

DONCASTER METROPOLITAN BOROUGH COUNCIL

ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE

8TH JUNE, 2010

A MEETING of the ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE was held at the MANSION HOUSE, DONCASTER on TUESDAY 8TH JUNE, 2010 at 10.00 a.m.

PRESENT:

Chair – Councillor Moira Hood
Vice-Chair – Councillor Doreen Woodhouse

Councillors Paul Bissett, Bob Ford, Marilyn Green, Cliff Hampson, Beryl Harrison, Ken Keegan, Ray Mullis and Kevin Rodgers.

ALSO IN ATTENDANCE

Councillor John Mounsey, Chair of Overview and Scrutiny Management Committee.

APOLOGIES

An apology for absence was received from Councillor Ken Knight.

1. DECLARATIONS OF PERSONAL AND PREJUDICIAL INTEREST

There were no declarations made at the meeting.

2. MINUTES OF THE ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE MEETING HELD ON 16TH MARCH, 2010

RESOLVED that the Minutes of the Elections and Democratic Structures Committee meeting held on 16th March, 2010 be approved as a correct record and signed by the Chair.

3. TERMS OF REFERENCE 2010/11

The Committee received a report which outlined the Terms of Reference of the Elections and Democratic Structures Committee for the 2010/11 Municipal Year. It was reported that these had been agreed at the Annual Meeting of Full Council on 21st May, 2010 and there were no changes from the previous year. The Committee was therefore asked to note the contents of the report.

RESOLVED that the Terms of Reference of the Elections and Democratic Structures Committee for 2010/11 be noted.

4. LOCAL AND PARLIAMENTARY ELECTIONS – 6TH MAY 2010:
EVALUATION REPORT

The Committee considered a report which provided an evaluation of the Local and Parliamentary Elections that had taken place on 6th May, 2010 and gave Members an opportunity to discuss and identify any pertinent issues arising from the Elections, which could then be incorporated into Service Development Plans, if necessary, as part of ongoing improvement.

In presenting the report, the Electoral and Democratic Renewal Consultant confirmed that the previously reported delays which had arisen with the implementation of amendments to the European Parliamentary Election Regulations and the Returning Officers Fees and Charges Order had been overcome and planning and preparation for the Elections had consequently run smoothly. He reported that approximately 82% of postal votes had been returned for the two elections, which was above the more usual return rate of around 60%.

Members were pleased to note that the elections had run very smoothly, from the opening of the postal votes and operation of polling stations to the subsequent running of the counts, with results being declared within the anticipated timescales. On this note, the Chair, Councillor Moira Hood, on behalf of the Committee congratulated the Electoral and Democratic Renewal Consultant and his team on their efforts in ensuring the successful delivery of the 2010 Elections.

General discussion followed, during which a Member reported that some postal votes had been delivered without return envelopes in her particular ward. In reply, the Electoral and Democratic Renewal Consultant confirmed that approximately 100 postal votes had been affected and he outlined the circumstances and the subsequent actions which had been taken to resolve the problem.

In response to a further query by a Member as to the feasibility of issuing postal votes to residents who are partially sighted at the earliest opportunity to allow them as much time as possible to complete and return their postal votes, the Electoral and Democratic Renewal Consultant explained that long-standing postal votes were sent out at the earliest time permitted by the election timetable, but due to the inconsistencies with delivery not all were received at the same time. He added that some applications made during the election were issued as part of a second tranche.

It was then

RESOLVED that the contents of the report be noted.

5. LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 – APPROVAL OF A PETITION SCHEME

Members considered a report which sought the Committee's approval of arrangements to ensure that the Council complied with a new duty to respond to petitions and put in place a scheme for handling petitions including e-petitions, as required by the Local Democracy, Economic Development and Construction Act 2009. In particular, the Committee's views were sought on the Model Petition Scheme produced by the Department for Communities and Local Government, as set out in Appendix A to the report, and the options available within the areas of discretion, which allowed the Council to tailor the Model Scheme to suit its own local needs, as summarised in the report. Members noted that the requirement to develop a petition scheme came into force from 15th June 2010 and the requirement to have an e-petition facility from 15th December 2010.

After the Democratic Services Manager had introduced the report, Members considered in detail the areas of the Petition Scheme where there was scope for local discretion allowing Authorities to vary the Model Scheme to suit their specific needs, together with accompanying Officer recommendations, as set out in paragraph 17 of the report and made observations/comments on the following key issues:

Number of signatures required to recognise the submission as a petition

Members expressed the view that the recommended requirement of a minimum number of 10 names for petitions to become valid was too low and that, instead, this should be given a higher threshold. After a brief discussion on appropriate threshold amounts, Members agreed that a minimum number of 50 names should be required for petitions to become valid.

Who can sign a petition?

The Committee agreed that the criteria for signing/organising a petition as stated in the Act should be adopted, i.e. that anyone who lives, works or studies in the local authority area, including under 18's, can sign or organise a petition and trigger a response.

Number of petitions an individual can submit

Members felt that a limitation should be placed on the number of petitions that campaign groups, as well as individuals, could submit in any six-month period and accordingly agreed that no individual or group should be permitted to present more than one petition in any six-month period.

Cost of dealing with petitions

The Committee agreed that any costs incurred by the Council in dealing with petitions should be publicised on the Council's website.

Timescale for acknowledging receipt of Petition

Members agreed that all petitions be acknowledged within 10 working days of receipt.

Timescale for notice of when a petition will be discussed at Overview & Scrutiny/Council

It was agreed that where a petition had enough signatures to trigger a Council debate or a senior officer giving evidence, then the acknowledgement would confirm this and tell the petition organiser when and where the meeting would take place.

Timescale – Petitioners wishing to attend and speak at a meeting (time limits)

The Committee accepted the recommendation that, at Full Council debates, the petition organiser be given 5 minutes to present the petition at the meeting, followed by a discussion time of a maximum of 15 minutes.

Timescale – number of days in which to appeal to Overview and Scrutiny if not happy with the process

Members agreed with the recommendation that petition organisers are given a period of 10 working days from the date when a decision is issued on a petition in which to request that the Council's relevant Overview and Scrutiny Panel review the steps that the Council has taken in response to their petition.

Threshold level for triggering debates at Council or calling to account of a Chief Officer

The Committee supported the recommendation that petitions containing more than 10,000 signatures would be debated by the Full Council. Members noted that this figure represented 3.4% of the local population and was therefore lower than the Government's maximum guideline figure of 5%. It was also consistent with thresholds adopted by other authorities with comparable local populations to Doncaster.

Furthermore, Members agreed that a minimum of 2,500 signatures should be required in order for a petition to trigger the calling to account of a Chief Officer. It was noted that, again, this level was consistent with Government guidance and similar thresholds adopted by other local authorities.

Responsibility for rejecting a petition due to being vexatious/inappropriate

Members concurred with the recommendation that responsibility for rejecting a petition due to it being vexatious or inappropriate should rest with the Council's Monitoring Officer.

Petitions Scheme – Overview and Scrutiny Issues

The Chair then welcomed Councillor John Mounsey, Chair of the Overview and Scrutiny Management Committee, to the meeting and invited him to comment on the proposals from a Scrutiny perspective. Councillor Mounsey outlined a range of suggestions for proposed amendments to the Model Petition Scheme, a summary of which was tabled for Members' consideration at the meeting (see Appendix 1 to these minutes). After discussion, Members agreed to accept all of the suggestions as put forward by Councillor Mounsey.

After the Officers had answered further questions by Members on various aspects of the Model Petition Scheme and how this would be implemented in practice, it was

RESOLVED that:-

- (1) subject to the views of the Standards Committee from a probity perspective, the Model Petition Scheme as set out in Appendix A to the report, incorporating the amendments agreed above and those proposed by Councillor Mounsey as detailed in Appendix 1 to these minutes, be submitted to the Full Council Meeting on 19th July 2010 for approval;
- (2) a report be presented to Full Council on 19th July 2010 proposing the adoption of the above Scheme and requesting that the relevant parts of the Council's Constitution be updated to reflect the requirements of the Petition Scheme and the designation of the Scrutiny Manager as the authority's Scrutiny Officer under Section 31 of the Local Democracy, Economic Development and Construction Act 2009;
- (3) the requirement to develop an e-petition facility from 15th December 2010 be noted; and
- (4) the Committee receives a further report on the e-petition facility options in due course.

EDS MEETING 8th JUNE 2010

PETITIONS SCHEME – OVERVIEW & SCRUTINY ISSUES

APPENDIX A DRAFT PETITION SCHEME

Please find below a number of issues for consideration relating to the draft Petition Scheme I would wish the Committee to consider. Suggestions for proposed amendments to the scheme the Committee may wish to consider are included in the shaded sections below.

Issue 1 (Para 11)

No reference is made to referring issues to the Executive for consideration. It is likely that for a number of issues the Executive may be the most appropriate body to consider the petition.

Suggest inserting the following additional bullet point

- *Refer the issue to the Mayor/relevant Cabinet Member for consideration.*

Issue 2. (Para 12)

Potentially O&S Committees could be inundated with requests to undertake work arising from petitions.

Suggest inserting the following wording within the scheme:

That any decision for O&S to undertake an investigation will be discussed with the Chair / V Chair of the relevant Panel/OSMC in advance and ultimately determined by the Panel taking account of its workload, priorities and available resources.

Issue 3 Para 16 – Full Council Debates

Greater clarity within the scheme that full Council cannot overrule an Executive decision, although it can make recommendations to the Mayor and Cabinet.

Suggest inserting the following wording:

That Democratic Services will provide guidance on those issues that can be determined by Council/other bodies and the Executive so there is clarity over who is responsible for taking any action if this is recommended.

Issue 4 Para 21 - Appeals

Potentially Scrutiny Panels could receive a high number of referrals. Further emphasis should be given within the draft scheme that Overview and Scrutiny cannot be a decision taker e.g.

Overview and Scrutiny has no powers to overturn a decision but may investigate and make recommendations to decision makers.

ADDITIONAL COMMENTS

Issue 5 Paras 17 – 18 Officer Evidence

Officers are regularly held to account through O&S e.g. budget and performance and through the Call in process. I would envisage therefore any significant issues would be picked up by Overview and Scrutiny without the need for a petition.

The Constitution details the way in which O&S will conduct its meetings if appropriate these will be held in the community to maximise public engagement. Attendees will be treated with respect and courtesy.

The Role of Partners

I would welcome a commitment from our partners that wherever there is an issue that is formally considered by the authority they will participate where the issue relates to their activities. We have built this in to an overview and scrutiny partnership protocol but there may be a need to extend such agreement to other Council Committees considering petitions.

General Summary

Regardless of whether thresholds are reached or processes have/have not been followed, Overview and Scrutiny will still retain the right to consider any issues it believes should be open to public scrutiny except where the law or Council Constitution does not permit this e.g. planning/licensing decisions.

Councillor John Mounsey
Chair of OSMC
7th June 2010.