



AGENDA ITEM: 7

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
29 September 2011**

Report of: Director of People and Places

Relevant Head of Service: Borough Solicitor

**Contact for further information: Mrs J Denning (Extn. 5384)
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SUBJECT: PETITION REVIEW REQUEST – PUBLIC EQUALITY AND HUMAN RIGHTS FORUM

Wards affected: Borough Wide

1.0 PURPOSE OF THE REPORT

1.1 To consider a request to review the steps that the Council has taken in response to a petition received in respect of the above, as required by the Local Democracy, Economic Development and Construction Act 2009.

2.0 RECOMMENDATIONS

2.1 That the Committee determines whether it considers the steps taken by the Council in response to the petition are adequate.

2.2 That if the Committee does not consider the steps taken to be adequate, consideration be give as to what action to pursue within existing terms of reference.

3.0 BACKGROUND

3.1 The Local Democracy, Economic Development and Construction Act 2009 requires every local authority to adopt a 'Petition Scheme' that sets out how it will handle petitions which must be complied with as adopted. In accordance with the procedure if a 'petition organiser' does not feel that the Council has dealt with the petition adequately, he/she can request the Executive Overview and Scrutiny Committee to review the steps taken to respond.

4.0 STEPS TAKEN TO RESPOND TO THE PETITION

4.1 A petition was received on 21 July 2011 containing 33 signatures, details are attached at Appendix A.

4.2 An acknowledgement letter was sent to the 'petition organiser' on 22 July 2011 which advised that a formal response would be sent to him within 15 working days and detailed what steps the Council may take to deal with the petition i.e.:

- Take the action requested
- Give a written response setting out the Council's views about the request
- Refer to the relevant overview and scrutiny committee
- Refer to Cabinet (executive functions)
- Consider at a meeting of the Council
- Hold an inquiry
- Undertake research
- Hold a public meeting
- Hold a consultation
- Hold a meeting with petitioners
- Call a referendum

4.3 On 3 August 2011 a letter was sent to the 'petition organiser' from the Director of Transformation, a copy of which is attached at Appendix B.

4.4 On 5 August 2011 a letter was sent to the 'petition organiser' which advised that the following step had been taken to deal with the petition:

"The Director of Transformation, in consultation with the Leader and the Public Realm and Human Resources Portfolio Holder, has provided a written response setting out the Council's views about the request."

5.0 REVIEW REQUEST

5.1 A request to review the steps taken was received, within the deadline, on 5 September 2011. A copy of the request is attached at Appendix C.

6.0 COMMENTS OF THE DIRECTOR OF TRANSFORMATION

6.1 The Council places a great deal of importance on ensuring that equality issues are a consideration when making decisions which impact on local people. It has an Equality Impact Assessment process in place, and is involved in/supports a range of listening and involving mechanisms to ensure it can gauge the views of its local community. It is not considered that further mechanisms are necessary at this point in time.

7.0 PROCEDURE FOR DEALING WITH REVIEW REQUESTS

7.1 The 'petition organiser', Mr R Brookfield, has been notified of the time, date and place of the this meeting and has also been asked if he would like to speak at that

meeting on why he considers that the authority's decision on the petition is inadequate, subject to the permission of the Chairman.

7.2 At the meeting

- Should the 'petition organiser' wish to speak, with the permission of the Chairman, he will be able to address the Committee in accordance with Overview and Scrutiny procedure rules.
[Note: The Chairman will normally allow the 'petition organiser' to address the Committee at the beginning of the item, for a maximum of three minutes.]
- Members of the Committee will be able to ask officers questions, through the Chairman.
- With the agreement of the 'petition organiser', Members of the Committee may be able to ask him questions through the Chairman

7.3 Following consideration of the steps taken, the review request and the comments of the relevant officer, the Committee should decide if it considers the petition was dealt with adequately or it may use any of its powers under the Local Government Act 2000 to deal with the matter.

7.4 If the Committee considers that the petition was not dealt with adequately it can:

- Request the relevant officer to bring back a more detailed report on the issue.
- Make a recommendation to Cabinet / Council as appropriate
- Request the Corporate / Environmental Overview & Scrutiny Committee to undertake a Review on the subject matter (subject to current work programmes and resources).
- Set up a Working Group to look at the issue in more detail (subject to the Committees work programme and resources).

7.4 Once the 'review request' has been considered the 'petition organiser' will be informed of the results within 5 working days. The results of the 'review request' will also be published on the website.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

8.1 Petitions are another method to enable local people to raise concerns with the Council providing a feedback mechanism for the community and improving access for all.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

9.1 There are no significant financial or resource implications other than officer and Member time in dealing with this request.

10.0 RISK ASSESSMENT

10.1 The Council is required to comply with Sections 10 to 22 of the Local Democracy, Economic Development and Construction Act 2009.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as Appendix 4 to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

- A. Copy of petition details – 21 July 2011
- B. Letter to R Brookfield, Secretary of the West Lancashire Pensioners' Forum from Director of Transformation – 3 August 2011
- C. Review request from Mr R Brookfield, Secretary of the West Lancashire Pensioners' Forum – Received 5 September 2011.
- D. Equality Impact Assessment