

County Council – 13 February 2014

Recommendations from the Standards and Governance Committee meeting held on 27 January 2014

Terms of Reference – Governance

7.1 The Committee considered a report by the Director for Corporate Resources which proposed an addition to the Committee's terms of reference to reflect its important role in seeking to ensure that the Council's governance arrangements were fit for purpose and were operationally robust.

7.2 The Monitoring Officer explained that the proposed addition was necessary to reflect the Committee's recent change in name and additional responsibility. Further work was to be undertaken with regard to the overlap between the work of the Committee and the Audit and Scrutiny Committee particularly with regard to where the Annual Governance Statement should be reported and signed off.

7.3 Members supported the inclusion of the additional term of reference and were keen that the two Committees retain their identities and not duplicate work. Officers were asked to consider using the words "transparency" and "effectiveness" within the terms of reference. They also drew attention to the expectation that reports should be "open" unless there were good reasons for them to be confidential.

RECOMMENDED

8. That the County Council be asked to amend the Standards and Governance Committee's terms of reference to include "To receive, on an annual basis, the Council's Annual Governance Statement and Local Code of Corporate Governance Compliance Assessment to evaluate the Council's governance arrangements."

Reason for Recommendation

9. To ensure that the Committee's terms of reference adequately covered and reflected the full spectrum of its remit and received evidence upon which to evaluate arrangements.

Independent Members

15.1 The Monitoring Officer reminded the Committee that independent members served for an initial period of three years and that there was currently one vacancy. It was suggested that the Committee review their working arrangements next year and that Mrs Bird be asked to extend her current membership so that the terms of office for all independent members would end in April 2015. Mrs Bird had expressed her willingness to serve for a further year.

15.2 Members expressed how highly they valued the contribution made by all of the independent members and supported the extension of Mrs Bird's term of office until April 2015.

RECOMMENDED

16. That the County Council be asked to extend the membership of Elizabeth Bird as an independent member of the Standards and Governance Committee until April 2015.

Constitutional Change

17.1 The Committee considered a report by the Monitoring Officer which proposed changes to the threshold number of signatures to a petition needed in order to trigger formal consideration at a Committee, the Audit and Scrutiny Committee or the full County Council. Any amendments to the scheme would be considered by the County Council on 13 February 2014.

17.2 The Monitoring Officer explained that it had been a legal requirement for the County Council to have a petitions scheme and electronic petitioning but the Government had now relaxed its statutory guidance on how this should operate. There had been some concern expressed about the current threshold number of signatures for matters to be brought to the attention of overview committees and requiring officers to prepare a report in response being too low. Schemes in other authorities had been reviewed and as a result a change to increase the lower threshold from 20 to 50 signatures was proposed. No changes were proposed to the other thresholds.

17.3 Members debated the lower threshold at length. One member was concerned that increasing the threshold would mean that issues concerning fewer than 50 people would not be brought to the attention of elected members and that this would disenfranchise some people. Others thought that as the number of petitions reported was relatively low, the costs involved high and the fact that there were various mechanisms available to the public to draw attention to particular issues or concerns, that the threshold should be increased to 100.

17.4 An independent member asked what elected members would do if a matter with which they did not agree was referred to them by a constituent. It was explained that as members represented every constituent within their electoral division, it was for them to investigate the matter and progress it. The fact they did not agree with the matter did not mean that it should not be taken forward on the constituent's behalf.

17.5 There was some discussion about ways the public could contact the authority and the need for greater public awareness of the options available to them to participate at meetings of the Council, including the petitions scheme, primarily through the County Council's website.

17.6 All members felt that the threshold number of signatures to trigger a requirement for a senior officer to appear before the Audit and Scrutiny Committee and for a debate at full Council should remain as at present but there was no consensus view on the appropriate threshold to trigger a report to Committee. On being put to the vote the Committee agreed to recommend an increase at this level from 20 to 50.

RECOMMENDED

18. That the County Council be recommended to approve the revised Petitions Scheme (attached as an annexure to these minutes).

Reason for Recommendation

19. To contribute to the corporate aim to "provide innovative and value for money services".

Annexure

Dorset County Council Petitions Scheme

1. Background

- 1.1 Dorset County Council has long standing arrangements to enable local people to influence the Council's decisions through petitioning the Council and through deputations to Council meetings.
- 1.2 The Government has now introduced a new legal requirement for all councils to put in place and publish arrangements for petitions and electronic petitions. The Local Democracy Economic Development and Construction Act 2009 aims to reinvigorate local democracy by ensuring that all local authorities adopt schemes giving local people better opportunities to connect with local decision makers.
- 1.3 This scheme explains what opportunities there are for you to:
 - Petition the Council
 - Bring about a debate in Council meetings
 - Have senior council officers "called to account"
 - Attend a Council meeting to speak as part of a deputation

2 How Petitioning Will Work?

- 2.1 If you wish to petition Dorset County Council or one of the County Council's partner organisations (these are listed in paragraph 5.3 of the scheme) you can either:
 - Send the Council a paper petition signed by those who support your petition. The petition should be sent to:

The Democratic Services Manager
Dorset County Council
County Hall
Colliton Park
Dorchester
DT1 1XJ

Tel: 01305 224191
Email: l.d.gallagher@dorsetcc.gov.uk
 - Use the e-petitioning facility on Dorset for You to organise your own petition or to support someone else's petition.

- 2.2 All petitions sent to the Council will be acknowledged within 10 working days of receipt. The acknowledgement will set out what we plan to do with the petition.
- 2.3 If your petition is supported by 50 or more signatories then it will be reported by the Chairman to the relevant Council committee.
- 2.4 If your petition is supported by 1,000 or more signatories it will be scheduled for a debate at the next meeting of the full County Council and you can also ask to speak to the meeting as a deputation.
- 2.5 Alternatively a petition can call for a senior officer of the Council to be called to account at a meeting of the Audit and Scrutiny Committee. This requires 500 or more signatories in support of the petition.
- 2.6 Information about petitions that have been received (both paper based and e-petitions) and how the Council is responding or has responded will be included on the Dorset for You website.

3. What are the guidelines for submitting a petition?

- 3.1 Petitions submitted to the council **must** include:
 - A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
 - the name and address and signature of any person supporting the petition
 - the total number of signatures collected.
- 3.2 Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website but the Council needs to know that the petition is being organised by someone who lives, works or studies in Dorset.
- 3.3 A suggested template for petitions is appended to this scheme.
- 3.4 The law requires the council to respond to petitions organised and supported by people who live, work or study in Dorset. Most petitions will be of relevance only to local people. The Council recognises though that some petitions will be of relevance to visitors and that some petition issues will cross local authority boundaries and in such cases those from outside Dorset will be able to participate.
- 3.5 The right to organise and to support a petition applies to anyone who lives, works or studies in Dorset irrespective of age. It is therefore open to children to petition the Council about an issue of particular concern to them.
- 3.6 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. 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 write to you to explain the reasons.

4. What will the Council do when it receives my petition?

- 4.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.
- 4.2 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer being called to account, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.
- 4.3 If the petition applies to a planning or rights of way 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, other procedures apply.
- 4.4 We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition. Decisions about whether a petition is vexatious, abusive or otherwise inappropriate will be made by a senior officer of the Council after consulting with the Chairman of the Standards Committee (who is an independent person from outside the Council).
- 4.5 To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to the Council will be published on our website, except in cases where this would be inappropriate. We will also keep available for inspection at our offices all correspondence relating to the petition (all personal details will be removed). 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.

5. How will the Council respond to petitions?

- 5.1 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 audit and scrutiny committee
 - calling a referendum
 - writing to the petition organiser setting out our views about the request in the petition
- 5.2 The Audit and Scrutiny Committee is the committee of councillors responsible for scrutinising the work of the Council – in other words, the Audit and Scrutiny Committee has the power to hold the council's decision makers to account.
- 5.3 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 including District and Borough Councils, Dorset Fire Authority, Dorset Police Authority and the Chief Constable, NHS Bodies, Probation and the Environment Agency.
- 5.4 Where possible we 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 set out the reasons for this to you. You can find more information on the services for which the council is responsible on our website.
- 5.5 If your petition is about something that a different council is responsible for we will give consideration to 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.

6. Full council debates

If a petition contains more than 1,000 signatures it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting of the Audit and Scrutiny Committee. 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 meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given ten minutes to present the petition as a deputation at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They 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. Where the issue is one on which the council executive (the Cabinet) are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

7. Officer evidence

- 7.1 Your petition may ask for a senior council officer to give evidence at a public meeting of the Audit and Scrutiny Committee about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected councillors to enable them to make a particular decision.
- 7.2 If your petition contains at least 500 signatures, the relevant senior officer will give evidence at a public meeting of the council's Audit and Scrutiny Committee. The Council's definition of senior officer includes the Chief Executive, Directors and Heads of Service. You should be aware that the Audit and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chairman of the Committee by contacting the Democratic Services Manager up to three working days before the meeting and you can also speak at the beginning of the meeting as a deputation.

8. E-petitions

- 8.1 The Council welcomes e-petitions which can be created and submitted through www.dorsetforyou.com. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures, up to a maximum of 12 months.
- 8.2 When you create an e-petition, it may take 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.
- 8.3 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 petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 8.4 When an e-petition has closed for signature, it will automatically be submitted to the Democratic Services Manager. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition as a deputation to a meeting of the Council, please contact the Democratic Services Manager within 10 working days of receipt of the acknowledgement.
- 8.5 A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

9. How do I 'sign' an e-petition?

- 9.1 You can see all the e-petitions currently available for signature on Dorset for You.
- 9.2 When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete 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.

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

- 10.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Audit and Scrutiny Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.
- 10.2 The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.
- 10.3 Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on Dorset for You.

This Scheme was adopted by the County Council on 29 April 2010 and came into effect on 15 June 2010.

Suggested template for paper petitions to Dorset County Council

This petition is organised by *[insert name of petition organiser and address. The organiser must live, work or study in Dorset]*.

Subject matter of petition

This petition is about *[insert subject matter]* and asks Dorset County Council *[please insert a short statement of what action you would like the County Council to take in response to your petition]*.

I support the petition to *[insert petition aims]* and I confirm that I live, work or study in Dorset:

	Full name	Address	Signature
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11. Representations

- 11.1 In addition to petitions the County Council often receives representations from individuals and organisations about planning applications and other regulatory decisions to be made by the Planning Committee or the Roads and Rights of Way Committee. Often such representations are made in response to a statutory consultation requiring representations to be made within a prescribed timescale.
- 11.2 Late representations, received after a report to a committee or the Cabinet has been sent out with the agenda papers for the meeting, will be reported orally at the meeting. However, in doing so directors will ensure that undue weight is not given to such representations and they will make it clear to members that late representations should be considered within the context of all of the other representations received on the matter under consideration.
- 11.3 In the case of the Planning Committee, late representations received after a report has been sent out, will be circulated on an "update sheet" sent to members one working day before the Committee meeting. That update sheet will contain a summary of all formal consultee responses received late and the number of other late representation received together with a summary, provided that summary raises new points not already addressed by the report. The update sheet will also bring to members' attention any corrections to the report and any new information that may have a bearing on the decision. Any further late representations received after midday on the working day preceding the Committee will not be included in the update and nor will they be reported verbally to members, other than in exceptional circumstances and with the prior agreement of the Chairman of the Planning Committee. It remains open to those interested in a planning application to make direct comments to the Planning Committee as part of the Committee's public speaking arrangements.