park – and to submit complaint on behalf of petitioner.

Appendix 2 – Summary of petitions handled by Scottish Councils through petitions committees

Date	Council	Petition	Outcome
29/01/2009	East Lothian	Tree/flower bed planting to the front of houses at 10-26 Caponhall Road, Tranent	to refer the matter to officers in the Landscape & Countryside Service and Community Housing Service, the Cabinet Spokesperson (Councillor S Currie) and the Local Members to carry out further investigation of the issues raised in relation to the petition, and consult with residents; and to report back to Cabinet, as required, on the options available as regards providing protection to the properties at 10-26 Caponhall Road, Tranent.
30/04/2009	East Lothian	Housing support services for people with learning disabilities and other support needs	to provide information on future developments in the tendering process; to structure a participation process, which would involve representatives of the petitioners and agencies, that work on behalf of adults with learning disabilities and other support needs; to report to Members' Library in due course.
15/10/2009	East Lothian	To reconsider the refusal to install CCTV in Harkness Crescent, Tranent	that further monitoring be carried out at Harkness Crescent and that alternative innovative surveillance solutions be investigated and deployed as appropriate; that a technical view be obtained from the operators at the Contact Centre with regard to the effectiveness and best practice for using the Loch Centre CCTV to monitor activity at Harkness Crescent, Tranent; that an update report be submitted to Members Library or Committee in due course, if the matter is solved.
15/10/2009	East Lothian	To stop motorists parking in front of ramps for disabled access and increase the number of drop pavements.	to submit a report to the Environment Policy and Procedures Review Panel outlining the suggestions, together with reasons for or against recommending these; to discuss the issues and potential solutions with other Local Authorities; to bring the matter to the attention of Lothian and Borders Police; that an update report be submitted to Members Library or Committee in due course, if appropriate.
15/10/2009	East Lothian	To oppose a known drug user and dealer moving into a family based community	rejected on the grounds that they do not meet the criteria for consideration by the Committee.
21/01/2010	East Lothian	To support the better conservation, interpretation and presentation of the Battle of Prestonpans, 1745	Decision not yet posted on web.
28/01/2008	Renfrewshire	Petition against the changes and charges to the warden service at Oaks Sheltered Housing Complex	Not valid as it related to a decision of a council board within the last 12 months
28/01/2008	Renfrewshire	Petition against the changes and charges to the warden service at Speirsfield Gardens Sheltered Housing Complex	Not valid as it related to a decision of a council board within the last 12 months

28/01/2008	Renfrewshire	Petition against the changes and charges to the warden service at Darkwood Court	Not valid as it related to a decision of a council board within the last 12 months
28/01/2008	Renfrewshire	Petition against the changes and charges to the warden service at Houston Court Sheltered Housing Complex	Not valid as it related to a decision of a council board within the last 12 months
28/01/2008	Renfrewshire	Petition against the changes and charges to the warden service at St James' Sheltered Housing Complex	Not valid as it related to a decision of a council board within the last 12 months
28/01/2008	Renfrewshire	Petition against the changes and charges to the warden service at Rowan Gardens Sheltered Housing Complex	Not valid as it related to a decision of a council board within the last 12 months
28/01/2008	Renfrewshire	Petition against the changes and charges to the warden service at Altpatrick Gardens Sheltered Housing Complex	Not valid as it related to a decision of a council board within the last 12 months
28/01/2008	Renfrewshire	Petition against the changes and charges to the warden service at Springbank Road Sheltered Housing Complex	Not valid as it related to a decision of a council board within the last 12 months
28/01/2008	Renfrewshire	Petition to demand that the SNP led Renfrewshire Council reinstate the wardens service for Council Sheltered Housing Complexes in Renfrewshire	Not valid as it was submitted by an elected member of the council
28/01/2008	Renfrewshire	Petition to highlight the concerns of the community about the safety of the children attending the new campus for St David's and Cochrane Castle Primary schools.	That the petition be referred to the relevant directors for further investigation. That the Director of Education and Leisure Services arrange that a site visit be held with Ms Black and 2 of her representatives, the local elected members and relevant officers of the Council; and that a report be submitted to a future meeting of the Scrutiny and Petitions Board relative to the progress made.
18/08/2008	Renfrewshire	Seeking an undertaking from the Council in relation to preparation of new local development plan, consultation and proposals to enhance natural environment in Housing.	Petition not valid. Petitioners requested to resubmit petition edited as appropriate
19/01/2009	Renfrewshire	Petition against closure of Kilallan Day Centre	Not valid as it was related to a decision of a council board within the last 12 months.
02/02/2009	Renfrewshire	Petition demanding that Renfrewshire Council provide 24 hour wardens in sheltered housing across Renfrewshire and that service be included in the rent.	That the petition be referred to the Council's Housing and Community Safety Policy Board together with a report to include:- (a) Costings for the provision of 24 house wardens in sheltered housing. (b) The outcome of a mini review of the revised service. (c) An analysis of the reduction in the number of during the night call outs.

02/03/2009	Renfrewshire	Speeding on Johnshill, Lochwinnoch.	That the petition be referred to the Director of Planning & Transport to liaise with the community council and local elected members and Strathclyde Police with a view to convening a public meeting to consider the issues raised in the petition and all other relevant information on this matter, including available police statistics; and that a report be submitted to the Scrutiny & Petitions Board on the outcome of this meeting and the information considered.
11/05/2009	Renfrewshire	Publication of local events	(a) That it be noted that this facility was already available on the Council's website and that it would continue to be provided; and (b) That it be agreed that the Chief Executive's communications team take steps to advertise the availability of the service to local organisations and charities through existing channels such as the website and the Renfrewshire Magazine and in particular. (i) that the online directory held by Education & Leisure of local clubs and groups be used to send information about the facility to these groups; (ii) that the communications and new media team publicise the facility in a phased approach so that any increase in demand can be properly managed; and (iii) that a reference be included in the Renfrewshire Magazine to the website listings as a vehicle for groups to advertise to a large audience.
29/06/2009	Renfrewshire	Petition against closure of Elderslie Library.	Not valid as it related to a decision of a council board within the last 12 months
26/10/2009	Renfrewshire	Siting of bus stop in Renfrew	(a) That the Director of Planning & Transport seek opinion on moving the bus stop at 55 Hairst Street to a new location from the Community Council, Traders' Association, Tenants' and Residents' Associations, relevant bus companies and their drivers' trade unions as appropriate; and (b) That a report be submitted to a future meeting of the Board in relation to the preferred location of the bus stop, together with a map.
15/01/2010	Renfrewshire	Half unrestricted plans and consider alternative to retain swimming facilities at Elderslie and Johnstone Centre	No action taken.
15/01/2010	Renfrewshire	To lock cemetery gates at night.	Matter resolved no further action taken.
15/01/2010	Renfrewshire	To reopen the public toilet in Johnstone	Not valid as it related to a decision of a council board within the last 12 months
25/01/2010	Renfrewshire	Request for public consultation on leisure provision	No action taken

25/01/2010	Renfrewshire	Requesting a meeting regarding Allanton Playing Fields	Petition not valid as it related to a decision made by a Council Officer within the previous six months and also to a current planning application.
25/08/2009	Stirling	I would like Stirling Council to recognise in an appropriate way the contribution of one of its outstanding citizens of the past, William 'Citizen' Jaffray of Cambusbarron (1749-1828) who inoculated against the then prevalent disease of smallpox, at his own expense, thousands of local people, often travelling, on foot to outlying villages, even as a man in advancing years; freed a Caribbean woman who he discovered locally, and who was destined to return with her owner to the West Indies to continue her life of slavery: persuading her to abscond, he took her before magistrates in Glasgow who explained that slavery had been abolished in the UK, and declared her a legally free person; Risked his liberty in politically sensitive times by publicly endorsing the egalitarian and libertarian principles of the French Revolution. The recognition should be proportionate to the good this now largely forgotten man did in his community. I shall be glad to add detail to the outline above.	The Panel agreed: that a citizenship award in the name of William 'Citizen' Jaffray be included as part of the bi-annual Provost's awards from the next awards ceremony in the Autumn of 2010; that a proposal be put forward in accordance with the street naming protocol that a street be named after William 'Citizen' Jaffray in his home town of Cambusbarron, and that the possibility of launching the 2010 Provost's Awards with a lecture on citizenship and William 'Citizen' Jaffray be further investigated.
01/04/2009	Stirling	Residents are fed up with parking issues in Colquhoun Street, Burnside Street and Linden Avenue caused by charges in Linden Avenue which lies empty every day causing people parking for free in surrounding streets. This has a knock on effect causing streets to be dirty and drains smelling and being blocked as no access for Council Services. NB. Streets are empty on a Sunday due to free parking in city centre.	Motion considered by Council. Extract from draft Minutes of Meeting of Stirling Council, 25 June 2009. "Agreed to suspend parking charges in the Linden Avenue car park creating a park and walk facility. This decision would be reviewed as part of the parking strategy to be brought forward for consideration by Council later this year."

05/11/2009	Stirling	Residents of the Blackburn houses in Linden Avenue, would like all (First Buses) "not in service buses" stopped from running through our road. We had them stopped sometime ago, because of the damage being done to our homes, due to vibration from same. I would like to explain we are quite vulnerable in the Blackburn's as they are metal support houses built in 1950 with plasterboard walls. The weight of a single bus is 7 tons, double 14 tons, and that is without fuel. The other issue is the fear of these buses, plus all the other traffic is a worry regarding water and gas pipes. After all, they have other routes they can take. For example, Kerse Road, which they have been using up till May this year, or the main road to St Ninians.	The Panel agreed: to note the voluntary action taken by First Bus to resolve the situation; to note that a letter would be sent to First Bus from the Chief Inspector and that a copy would also be sent to Stirling Council, who in turn would forward a copy to the Principal Petitioner for information; to note that Central Scotland Police would continue to patrol the area, reinforce presence at the most problematic times and take enforcement action when necessary; that the matter be reviewed in March 2010 and that, if it remained unresolved, a report that sought to amend the Traffic Order would be submitted to the Regulatory Functions Panel for consideration; to note that Central Scotland Police would report any action taken to the next meeting of the Petitions Panel and to Braehead and District and Broomridge Community Councils.
13/11/2009	Stirling	To positively promote the provision of allotments in the Broomridge or Braehead Community Council Area. Broomridge Community Council fully support the application submitted by Braehead and District Community Council.	The Panel agreed: that Community Councils and key stakeholder groups be consulted on the draft Allotments Policy and strategy and to assess demand; that a draft Allotments Policy and strategy be submitted to the meeting of the Executive scheduled for 4 February 2010 for consideration; that the Petitioners be advised of the date of the Executive meeting.
03/10/2009	Stirling	The petitioner requests that Stirling Council provide suitable land in the Braehead & District area for the provision of allotment plots for use of the local community. This would fit in with the wishes of a vast number of the community who have a keen interest in reducing their carbon footprint through growing part their own food and help promote a healthy lifestyle and a sense of sustainable living. The provision of allotment space would also help meet Stirling Council's vision, of creating a place in our community with commitment to sustainable development and a place where improved wellbeing adds life to the year, not just years to life.	As above petition.