



AGENDA ITEM: 7

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
3 February 2011**

Report of: Council Secretary and Solicitor

**Contact for further information: Mrs J Denning (Extn. 5384)
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**SUBJECT: PETITION REVIEW REQUEST - OFF PEAK RAIL AND BUS
CONCESSION FOR OVER 60S/DISABLED PEOPLE**

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 Off peak rail and bus concession for Over 60s/Disabled people, 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 Tuesday, 19 October 2011 containing 34 signatures in respect of the following:

“PETITION – Off peak rail and bus concession for Over 60s/Disabled people of the West Lancashire Borough who are in need of medical services, or are socially excluded from rail or bus services by virtue of being in a low income group such as a state pensioner.

“The Over 60s/Disabled people of West Lancashire petition the West Lancashire Borough Council to commit to a concession system whereby those Over 60s/Disabled who need to travel for medical services can do so by using a concession pass provided by West Lancashire Borough Council that is free of charge, that enables free rail and bus travel including to any and all medical appointments on production of an appointment card or letter;

and that the West Lancashire Borough Council does commit to providing a similar concession system whereby any and all Over 60s/Disabled may be socially included in any and all benefits of free off peak rail and bus travel.

And that West Lancashire Borough Council does so by arranging to use empty publicly funded seats on out of borough trains at no cost to WLBC.”

4.2 An acknowledgement letter was sent to the ‘petition organiser’ on 20 October 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 9 November 2010 a letter was sent to the ‘petition organiser’ which advised that the following step would be taken to deal with the petition:

“The Assistant Chief Executive, in consultation with the Leader and the Finance and Performance Management Portfolio Holder, will give a written response setting out the Council’s views about the request, within 10 working days.”

4.4 On 19 November 2010 a letter was sent to the ‘petition organiser’ from the Assistant Chief Executive, a copy of which is attached at Appendix A.

5.0 REVIEW REQUEST

5.1 A request to review the steps taken was received, within the deadline, on 1 December 2010. A copy of the request is attached at Appendix B.

6.0 COMMENTS OF THE ASSISTANT CHIEF EXECUTIVE

6.1 As Members will recall a report on the subject of Concessionary Travel was considered by Special Cabinet (Minute 95) and Council on 15 December 2010. Minute 73 of Council reads as follows:

“73. CONCESSIONARY TRAVEL

In a report contained on pages 589 to 594 of the Book of Reports, the Assistant Chief Executive updated members on the implications of the transfer of statutory responsibility for concessionary travel from the lower to upper tier Authority (i.e. WLBC to Lancashire County Council) from 1 April 2011 and sought approval in relation to consultation on options for the future in relation to discretionary concessions.

Members noted that the transfer to the County Council of this Council’s concessionary travel budget would enable the County Council to provide both the statutory and discretionary travel concessions currently provided by this Council and asked officers to draw this to the attention of the County Council’s officers.

- RESOLVED
- A. That the current position, as outlined in the report, be noted.
 - B. That Officers continue to liaise with Lancashire County Council colleagues in relation to the County Council’s proposals for any future scheme of concessionary travel within the Borough and their proposals for the operation of this.
 - C. That the proposals for consultation as set out in paragraph 7 of the report in relation to the options identified at paragraph 6.1 of the report, be noted.
 - B That the Assistant Chief Executive report back to Council in February with the results of the consultation and proposals for discretionary concessionary travel within the Borough from 1 April 2011, together with an equality impact assessment.”

6.2 In view of this, may I suggest the following:

- “A. That the Committee considers the steps taken by the Council in response to the petition to be adequate.
- B. That the Assistant Chief Executive be asked to consider the matters raised in the petition and in the review request, as part of the consultation currently being undertaken on discretionary concessionary travel within

the Borough and the subsequent report to be submitted to Council on 23 February 2011.”

7.0 PROCEDURE FOR DEALING WITH REVIEW REQUESTS

- 7.1 The ‘petition organiser’, Mr Brookfield, has been notified of the time, date and place of this Committee meeting and, with the permission of the Chairman, he may be allowed to address the committee, under usual procedures, on why he considers that the authority’s decision on the petition is inadequate.
- 7.2 Following consideration of the steps taken, the request for a review of the steps taken and the comments of the Assistant Chief Executive, the Executive Overview & Scrutiny Committee can 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.
- 7.3 If the Committee considers that the petition was not dealt with adequately it could:
- 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.
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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 no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups as the new rules on petitions are intended to enable public access to the decision-making process of the authority and as such contribute towards open and inclusive governance.

Appendices

- A. Letter to R Brookfield, Secretary of the West Lancashire Pensioners' Forum from Assistant Chief Executive – 19 November 2010
- B. Review request from Mr R Brookfield, Secretary of the West Lancashire Pensioners' Forum – Received 1 December 2010.