

Council

19 December 2023

Petitions Scheme

Recommendation

That Council approves the proposed changes to the Council's Petitions Scheme as set out at Appendices 1 and 2 and delegates the consequent amendment of the Constitution to the Monitoring Officer

1. Executive Summary

- 1.1. At Council in March 2023, it was resolved that the Council would review its Petitions Scheme and develop a protocol surrounding how the Council responds to petitions. The Council's current Petitions Scheme can be found at <https://democracy.warwickshire.gov.uk/documents/s4403/PetitionsScheme.pdf> and is attached with proposed amendments marked up at Appendix 1.
- 1.2. A review of the Scheme was undertaken and on 9th November 2023, Cabinet endorsed the proposed changes set out and recommended them to Council for adoption.
- 1.3. Warwickshire County Council's Standing Orders currently provide for a Petition Scheme under Standing Order 35. The Standing Order sets out the right to petition and the operational arrangements when a petition is received and after it has been presented. As written, it does not fully reflect the application of the Scheme and therefore minor amendments are proposed to the Standing Order to aid clarity and consistency with the practical operation of the Scheme (including those needed to reflect changes to terminology and titles within the Council). These are set out in Appendix 2 to this Report.
- 1.4. The main provisions of the current Petition Scheme are:
 - 1.4.1. Petitions may be submitted by anyone who lives, works or studies within Warwickshire.
 - 1.4.2. The petition must relate to the provision of local services for which the Council has responsibility, or where the Council might be able to exercise influence over the decision makers.
 - 1.4.3. There are certain petitions which will not be considered under the scheme, including petitions related to planning or other consultations, repeat petitions and those related to matters over which the Council has no responsibility or is unlikely to be able to influence a decision, amongst others.

- 1.5. If a Petition is valid, is not excluded under the Scheme and contains a minimum of 1,000 signatures it may be presented at a meeting of the Council and the Democratic Services Team will make arrangements for the presentation of the petition to the next appropriate meeting.
- 1.6. Petitions with more than 50 but less than 1,000 signatures are referred to the Monitoring Officer to determine whether the petition should be referred to a Cabinet member, officer or other member body.
- 1.7. Democratic Services liaise with petitioners in respect of their petition, explaining any decisions taken on validity and setting out next steps and when they should expect to hear from the Council again.
- 1.8. Whilst the detailed response to a petition will depend on what the petition asks for, there are a number of options open to the Council under the current Scheme. These include:
 - taking the action requested in the petition;
 - writing to the petition organiser setting out our views about the request in the petition;
 - holding a meeting with petitioner(s);
 - holding a consultation;
 - undertaking research into the matter;
 - referring the petition for consideration at a councillor, Cabinet or local community forum meeting;
 - referring the petition for consideration by the Council's relevant overview and scrutiny body;
 - referring the petition to another local public service organisation for consideration;
 - holding an inquiry into the matter;
 - holding a public meeting; or
 - calling a referendum.
- 1.9. Following presentation of a petition to a meeting, it is acknowledged by the Portfolio Holder and referred to the relevant Executive Director for consideration and detailed response. The Executive Director will normally advise the Petitioner within 10 working days of the meeting of the proposed action in response to the petition. It is also open to the Portfolio Holder to respond on the day verbally to the Petitioner.
- 1.10. In reviewing the Scheme, officers have considered examples of practice nationally alongside the views expressed by members at the Council meeting in March 2023 (around ensuring an engaging and responsive experience for those presenting petitions) in order to inform the proposals attached at Appendix 1 (and the consequent amendments proposed to Standing Orders

at Appendix 2). A summary of approaches taken in other schemes is attached at Appendix 3.

- 1.11. The proposed alterations are intended to ensure that the Scheme is proportionate whilst providing an experience that petitioners would consider valuable. The Scheme language has also been considered in order to ensure that the Scheme is user friendly and clear for those wishing to raise a petition.

2. Review and Considerations

- 2.1. Warwickshire County Council, like many other Councils, maintains a petitions scheme to promote and enhance public engagement with the democratic process.
- 2.2. The key consideration within the Council debate in March 2023 related to a consistent view of the importance of those bringing petitions feeling heard and receiving a timely response that addresses the matters they have raised with clarity and completeness. That formed the base principle for the review.
- 2.3. In reviewing the Scheme, officers also considered the approach taken by other authorities across England. How authorities approach petitions varies and there are significantly different thresholds amongst authorities for the presentation of a petition to a formal meeting. These are in many cases higher than the threshold within Warwickshire's current petition scheme even in authorities with similar populations. A summary of the provisions of other schemes is provided at Appendix 3 by way of comparison of approach.
- 2.4. An analysis was also undertaken of the number of petitions received by the Council across recent years, and the subject matter of those petitions to ensure that any proposals were proportionate and effective for the types of issue raised. It is important that the Scheme is proportionate to the number and type of valid petitions received and provides a simple, effective means of the public raising issues that are of concern and in respect of which the Council has powers to effect change.
- 2.5. A summary of the petitions received between 2020 and 2023 is included at Appendix 4. The table shows that the majority relate to traffic and parking issues. Of the total 42 petitions, 20 had less than 50 signatures, 13 had between 50 and 1,000 signatures and 7 had more than 1,000 signatures. Two petitions were still live at the date of writing this report. Analysis of the petitions reveals that the subject matter is quite often related to local issues in discrete areas of the county which would not always be suitable for debate at full Council but would benefit from a stronger emphasis on local member involvement within the Scheme.
- 2.6. The review identified two possible approaches to our scheme:

- (I) that the Council could choose to move to a rules-based approach to the treatment of petitions that might include prescriptive wording around issues such as when a debate would be scheduled or who would respond to a petition; or
- (II) that the Council could choose to retain a more “menu-based” approach that is proportionate to the number and nature of petitions received and allows flexibility in how the Council responds depending on the nature of the issues the petition raises.

- 2.7. It is recommended that the latter approach is taken combined with a commitment to greater rigour in the application of the scheme and to the consideration and choice of response. Approaching the scheme in this way allows for an enhanced and customer focussed approach to petitions that will drive an engaging and responsive experience, and the renewed focus on choice of response and proactive engagement through Democratic Services will lead to a greater emphasis on ensuring a response to petitioners. The proposed amendments to the Petition Scheme attached to the draft Cabinet Report at Appendix 1 follow this approach.
- 2.8. Particular consideration was given to the question of holding debates following presentation of a petition. It is not proposed that the scheme is altered in this regard as the scheme already allows for a debate to be scheduled (*“referring the petition for consideration at a councillor, Cabinet or local community forum meeting”*). Whilst the reference to local community forum meetings will need to be updated (and we propose *“or other suitable meeting”* to enable a broad range of options to be considered) the wording currently within the scheme is fit for the stated purpose of enabling consideration at a member meeting.
- 2.9. In order for a debate to be held there are a number of legal procedural steps that need to be taken. The issues need to have been scheduled and included within the meeting agenda (as published) with appropriate evidence provided in the form of a report to that meeting. Therefore, it will not always be possible to hold the discussion at the closest meeting to receipt of a petition, or for the debate to be held at the meeting a petition is presented at.
- 2.10. This raises a number of issues:
- 2.10.1. petitions are often time-sensitive, and the timescales required for formal publication of agendas will not always allow for preparation of a robust report with sufficient information to enable members to take a decision that is not at risk of challenge on the date the petition is presented, or within a timeframe that means the decision would be helpful or effective;
 - 2.10.2. the majority of Warwickshire petitions have related to transport and highways matters which involve issues of statutory compliance and capital spend that are not conducive to decision making without the full context of other projects, schemes and financial programmes being provided in a report alongside appropriate legal advice; and
 - 2.10.3. petitions often seek actions/decisions that do not fall within the remit of full Council to decide (i.e. executive decision-making powers are

needed and/or decisions have been otherwise delegated constitutionally). Therefore, a debate would not result in a decision capable of implementation in many cases.

- 2.11. The review considered whether there were innovative or alternative approaches within other schemes that could be adopted in order to enhance the experience for petitioners. It was found that the Council's general approach to petitions is in step with that of other comparable authorities and there were no specific approaches over and above our current practice that were considered appropriate to include given the desire to ensure our scheme remains proportionate to the number and nature of petitions received.
- 2.12. Notwithstanding this, the review has highlighted the opportunity to refine our scheme with a view to improving clarity, focussing on the response to petitioners and strengthening the experience for petitioners, whilst at the same time taking the opportunity to undertake administrative updates to take account of changes within the Council since the Scheme was last reviewed.

3. Proposals

- 3.1. In order to respond to the issues raised and in light of the findings of the review, it is proposed to make greater use of the facilities already provided for within the Scheme to consider other responses to a petition than presentation at Council, and to enhance and clarify those options which already exist. The presentational alterations are intended to make the scheme more user friendly and promote engagement. The enhanced role of Democratic Services is also intended to anchor a more bespoke approach to petition response and enhance personal contact with petitioners, supporting engagement as a positive experience for the public.
- 3.2. These include allowing the relevant local member to speak in support of a petition should they wish to (where it relates to a specific division), enabling a meeting between an appropriate Portfolio Holder and/or Local Member and the petitioner to discuss the issues raised, or providing for consideration at an appropriately prepared overview and scrutiny committee or other formal meeting. Minor enhancements to the scheme are needed to provide greater clarity on these options and promote their use. This flexible, customer-centric approach would enable petitioners to feel heard and allow a fuller discussion about the issues arising than the allotted time that presentation to Council permits.
- 3.3. The Proposals are set out in detail in Appendix 1. The key areas of change are:

Proposal	Reason for proposal
<p>Clarifying the scheme wording around excluded petitions to be clear that petitions must relate to the provision of local services for which the Council has responsibility</p>	<p>The current wording allows for petitions in respect of services “<i>over which the Council might be able to exercise influence over the decision-makers.</i>” This wording is uncertain, difficult to apply and can lead to inconsistency.</p> <p>In addition, some petitions relate to matters subject to a legal or regulatory framework (such as planning applications, consultations or referendum requests). These need to be dealt with in a way that is consistent with relevant legislation and guidance.</p> <p>If petitions relate to other matters for which the Council has no responsibility, the petitioner can currently be (and will continue to be) referred to the relevant Cabinet or Local Member to assist petitioners with advice on where to direct their concerns.</p> <p>However, recognising that there can be some areas of uncertainty over “ownership” of particular issues, we have included the ability to consider accepting a petition that relates to matters of wider relevance or interest to Warwickshire such as improvements in the economic, social, or environmental wellbeing of the county, to be decided upon by referral to the Monitoring Officer. This creates a clear point of decision making and provides consistency of approach.</p>
<p>Enhancing the option of a meeting with petitioners to be clear that such a meeting could include the Portfolio Holder and/or the local member where appropriate for it to do so.</p>	<p>The possibility of a meeting with the Petitioner already exists in the current scheme. The proposed enhancement is intended to support the desire expressed to improve connection with petitioners and provide an engaging and responsive experience, whilst recognising that a meeting with a Cabinet Member and/or Local Member may not always be appropriate. We also propose to introduce a more robust mechanism for local members to speak on a petition when presented at a meeting in line with the scheme.</p>
<p>Clarifying that a petition will not usually be the subject of debate at the meeting at which it is presented unless the issues are already on the agenda of that meeting.</p>	<p>This reflects the provisions of Standing Order 35 and provides clarity that any debate must be appropriately scheduled with necessary procedural requirements met. Ensuring that the Scheme and the Standing Order are aligned provides clarity. This does not preclude a debate happening when appropriate processes have been followed.</p>
<p>Changes to titles of Officers and general updating of language used and names of other organisations</p>	<p>Amendments are proposed to reflect changes to referenced partner organisations and to the Council’s constitution and officer structures that have changed since the last update of the scheme.</p> <p>Updates to the language have been made in some places to enable easier reading of the Scheme without altering meaning.</p>

- 3.4. The opportunity has been taken to improve clarity for petition organisers on the range of responses that they might receive. It is not proposed to make the response options within the Scheme binary requirements, rather to retain the current approach of ensuring there is a range of available response options, recognising that each petition and each set of circumstances is naturally different.
- 3.5. Clarity has been added to the process that takes place when petitions are received, and Democratic Services will ensure engagement with Members (both Cabinet Members and, where appropriate, Local Members) and senior officers takes place in a timely fashion to enable a timely response to be produced. This oversight through Democratic Services will support and facilitate timely response to petitioners.
- 3.6. Upon receipt of notice of a petition, Democratic Services will circulate the petition as provided for in the Scheme. A proactive approach will be taken to ensure that Members who have an interest in the petition are able to speak with officers from Strategy, Planning and Governance and the relevant service area to discuss the type of response they would like to see, considering the range of responses covered in the Petition Scheme. Engagement directly with petition organisers can also be facilitated in this way with Democratic Services acting as a bridge between Members, those producing the response, and where relevant the petition organiser.
- 3.7. The review concludes that the Petition Scheme within Warwickshire is robust and with some minor changes can provide a breadth of response opportunities for petition organisers that meet the desire to ensure an engaging and customer focussed response to petitioners. The proposed amendments at Appendices 1 and 2 are recommended to the Council in order to achieve this aim.

4. Financial Implications

- 4.1. There are no financial implications arising directly from this report.

5. Environmental Implications

- 5.1. There are no environmental implications arising directly from this report.

6. Timescales associated with the decision and next steps

- 6.1. If endorsed by Council the amendments will take immediate effect and the Constitution will be amended to reflect the changes.

Appendices

1. Appendix 1- Proposed Amendments to the Petition Scheme
2. Appendix 2 – Standing Order 35 and proposed changes
3. Appendix 3- Summary of Schemes in other Authorities
4. Appendix 4 – Summary of petitions received by WCC between 2020 - 2023

Background Papers

None

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The report was circulated to the following members prior to publication:

Local Member(s): not applicable

Other members: Group Leaders, Chair and Spokes of the Resources and Fire and Rescue Overview and Scrutiny Committee and Cabinet