DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
SUBJECT:	APPEAL AGAINST DECISION NOT TO ALLOW A PETITION
DATE OF DECISION:	17 NOVEMBER 2011
REPORT OF:	ACTING HEAD OF LEGAL, HUMAN RESOURCES AND DEMOCRATIC SERVICES
STATEMENT OF CONFIDENTIALITY	
N/A	

BRIEF SUMMARY

The purpose of this report is to enable the Overview and Scrutiny Management Committee to consider the appeal following the decision not to allow a petition and determine whether or not any action should be taken.

RECOMMENDATION:

To consider the appeal following the decision not to allow the petition and determine whether or not any action should be taken.

REASONS FOR REPORT RECOMMENDATIONS

1. The Council's petition scheme requires that the Committee considers this matter and makes a decision.

DETAIL (Including consultation carried out)

2. An appeal has been received against a decision not to allow a petition to keep the Race Equality Service in Southampton. A copy of the letters relating to the request for a petition, rejection of petition and request for review are included within the documents at Appendix 1.

3. The Council's Petition Scheme adopted by the Council in May 2011 put in place the framework for the operation of a locally based petition scheme. The petition scheme enables anyone who lives, works or studies in Southampton to participate in the democratic process by bringing issues to the attention of City Councillors and influence local decision making.

4. All petitions submitted to the Council must comply with the Council's Petition Scheme. A copy of the petition scheme is attached at Appendix 2.

5. The petition scheme sets out a number of restrictions and criteria for why petitions may be rejected.

6. The restrictions include the rejection of petitions where it is considered not to relate to an issue upon which the Council has powers or duties (Council petition scheme 4.1).

7. After due consideration it was determined the petition did not relate to an issue upon which the Council has powers or duties or on which it has shared delivery responsibilities as it is about something which the Council has no direct control.

8. The Petition stated that as a result of budgetary cuts [in the last budget], following a smaller grant from the City Council, the Citizens Advice Bureau had

cut the race equality worker post. The Petition sought additional funding from the Council in order that the Citizens Advice Bureau could fund a new race equality service. As the Council does not have the power to determine the financial priorities of organisations it provides grants to, nor could it revisit last year's budget, the petition was therefore rejected.

9. The table below sets out the key dates and associated correspondence.

Council receipt of petition	11th September
Letter sent acknowledging receipt of the petition and stating that further analysis of the information was required to establish that the signatories either lived or worked in Southampton.	15th September
Letter from petitioner seeking information on the analysis on the information.	4th October
Letter detailing the reason for objection	4th October
Letter received detailing grounds for an appeal	14th October
Letter sent detailing the process for appeal and seeking confirmation of intention to proceed to OSMC	20th October
Letter received confirming request to appeal to be considered by OSMC	26th October
Letter sent notifying of review date	8th November

REQUEST FOR AN APPEAL

10. The Council's Petition Scheme includes a procedure detailing what petitioners can do if they feel their petition has not been dealt with properly, Paragraph 10 of the Petition Scheme.

11. Under the Scheme

10.1 the Petition Organiser has the right to request that the Council's Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition

10.2 The committee will consider your request within 30 days of receiving it. Should the committee determine that the Council has 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.

SUBSEQUENT ACTION

12. Once the appeal has been considered the Petition Organiser will be informed of the result within 7 days. The results of the review will also be published on the Council's website.

RESOURCE IMPLICATIONS

Capital/Revenue

13. None

Property/Other

14. None.

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

15. Local Democracy, Economic Development and Construction Act 2009 as adopted under the Council's Petition Scheme and included in the Council's Constitution.

Other Legal Implications:

16. None.

POLICY FRAMEWORK IMPLICATIONS

17. None.

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SUPPORTING DOCUMENTATION

Appendices

1	Correspondence
2	A copy of the petition scheme

Documents In Members' Rooms

1	A copy of the request for the petition

Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No

Other Background Documents

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No

Integrated Impact Assessment and Other Background documents available for inspection at: n/a

WARDS/COMMUNITIES AFFECTED:	n/a