



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/10/23
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	3 NOVEMBER 2010
SUBJECT OF REPORT	AUTHORITY PETITION SCHEME
LEAD OFFICER	Clerk to the Authority
RECOMMENDATIONS	<i>that the proposed revision to Standing Order 12, as appended to this report and intended to give effect to a petition scheme consistent with the requirements of the Local Democracy, Economic Development and Construction Act 2009, be approved.</i>
EXECUTIVE SUMMARY	This report proposes minor modifications to Standing Order 12 (dealing with questions and petitions from the public) so as to effect a petition scheme for the Authority consistent with that required of principal authorities by the Local Democracy, Economic Development and Construction Act 2009.
RESOURCE IMPLICATIONS	Nil.
EQUALITY IMPACT ASSESSMENT	An initial assessment has not identified any equality issues emanating from this report.
APPENDICES	A. Revised Standing Order 12
LIST OF BACKGROUND PAPERS	A. Local Democracy, Economic Development and Construction Act 2009 B. Local Government Public Health and Involvement Act 2007

1. BACKGROUND

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 places a new duty on all principal local authorities to develop and implement a comprehensive petitions scheme and provide an electronic petition facility to help citizens receive better responses from local service providers.
- 1.2 Combined Fire and Rescue Authorities such as Devon & Somerset are not, however, defined as principal authorities and consequently are not caught by the new duty to produce a petition scheme.
- 1.3 The new duty also provides, however, that all principal local authorities must accept petitions relating not just to their functions but also in relation to any "... improvement in the economic, social or environmental well-being of the authority's area to which any of the authority's partner authorities could contribute". In this context, Fire and Rescue Authorities are listed as a partner authority.
- 1.4 This Authority's boundary covers four principal authorities and petitions concerning the Authority may cover one or all of these boundaries. It may therefore be confusing for the community to know which authority to submit a petition that relates to DSFRA.
- 1.5 The Authority's Standing Orders already provide for public petitions to be accepted and it is suggested that minor modifications to the relevant Standing Order (Standing Order 12) can make it compatible with the duty for petition schemes placed on principal authorities. As indicated, although not required to have such a scheme, voluntary adoption would enhance democratic transparency and potentially alleviate confusion for the public. It would supplement rather than replace the duty placed on principal authorities. Other benefits to adopting a voluntary scheme are explored in the next section.

2. BENEFITS OF AN AUTHORITY SCHEME

- 2.1 It would be beneficial to establish a clear position on different types of petitions prior to any potential changes. By establishing a position before any potential changes, the Authority can be proactive about informing the public on how it will accept petitions. Petitions have previously been submitted and accepted during 2007/08 on public consultation for the proposed changes to the aerial appliances and station duty systems.
- 2.2 In the spirit of Big Society and Localism, having a scheme in place will help empower the community and make the Authority more accessible.
- 2.3 Additionally, the Authority is required to meet the Duty to Involve as set out in section 138 of the Local Government Public Health and Involvement Act. A recognised method on involvement with Local Authorities is through petitions.
- 2.4 The introduction of a petition scheme will contribute towards Corporate Activity CA3A2: To improve how the community can influence decisions.

3. THE AUTHORITY SCHEME

- 3.1 As indicated, minor modifications are proposed to Standing Order 12 to reflect the existing guidance on petition schemes now required of principal authorities by the Local Democracy, Economic Development and Construction Act. The main revisions cover:

- categorisation of petitions as either petitions relating to an Authority public consultation (e.g. the Corporate Plan) or petitions on standalone subjects, with different processes for dealing with each;
- the introduction of a requirement for a minimum of 50 signatories before any petition will be accepted;
- To ensure the Authority understands the level of local support for a petition, it reserves the right to seek to verify each signature appended to a petition.

3.1 A revised Standing Order 12 is appended to this report, with the main revisions proposed highlighted.

4. CONCLUSION

4.1 As indicated, although not required to introduce a formal petition scheme the Authority already has one in place which, with minor modifications, would be compatible with that required of principal authorities under the Local Democracy, Economic Development and Construction Act. Such a scheme would, it is suggested, enhance the Authority's democratic transparency and potentially alleviate confusion amongst the public as to whom to submit petitions relating to Authority functions. Consequently, the proposed revisions to Standing Order 12 as appended to this report are commended for approval.

M PEARSON
Clerk to the Authority

PROPOSED REVISED STANDING ORDER 12

12 QUESTIONS AND PETITIONS BY THE PUBLIC (EXCLUDING EMPLOYEES AND REPRESENTATIVE BODIES OF THE DEVON & SOMERSET FIRE & RESCUE SERVICE)

General

- (1) Each agenda for meetings of the Authority will include an item for public questions and petitions. The time allowed for this will not exceed 20 minutes (except at the discretion of the Chair).
- (2) Questions and petitions may only be put by persons who are permanent residents of the geographical counties of Devon and Somerset.
- (3) Petitions and questions (including supplementary questions where allowed by the Chair) will be restricted to one per member of the public per meeting.
- (4) For processing purposes, petitions will be categorised using the following criteria:-
 - a) Petitions relating to an Authority public consultation;
 - b) Petitions on standalone subjects for which the Authority has responsibility or which affects the Authority;

Scope of questions and petitions

- (5) Questions MUST:-
 - (a) relate to a matter which is already included on the agenda for the Authority meeting at which it is to be raised;
 - (b) not be defamatory, frivolous or offensive;
 - (c) not be substantially the same as a question which has been put at a meeting of the Authority in the past six months; and
 - (d) not require the disclosure of confidential or exempt information;
- (6) Petitions MUST:-
 - (a) relate to a matter for which the Authority has a responsibility or which affects the Authority;
 - (b) not be defamatory, frivolous or offensive;
 - (c) not be substantially the same as a petition which has been put at a meeting of the Authority in the past six months;
 - (d) have attracted a minimum of 50 signatories; and
 - (d) not require the disclosure of confidential or exempt information.

Submission of questions and petitions

(7) Questions (which must relate to subject matter already included on the agenda for the meeting at which it is to be raised) must be submitted in writing (including e-mail) to the Clerk to the Authority at least two clear working days before the meeting. The Clerk reserves the right to edit any question, in consultation with the author, to bring it into an appropriate form prior to circulation to the Authority.

(8) Petitions may be submitted to the Authority in the following ways:-

- a) On paper
- b) Electronically, through the Authority's e-Petition facility
- c) Electronically by e-mail

(9) In every case, petition organisers must identify themselves and provide such details as will assist the Authority to make contact to discuss the petition. If the lead signatory wishes to relinquish their role then another signatory can and must be elected as lead signatory.

(10) Petitions relating to an Authority public consultation must be submitted by the closing date of the consultation, to allow for inclusion in the reporting process.

(11) Petitions on stand-alone subjects must be submitted to the Clerk to the Authority by midday, at least two clear working days before the Fire Authority meeting at which the matter is to be presented.

Acceptance of a petitions and questions

(12) The Authority reserves the right to assess the authenticity of any petition by verifying each signatory to it. To facilitate this, petitions must include details of:

- a) Name
- b) Address
- c) Contact number or email address

(13) Where a petition meets the above criteria it will usually be accepted by the Authority and the following process will be initiated:

- a) Where a petition relates to an Authority public consultation it will be taken into account and reported along with other the consultation results.

- b) Where a petition relates to a standalone subject the petition organiser will be allowed to speak in support of the petition for no more than 2 minutes at the Authority meeting, subject to the discretion of the Chair. The Authority may either refer the matter which is the subject of a petition without debate to a relevant committee, take it into consideration if it relates to an item on a current or forthcoming agenda (at the time that item is to be considered), or note it.

- (14) The Clerk to the Authority has discretion, following consultation with the Chair, to reject any question or petition which does not accord with the terms of this Standing Order.

Asking Questions at a meeting

- (15) The Chair will invite the correspondent to introduce (not repeat in full) hi(s)/her question to the Authority. The correspondent has a maximum of 2 minutes in which to do so, subject to the discretion of the Chair. If a questioner who has submitted a written question is unable to be present, they may ask the Chair to put the question on their behalf. The Chair may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

Supplemental question

- (16) Supplementary questions (a maximum of 2 minutes for each) will be allowed at the discretion of the Chair.

Written answers

- (17) Any question not able to be dealt with adequately during public question time, will be dealt with by a written answer.

Reference of question to a committee

- (18) Unless the Chair decides otherwise, no discussion will take place on any matter raised during public question time, but any Member may propose that the matter be referred to the appropriate committee of the Authority for consideration.

Availability of questions and petitions

- (19) Brief details of the subject matter of any petition(s) to be considered, together with copies of all questions from the public received prior to the meeting (and any answers to be given where appropriate), will be circulated to all Members of the Authority and will be made available to the public attending the meeting.

A public record

- (20) A summary record of questions asked, replies given and petitions accepted will be made in the minutes of the Authority's meeting.