
To: Scrutiny Co-ordination Committee

Date: 5th October 2011

Subject: Request for a Review of the steps the Council has taken in response to a petition

1 Purpose of the Note

- 1.1 To consider a request from Petition Organiser Mrs Joy Warren for a review of the steps that the Council took in response to her petition relating to water fluoridation.

2 Recommendations

- 2.1 Scrutiny Co-ordination Committee is recommended to:
- 1) decide whether the petition was dealt with properly or not
 - 2) agree any further actions that should be taken in respect of the petition, if it is found that the petition was not dealt with properly
 - 3) make recommendations about any other appropriate action (see section 6.3).

3 Background

- 3.1 On 17th March 2011, the Council received a petition raising a number of concerns related to the fluoridation of drinking water in the city and requesting that the City Council, through its Health Scrutiny Board, commission further investigations into water fluoridation and invite stakeholders and experts to contribute to a policy discussion prior to the City Council assuming responsibility for public health matters.
- 3.2 The petition was presented to Full Council on 22nd March and referred without debate to the Health and Social Care Scrutiny Board which considered it at their meeting of 22nd June. Following presentation and questions, the Board decided to note the petition and the petitioners' concerns but to take no further action in respect of the petition.
- 3.3 On 17th July the Petition Organiser contacted the Council regarding a continuation of the petition. On 21st July the Council replied that the petition had been dealt with and sent notification of the decision of the Health and Social Care Scrutiny Board to the Petition Organiser, pointing out her right to request a review of the way that the Council dealt with the petition.

4 The request for a review

- 4.1 On 24th July the petition organiser exercised the right (as set out in the Council's Constitution and the Petition Scheme – attached as Appendix A) to request a review of the way that the Council dealt with the petition.
- 4.2 The Scrutiny Co-ordination Committee is the body designated by the Constitution to undertake this review. If it decides that the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter including instigating an investigation, making recommendations to the Council's Cabinet or arranging for the matter to be considered at a meeting of the Full Council.

5 The matters raised in the request for a review

- 5.1 The Petition Organiser's request for a review is included in full at Appendix B. The reasons given for requesting the review are numbered i-vii below. (The Petition Organiser also made a number of observations about the Petitions Scheme which do not form part of the review and will be referred to the Petitions Officer for consideration in any future review of the Scheme.)

i) The verbal decision by the Chair of Comm. 5 that the Committee did not have time to scrutinize the issue has been translated by the writer of the minutes of the meeting into an outright rejection of the petition.

What the Petitions Scheme says:

The Petitions Scheme does not refer to the procedure for minuting meetings which is addressed elsewhere in the Council's Constitution. For clarification, the minutes of a meeting constitute the formal record of the decisions at that meeting. They are published on the Council's Committee Management System website alongside the agenda and papers for the following meeting. The minutes are reviewed at the following meeting, amended if appropriate, and approved as a true record. They are then published as the final minutes.

How this petition was dealt with:

The minutes of the Health and Social Care Scrutiny Board meeting of 22nd June were published on the Council's Committee Management System website on 19th July as part of the papers for the meeting of the Board taking place on 27th July. The minutes stated:

Members of the Board questioned attendees on their presentations and after due consideration of the report and matters raised at the meeting, the Board noted the concerns raised by the petitioners however, mindful of work programme priorities which are open to periodic review, agreed that the petitioners' request for the Board to commission further investigation not be agreed.

RESOLVED that the Board:

- (a) Note the petition and the petitioners' concerns***
- (b) Take no further action in respect of the petition for the reason given above.***

The minutes of the 22nd June meeting were approved by the Board as being a true record of the meeting at the 27th July meeting. This was in accordance with normal practice.

The Petition Organiser queries how decisions that were taken at the meeting were minuted and stated in the decision notification. The minute clearly shows that the Board agreed unanimously not to include the issue in the current work programme in the context of other priorities. The Board re-affirmed this by agreeing this minute at its next meeting.

ii) The petition's wording makes it clear that a scrutiny was requested and that Full Council passed it through for scrutiny.

What the Petitions Scheme says:

The Petitions Scheme sets out that the Petitions Officer will decide whether the petition should be addressed to Full Council, Cabinet or Cabinet Member. It states that petitions can be presented to Full Council on behalf of the Petition Organiser by a sponsoring Councillor *"but will not be debated by them. Instead, Full Council will refer the petition to the relevant Cabinet, Cabinet Member or Committee to deal with the matter"* (section 8.2).

The Petitions Scheme sets out the range of courses of action that the body subsequently considering the petition may wish to take.

How this petition was dealt with:

When this petition was presented at its meeting on 22nd March, Council decided to refer it to the appropriate City Council body or external organisation. The petition specifically asked for the matter to be addressed by the Health and Social Care Scrutiny Board and the petition was referred to that body for consideration. In line with the Petitions Scheme, this was simply a referral to the Board, not an instruction to carry out the action requested in the petition.

iii) Two other people were allowed to speak at the presentation and this contributed to negating the petition's import and veracity and was contrary to the Council's petition policy at this stage in the proceedings. (Petition Scheme 8.4 refers.)

What the Petitions Scheme says:

The Petitions Scheme allows for the petition organiser attend the relevant meeting and speak about the petition. It states that *"only the petition organiser may speak about the petition"* (section 8.4).

This purpose of this statement is to limit the number of signatories to the petition who are able to speak at the meeting. When petitions are considered, only the sponsoring councillor (where appropriate) and the petition organiser or spokesperson are invited to speak in favour of the petition. It is normal practice for a report to be written and presented by relevant officers responding to the issues raised in a petition to help councillors decide how to proceed.

The Petitions Scheme does not prescribe the time that should be allowed for petition organisers to speak on a petition. Where time limits are set for councillors or spokespersons at other committees a limit of two or three minutes is usually prescribed.

How this petition was dealt with:

The approach taken at the Board meeting, with the agreement of the Chair, was to receive presentations from the Petition Organiser and relevant officers. The Petition Organiser was allowed 10 minutes to present the petition at the Scrutiny Board meeting. John Forde, Acting Director of Public Health, and Jonathan Iloya, NHS Coventry's Consultant in Dental Public Health also attended the meeting to present a briefing paper that had been circulated to the Board. The Board questioned both parties to inform their decision about what action to take. Approximately one hour was spent discussing the issue.

iv) The appellant did not have the support of a City Councillor during the presentation. Did this count against her in that she lacked a sponsor at the meeting? (Petition Scheme 8.6 refers)

What the Petitions Scheme says:

The Petitions Scheme states that a petition can be submitted by members of the public or presented by a councillor on their behalf. The Scheme provides for the Petition Organiser to speak about the petition at the meeting where it is considered, whether or not the petition is sponsored by a councillor.

How this petition was dealt with:

The petition was introduced at the Council on 22nd March by Councillor Cliffe, who was not re-elected in May. The Petition Organiser presented the petition at the meeting of the Health and Social Care Scrutiny Board. In attending the meeting, presenting information and being questioned by the Board, the Petition Organiser was afforded at least the same opportunity as would have been provided to a councillor sponsoring a petition and the petition was not treated differently or any less favourably for the lack of a councillor sponsor.

The Petition Organiser reported that other ward councillors were unable or unavailable to present the petition.

v) Comm. 5's written decision was not relayed to the petitioner for one month. Then it was only relayed when the Petitioner contacted Governance Services on another topic to do with e-petitions.

What the Petitions Scheme says:

The Petitions Scheme states that the Council will advise the Petition Organiser of the action it has taken. There is no timeframe stated for this.

How this petition was dealt with:

Following the meeting, at which the Petition Organiser was present, no formal notification of the outcome was sent to the Petition Organiser. This came to light when the Petition Organiser emailed Governance Services on 17th July.

Governance Services responded to the Petition Organiser on 21st July stating:

- how the petition was addressed at the Health and Social Care Scrutiny Board meeting on 22nd June
- the decision of the Board
- the opinion of the Council's Petitions Officer that the matter had been given due regard by the Board and that they had made a decision based on the evidence provided and in accordance with the petitions scheme
- the right of the Petition Organiser to request a review of the steps that the Council has taken in response to the petition.

The response explained that any such request for a review should ordinarily be made no later than 5 working days from the date of the meeting when the petition outcome was decided but that in this instance this deadline was being extended to 29th July (i.e. 5 working days after the Petition organiser was formally informed of the petition outcome).

The Petition Organiser submitted the request for a review on 24th July.

vi) On 24th June, the Petitioner contacted Peter Barnett (Health Development Service Manager at Community Services Directorate), by phone and discussed with him the possibility of collecting more signatures for the petition in order to strengthen it so that Comm. 5 would be more likely to add the issue to its Work Programme when a space arose . At this point he was made aware that the Petitioner believed that the petition was still a live issue which had been put on the back burner. Peter Barnett did not say that extra signatures could not be collected. Nor did he say that the petition had been rejected. (Appendix 6 refers.)

What the Petitions Scheme says:

Options open to the body considering the petition are to agree to the action requested, take some further action or to take no further action. The Petitions Scheme does not state how the Council will approach any attempt to re-open or reconsider a petition that had already been dealt with or address a new petition on a similar issue.

How this petition was dealt with:

In a telephone conversation with the Petition Organiser, the Scrutiny Co-ordinator advised that, following the decision of the Board, the Council now considered the matter dealt with.

It might not have been clear to the Petition Organiser whether the Scrutiny Board had finished dealing with the petition, or had decided that it was not possible to consider the issue in the current work programme, and whether the same or a similar petition could be brought back to the Council at a later date. However, in relation to this review, this did not affect the process by which the petition was dealt with by the Board.

vii) This was the third attempt at getting Comm. 5 to scrutinize the issue and each time it has been rejected on the pretext of their being more important issues on the Committee's work programme.

What the Petitions Scheme says:

The Scheme does not cover the development of the Scrutiny Board work programmes. For clarification, this is undertaken by scrutiny members at a range of meetings. Individual Boards review their work programmes regularly at their meetings and the Scrutiny Co-ordination Committee reviews the whole programme. Time available for scrutiny is limited and the development and review of work programmes always involves prioritisation. Issues are added to and removed from work programmes during the year according to changing circumstances and priorities.

How this petition was dealt with:

The Board considered the petition and the report from the Consultant in Dental Public Health and following questions and discussion decided not to add the issue of water fluoridation to the work programme for further investigation. The Board is entitled to prioritise issues for the work programme. If it had concerns about capacity and workload it can raise these with the Scrutiny Co-ordination Committee and/or its Chair, which take an overview of the scrutiny work programme.

6 Conclusions

- 6.1 In summary, the facts set out in the report show that the Petition was dealt with properly, in line with the process set out in the Council's Petition Scheme.
- 6.2 The notification letter was not sent promptly to the petition organiser following the meeting. However, when this was done, the timescale for submitting a request for a review was extended accordingly. This had no effect on the way the petition was dealt with and while the opportunity to request a review was delayed by a month, the opportunity was provided and taken up.
- 6.3 Further action recommended:
- a) Procedures should be reviewed to ensure that the Petition Organiser is notified of the outcome of the decision on a petition within two working days and to publish the decision on the City Council's website.
 - b) The other issues raised by the petitioner which relate to the petition Scheme in general, rather than this review, should be referred to the Petitions Officer for consideration in any future review of the Scheme.
 - c) There is no provision in the Petitions Scheme for validating requests for a review which currently means that all requests must be considered by a meeting of the Scrutiny Co-ordination Committee. It is recommended that the Constitution Working Group be asked to review section 10 of the Petitions Scheme and recommend to the Council a process for validating any future requests for a review which allows the Chair, with appropriate advice, to decide if the information supplied in the request for a review justifies consideration by a meeting of the Scrutiny Co-ordination Committee.

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Appendices

- Appendix 1: The Council's Petition's Procedure Rules from the Council's Constitution, known as the "Petitions Scheme"
- Appendix 2: The Petition Organiser's request for a review

Petitions Scheme

July 2010



Coventry City Council – Petition Procedure Rules from the Council's Constitution, to be referred to as the "Petition Scheme"

- 1.1. The Petitions Scheme is based on the framework set out in the Local Democracy, Economic Development and Construction Act 2009 and takes account of the Guidance issued by the Department for Communities and Local Government issued on 30 March 2010.
- 1.2. The Council welcomes petitions and recognises that these are one way in which citizens of Coventry can raise concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out how the Council plans to deal with the petition, including an assessment of which of the three routes the petition should follow (see sections 4 -9 below).
- 1.3. The Council will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition, and it has at least 5 signatories on it.
- 1.4. Subject to these rules, petitions can be submitted by members of the public, or presented by a Councillor on their behalf.
- 1.5. Petitions can be submitted in two ways - on paper and electronically. The option to submit e-petitions does not come into effect until 15 December 2010.
- 1.6. Paper petitions should be sent to the Petitions Officer:

Assistant Director, Democratic Services
Customer and Workforce Services
Coventry City Council
Council House
Earl Street
Coventry
CV1 5RR

2. Guidelines for Submitting a Petition

- 2.1. Petitions submitted to the Council must include:-
 - a clear and concise statement covering the subject matter of the petition.
 - what action the petitioners wish the Council to take.
 - the name, address, postcode and signature of any person supporting the petition.
- 2.2. Petitions should be accompanied by contact details including an address for the Petition Organiser. This is the person the Council will contact to explain how it intends to respond to the petition. This can be, but does not have to be, a Councillor. That person will need to indicate which personal data can be published on the Council's website in order to enable the Council to meet its obligations under the Data Protection Act 1988. If the petition does not

identify a Petition Organiser, signatories to the petition will be contacted, starting with the first signatory, to agree who will act as the Petition Organiser.

- 2.3. Petitions which have less than 5 signatures or are considered to be vexatious, abusive or otherwise inappropriate (as determined by either the Petitions Officer or Monitoring Officer) will not be accepted.
- 2.4. In the period immediately before an Election or referendum the Council may need to deal with the petition differently – if this is the case the Council will explain the reasons and discuss the revised timescales which will apply.
- 2.5. In all cases, if the petition does not follow the guidelines set out above, the Council may decide to take no further action with the petition. If this is the case the Council will set out the reasons for this action.

3. e-Petitions

- 3.1. Petitions can be submitted electronically from 15 December 2010. E-petitions will be created and submitted through the Council's website and e-petitions will follow the same guidelines as paper petitions.
- 3.2. The e Petition Organiser must provide their name, postal address and email address and specify how long the petition is to be open for signatures. He or she must also give their consent to their personal data being published on the Council's website in order to enable the council to meet its obligations under the Data Protection Act 1988. Most petitions are expected to run for 6 months but a shorter or longer timeframe can be applied by the e-Petition Organiser up to a maximum of 12 months.
- 3.3. An e-petition will be published online within ten working days. The Council will check that the content of the e-petition is suitable before it is published in accordance with section 4.9.3.4 below. If the petition cannot be published then the Petition Organiser will be advised within ten working days, and will have the opportunity to make changes to the petition. If the e-petition is not altered and re-submitted, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 3.4. When an e-petition has closed for signature, it will be automatically submitted to the Council's Petitions Officer. All e-petitions will be checked using the name, email address and the postcode supplied by the signatories. It will then follow the normal routing process referred to below, depending on the number of signatures on the e-petition and what it is asking the Council to do.

4. Council Action on Receipt of a Petition

- 4.1. A written acknowledgement will be sent to the Petition Organiser within five working days of receiving the petition. Details of the petition will be sent to the relevant ward Councillors. For city-wide petitions, all Councillors will be notified via the weekly Petitions Register update. Any Councillor wishing to act as 'Sponsor' for a petition will need to contact the Petition Organiser and

seek their agreement, and then inform the Petitions Officer. The Councillor's name will be added to the Petition Register. Both the Petition Organiser and a Sponsor will receive correspondence relating to the petition. Where the Petition Scheme states that the Petition Organiser will be informed, the Sponsor will also be informed.

4.2. On receipt of the petition, the Council's Petitions Officer [the Assistant Director (Democratic Services)] will review the petition and check which of the four applicable routes that the petition should follow. The four routes that are available to a petition are as follows:-

- A petition requiring Council debate.
- A petition requiring a senior officer to give evidence.
- A petition which relates to a Planning, Licensing or Regulatory matter
- Other petitions

4.3. If the petition is a statutory petition (for example requesting a referendum on having an Elected Mayor) or relates to a matter where there is already an existing right of appeal, such as Council Tax banding or non-domestic rates, other procedures will apply and the petition will not be routed in any of the four ways above by the Petitions Officer.

4.4. The Petitions Officer will check that the petition complies with the requirements with regard to the details above and then publish details of the petition received on the Council's website. The petition will be published within ten working days of receipt.

5. Petitions being submitted or Sponsored by a Councillor

5.1. Councillors may submit a petition as Petition Organiser or support an existing petition, acting as its 'Sponsor'. In these cases, where there are at least 5 signatures:

5.2. If a Councillor presents a petition to a meeting of the City Council, the Councillor submitting the petition will be entitled to speak for two minutes.

5.3. If a Councillor presents a petition to the Cabinet or appropriate Cabinet Member, the Councillor submitting the petition will be entitled to attend the Cabinet or Cabinet Member meeting to present the petition and entitled to speak for two minutes.

5.4. If a Councillor presents a petition to either the Planning or the Licensing and Regulatory Committee, that Committee's rules with regard to speaking and responding will apply.

5.5. Where two or more Councillors present the same petitions, both Councillors will be entitled to the rights regarding speaking at council meetings and attending the appropriate meeting to present the petition as outlined in sections 1.1-1.4 above and section 6 below.

6. A Petition Requiring Full Council Debate

6.1. If a petition contains more than 15,000 signatures it will be debated by a Full Council meeting, unless it is a petition requiring senior officer attendance.

This means that the issue raised in the petition will be discussed at a Full Council meeting when all Councillors can attend. The Council will endeavour to consider the petition at its next available meeting, although on occasions this will not be possible and the matter will be passed to the next Full Council meeting.

- 6.2. The Petition Organiser and Sponsoring Councillor(s) will each be allowed 3 minutes to present the petition at the Full Council meeting and the petition will then be discussed by Councillors – there is no time limit set for this.
- 6.3. The Council will decide how to respond to the petition at this meeting. The Council may decide to take the action the petition requests, not to take the action requested for the reasons put forward in debate, or to commission further investigation into the matter, for example by a relevant Committee.
- 6.4. When dealing with the petition, the Council may consider one or more of the following responses to the petition:-
 - Taking the action requested in the petition
 - Referring the petition to Cabinet, a Cabinet Member or relevant Committee
 - Holding an enquiry into the matter
 - Undertaking research into the matter
 - Holding a public meeting
 - Holding a consultation
 - Holding a meeting with the petitioners
 - Referring the petition for consideration by the Council's Scrutiny Boards
 - Calling a referendum
 - Writing to the Petition Organiser setting out the views of the Council about the request in the petition.
 - Any other appropriate action
- 6.5. In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in the petition.
- 6.6. For example, if the petition relates to something over which the Council has no direct control (for example a railway or hospital) it may consider making representations on behalf of the community to the relevant body. The Council works with a large number of Local Partners and where possible will work with these Partners to respond to the petition.
- 6.7. If the Council is not able to do this for any reason then it will set out the reasons for this in writing to the Petition Organiser.
- 6.8. Where the issue is one on which the Council Executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The Petition Organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.
- 6.9. In all cases the Council will advise the Petition Organiser of the action is has taken.

7. Petitions Requiring Attendance by a Senior Council Officer

7.1. If a petition asks for a Senior Council Officer to give evidence at a public meeting about something for which the officer is responsible as part of their job, the petition must contain at least 10,000 signatures. Those senior officers that can be called to give evidence are as follows:-

- Chief Executive
- Assistant Chief Executive
- Director of Customer and Workforce Services
- Director of City Services and Development
- Director of Community Services
- Director of Children, Learning and Young People
- Director of Finance and Legal Services
- Director of Strategic Planning and Partnerships
- Monitoring Officer

7.2. Only these officers can be called to give evidence under this section of the petition scheme.

7.3. If a petition has the requisite number of signatures, the Council's Scrutiny Co-ordination Committee will decide which of the Council's Scrutiny Boards, the senior officer will be asked to attend before. The Scrutiny Co-ordination Committee may decide that it is better for a different officer to give evidence and may also decide to call the relevant Councillor to attend the meeting.

7.4. Scrutiny Board members will ask the questions at the meeting, but the Petition Organiser may suggest questions to the Chair of the Committee by contacting the Petitions Officer up to three working days before the meeting.

7.5. In all cases the Council will advise the Petition Organiser of the action it has taken.

8. Other Petitions

8.1. If a petition has at least 5 but less than 15,000 signatures on it, the Petitions Officer will review the content of the petition and decide whether the petition should be addressed to Full Council, Cabinet or Cabinet Member. If the Petition has been presented by a Councillor as the Petition Organiser, then the Councillor will be able to present the Petition.

8.2. Petitions can be presented to Full Council by the Petition Organiser (a Councillor or a citizen), but will not be debated by them. Instead Full Council will refer the petition to the relevant Cabinet, Cabinet Member or Committee to deal with the matter.

8.3. The Petitions Officer will notify the Petition Organiser which Cabinet/ Cabinet Member/ Committee the matter relates to and advise them of the date of the meeting when the Cabinet / Cabinet Member / relevant Committee will consider the matter, The Petitions Officer will also notify the relevant Ward Councillor/s. If the Petition Organiser is a Councillor, he or she will not be

entitled to vote at any meeting unless she/he is a member of the Cabinet or Committee [or the Cabinet Member concerned].

- 8.4. The Petition Organiser (including any Councillor as Petition Organiser) may attend the Cabinet Member / Cabinet / relevant committee meeting and speak about the petition. Only the Petition Organiser is entitled to speak and they should confirm their attendance to the Council at least 3 working days before the meeting.
- 8.5. Where more than one petition is presented in relation to a particular item, then the Petitions Officer will endeavour to ensure that all petitions are dealt with at the same meeting. In the event that petitions have an "opposing" viewpoint, the Petitions Officer will invite the petitioner organiser to nominate a spokesperson for each of the petitions to the meeting at which the petitions are to be considered. Each spokesperson will be entitled to attend the meeting and to speak upon the consideration of the petition. If a spokesperson is unable to attend, for any reason, this would not prevent the meeting considering all the petitions and coming to a decision.
- 8.6. Where a petition stands referred by the Petitions Officer to the Cabinet, appropriate Cabinet Member or appropriate City Council Committee, no discussion will take place upon it in the City Council prior to its consideration by the Cabinet, appropriate Cabinet Member or appropriate City Council Committee except that the Councillor presenting a petition will be allowed to speak for not more than two minutes in explanation of the contents of that petition.
- 8.7. The Cabinet, appropriate Cabinet Member or relevant Committee will have the following courses of action available:-
 - Taking the action requested in the petition
 - Referring the petition to Full Council or another relevant Committee
 - Holding an enquiry into the matter
 - Undertaking research into the matter
 - Holding a public meeting
 - Holding a consultation
 - Holding a meeting with the petitioners
 - Referring the petition for consideration by the Council's Scrutiny Boards
 - Calling a referendum
 - Writing to the Petition Organiser setting out the views of the Council about the request in the petition.
 - Refer the matter to an Advisory Panel and ask them for advice
 - Any other appropriate action
- 8.8. When considering the matter, the Cabinet Member/ Committee may decide that the petition is such a matter that requires Full Cabinet consideration, in which case he or she can refer the matter to the Cabinet for the next available meeting, for example if it appears to relate to a City Council-wide or cross-cutting issue.
- 8.9. In all cases the Council will advise the Petition Organiser of the action is has taken.

9. Petitions which relate to matters by Planning Committee and Licensing and Regulatory Committee

- 9.1. Petitions relating to planning, licensing or regulatory matters will be referred to the respective Committee by the Petitions Officer and proceed in accordance with the rules of procedure relating to that Committee.
- 9.2. In the case of a petition that relates to a particular application, the petition will be considered at the same time as the application rather than within a period of two months. Any petition relating to a planning or licensing issue, for which an application has not been received within a 12 month period and where there is no on-going process, will automatically be considered by the relevant Cabinet Member and the petition put on file in planning or licensing for future reference.
- 9.3. Deadline for Receipt of Petitions to Planning Committee
- 9.4. In relation to the receipt of petitions to Planning Committee, only those petitions received by 12.00 noon on the day before the meeting will be treated as a petition, with the Petition Organiser (including any Councillor presenting the petition) and the applicant (or their agent/representative) being invited to attend and speak at the meeting; and that any 'petition' received after this deadline be treated as a 'late representation' and summarised by the City Planning Manager on the 'late representations report' which is tabled at the meeting.
- 9.5. Length of Speeches at Planning Committee
- 9.6. At Planning Committee, in line with the public speaking scheme, the length of the Petition Organiser's speech will be limited to three minutes. In addition, the applicant (or their agent/representative) will have the right of reply when a petition is presented in respect of a Planning Application. The Chair of the Planning Committee will have the discretion to ensure that any right of reply by an applicant (or their agent/representative) in response to a petition spokesperson's speech (which is limited to three minutes) will be of a proportionate amount of time.
- 9.7. In all cases the Council will advise the Petition Organiser of the action is has taken.

10. Petitions – The Right of Appeal

- 10.1. If the Petition Organiser considers that the Council has not responded to a petition (except those petitions which are dealt with by the Planning, Licensing and regulatory Committees) properly, he or she has the right to request the Council's Scrutiny Co-ordination Committee to review the steps that the Council has taken in response to the petition.
- 10.2. If a Petition Organiser wishes to operate his or her right of appeal, he should write to the Council's Scrutiny Officer no later than 5 working days after final

determination of the petition. The letter should set out the reasons why the Petition Organiser considers a review should be conducted.

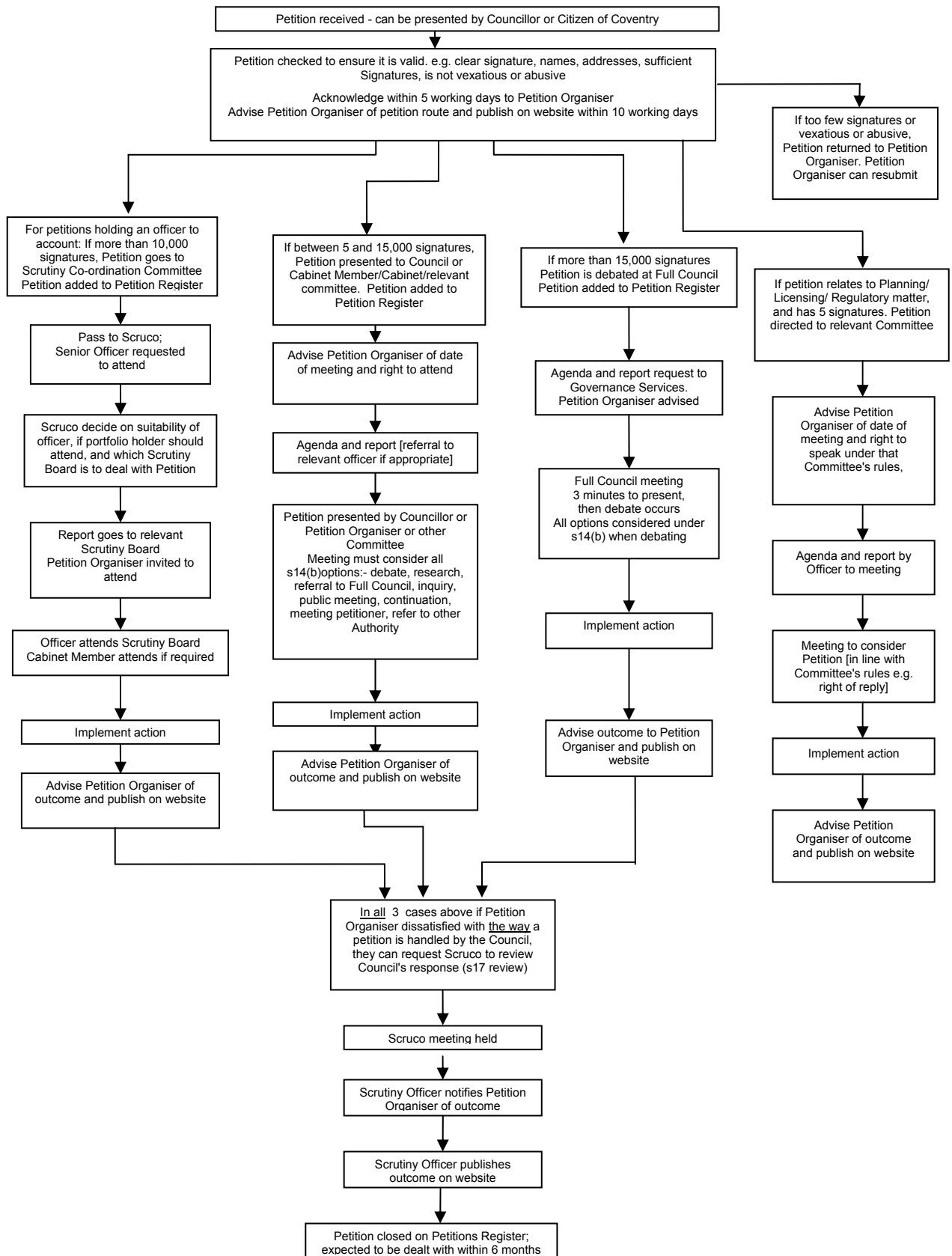
- 10.3. The Scrutiny Officer will arrange for the matter to be considered by the next available meeting of the Council's Scrutiny Co-ordination Committee and will notify the Petition Organiser of the date of this meeting.
- 10.4. If the Council's Scrutiny Co-ordination Committee considers the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. This includes instigating an investigation, making recommendations to the Council's Cabinet or arranging for the matter to be considered at a meeting of Full Council.
- 10.5. Once the appeal has been considered the Petition Organiser will be informed of the results within 5 working days. The results of the review will also be published on the Council's website.

11. Summary

- 11.1. A summary of the Council's process for dealing with petitions is set out on the diagram attached.

12. Reviewing the petition procedure rules (the petition scheme)

- 12.1. The Council can revise this petition scheme at any time in accordance with Section 11 of the Local Democracy Economic Development and Construction Act 2009.





Request for a s.17 Review to Scrucro in Accordance with Coventry City Council's Petition Scheme (PS), July 2010

I wish to appeal against the written decision relayed to me on 21st July 2011 by email relating to the March 2011 Petition on Water Fluoridation. My main reason is that I believe that the Council (Committee 5) has not responded to a petition properly.

PS 10.1 If the Petition Organiser considers that the Council has not responded to a petition (except those petitions which are dealt with by the Planning, Licensing and regulatory Committees) properly, he or she has the right to request the Council's Scrutiny Co-ordination Committee to review the steps that the Council has taken in response to the petition.

I did not read Coventry City Council's *PS July 2010* prior to the meeting, not knowing that it existed and innocently believing that the petition presentation would be received fairly. I now realize that the Fluoride Petition Presentation meeting on 22nd June 2011 was not conducted in accordance with the *PS July 2010*.

This Appeal contains 7 Appendices:

1. Minutes of the Committee 5 Presentation meeting, 22nd June 2011
 2. The Coventry Petition on water fluoridation
 3. Email from Peter Barnett to Joy Warren, 14th June 2011
 4. Email from Carolyn Sinclair to Joy Warren, 21st July 2011
 5. Email Andrew Dowell to Joy Warren, 25th July 2011
 6. 6. Telephone conversation between Peter Barnett and Joy Warren, 24th June 2011
 7. Time-line of Petition between March and July 2001
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Reasons why the petitioner believes that Committee 5 did not respond to the petition properly.

- 1. The verbal decision by the Chair of Comm. 5 that the Committee did not have time to scrutinize the issue has been translated by the writer of the minutes of the meeting into an outright rejection of the petition.**

The verbal decision by the Chair of Committee 5 at the end of the presentation was pre-determined since no discussion took place amongst Committee members in the presence of the Petitioner regarding the Work Programme. His verbal decision cited lack of time on the Work Programme. The petition was not turned down because it lacked merit. The Chair specifically said that the Work Programme was already filled with more serious topics. The Petitioner remembers this being said because she retorted “What’s more important than children’s health”? No matter how convincing the Petitioner had been, the Committee was intent on adopting this stance and a decision must have been made prior to the Presentation otherwise the Committee Members would have been consulted before the Chair gave his verbal decision. The email from Peter Barnett on 14th June illuminates this particular aspect. (see Appendix 3.) Committee 5 had a pre-meeting between 2.00pm and 2.30pm.

However, the Chairman did not turn down the petition on material grounds and he left the door open for it to be added to the work programme at a future date should a suitable space appear. (Appendix 5 refers.)

There were no challenges by anyone on Comm. 5 to the veracity and reasonableness of the Petitioner’s assessment of water fluoridation as an unwise medical health intervention.

Appendix 1 is a copy of the minutes of the meeting. The minutes (the written record) are at odds with the verbal decision. The final decision email From Carolyn Sinclair is also at odds with the verbal decision made by the Comm. 5 Chair (Appendix 4)

Furthermore, when the Committee was requested by a member of the public to take a vote on the issue, the Chair did not specify what the Committee was voting on.

If the Committee already knew that they wouldn’t be able to scrutinize the issue due to an already full work programme, why didn’t they cancel the Presentation and refer the issue back to Governance Services for referral to a Committee which would have had time on its Work Programme.

There was no justification for the Petition to have come to an abrupt end on 22nd June 2011.

Note the contents of Appendix 6 (also submitted as a separate document to preserve its creation date).

2. The petition's wording makes it clear that a scrutiny was requested and that Full Council passed it through for scrutiny.

“We ask that Coventry City Council, as a Statutory Consultee, **commission further investigations by the Health Scrutiny Board** into water fluoridation with requests for reports from, and invitations to the relevant stakeholders to attend Scrutiny meetings, with a view to formulating recommendations on policy and to providing an informed response for the time when the Council is eventually consulted on the matter once formal responsibility for water fluoridation has been passed to the City Council.”

This authorisation by Full Council to commission further investigations was ‘lost in translation’ and the Officer serving Committee 5 took the referral of the Petition to mean that they were being asked to consider the petition. Carolyn Sinclair’s email dated 21st July 2011 (Appendix 4) refers:

“The petition submitted under the Petition Scheme on 17th March 2011, requested the Health and Social Care Scrutiny Board to consider an investigation into water fluoridation.”

On 22nd March, the petition was referred to Committee 5. No-one in the Council Chamber sought to comment on the wording of the petition. Therefore, since the commissioning of further investigations was approved by Full Council, how could it become the remit of Comm. 5 to decide not to commission further investigations?

3. **Two other people were allowed to speak at the presentation and this contributed to negating the petition's import and veracity and was contrary to the Council's petition policy at this stage in the proceedings. (Petition Scheme 8.4 refers.)**

Petition Scheme (PS) Sub-section 8.4. "The Petition Organiser (including any Councillor as Petition Organiser) may attend the Cabinet Member / Cabinet / **relevant committee meeting** and speak about the petition. **Only the Petition Organiser is entitled to speak** and they should confirm their attendance to the Council at least 3 working days before the meeting."

At what point did the officer serving Comm. 5 (Peter Barnett) decide that a simple Presentation should transmogrify into a minor scrutiny or debate involving representations from Public Health Consultants and a full 27-page report by them issued to Committee members on a date unspecified but certainly before 14th June?

The purpose of the Presentation on 22nd June was to present the issue to Comm. 5 members for them to see that there was substance in the Petitioner's request.

PS 8.4 implies that the Presentation to Comm. 5 should have been judged on its own merits and that this meeting was not the appropriate venue for a debate or scrutiny. The Petition had already been accepted by Full Council for scrutiny by a Committee.

A strict interpretation of the *PS* implies that this presentation to the Health Scrutiny Committee (Comm. 5) by the Petitioner should have been judged on its own merits without a counteracting influence during the meeting. However, note the minutes of the meeting which imply that the officer organizing the meeting was not aware of PS section 8.4: "*John Forde, Acting Director of Public Health, and Mr Iloya, attended the meeting to present the report. The Petition Organiser also attended the meeting and presented evidence in support of the petition.*"

Of greater concern was the existence of a 27-page report from Public Health which was made available to Committee members which belied everything that the Petitioner had to say on the topic. Moreover, she was accused during the meeting by John Forde of giving her opinion, whereas, everything presented by her were strict facts.

The Petitioner had no time to produce an analysis of the 27-page report. However, such an analysis should not have been necessary had the spirit of Sub-section 8.4 been observed.

The contents of the Petitioner's presentation on 22nd June were therefore negated by preconceptions in the minds of Comm. 5 members. There is nothing in the *PS* which says that evidence needs to be presented to Scrutiny Committees prior to the initial presentation of a Petition to a Scrutiny Board. Shouldn't all Committee members come at the issue with fresh minds?

However, in real life this doesn't happen and, being aware that Comm. 5 members would be lobbied by those sponsoring fluoridation, those opposed to fluoridation also contacted City Councillors and Comm. 5 members in the weeks prior to the initial presentation to Comm. 5. It was a surprise to hear one Councillor complain about receiving phone calls and even a letter pushed through her door from those opposed to fluoridation when she was also in receipt of a 27-page report from the Public Health Consultant.

So, were there mixed messages about the rationale for asking for a Presentation? What was the Presentation intended to achieve? If the guidelines in the *PS* were observed, then the Presentation was an introduction to the topic and no more. Where in the *PS* does it say that an issue referred by Full Council to a Scrutiny Committee can be refused by that Committee after a brief presentation of the issues?

When the Petition was passed to the Scrutiny Committee was it the Council's intention that the Petitioner should have to prove the case in an all-too-brief space of time before the Committee would decide to scrutinize the issue? If this is the case, then are the Council and its Committees observing the spirit of democracy, constituents' rights and the petition process? Is it ever likely that petitions ever get as far as scrutiny if they are weeded out even after the Council has approved their passage to the scrutiny stage?

The initial presentation of the Petition to Comm. 5 became a minor inadequate scrutiny which was heavily weighted in favour of the parties sponsoring water fluoridation. Because of the strict time constraints during the presentation, the issue was not explained to the Councillors in enough detail.

Councillors had taken receipt of the Public Health Consultants' report at least 8 days prior to the Presentation. Reading it would have taken more than 10 minutes. On 20th July, the Petitioner provided the Committee Members with a few photographs and one side of A4 text which would not have taken more than 10 minutes to read. The Presentation was strictly time-limited. Therefore, the Councillors were enabled to read in more detail the arguments in favour of fluoridation than arguments against which were not at all detailed.

The Appellant believes that presentation of the issue to Comm. 5 should not have transmogrified into a minor scrutiny. Scrutiny should take place once an issue is added to the work programme and the Councillors have had adequate time to investigate the issue.

The Appellant therefore contends that this treatment of a petition was not in accordance with the Council's avowed democratic principles?

- 4. The appellant did not have the support of a City Councillor during the presentation. Did this count against her in that she lacked a sponsor at the meeting? (Petition Scheme 8.6 refers)**

Cllr Chris Cliffe, who presented the petition to Full Council in March was no longer a Councillor on 22nd June. The other Woodlands' Ward Councillors were either unable to sponsor the presentation (Julia LePoidevin – a Comm. 5 member) or not available (Heather Johnson and Pat Hetherington).

- 5. Comm. 5's written decision was not relayed to the petitioner for one month. Then it was only relayed when the Petitioner contacted Governance Services on another topic to do with e-petitions.**

Who is responsible for issuing decision letters? Had it not been for Carolyn Sinclair in Governance Services the opportunity to make this appeal would have been lost.

- 6. On 24th June, the Petitioner contacted Peter Barnett (Health Development Service Manager at Community Services Directorate), by phone and discussed with him the possibility of collecting more signatures for the petition in order to strengthen it so that Comm. 5 would be more likely to add the issue to its Work Programme when a space arose. At this point he was made aware that the Petitioner believed that the petition was still a live issue which had been put on the back burner. Peter Barnett did not say that extra**

signatures could not be collected. Nor did he say that the petition had been rejected. (Appendix 6 refers.)

On what date after this conversation were the minutes of the meeting written up and added to the Council's website?

7. This was the third attempt at getting Comm. 5 to scrutinize the issue and each time it has been rejected on the pretext of their being more important issues on the Committee's work programme.

In which way did Peter Barnett or his colleagues influence the way in which the issue was regarded by Comm. 5? Are the Health Development Services Managers impartial over the issue of water fluoridation?

Is it proper for an officer to urge the over-riding of the democratic wishes of almost 300 people and the wishes of Full Council which referred the issue for scrutiny?

Please refer to Appendix 3:

"An investigation such as this would dominate the work programme for the coming year (or longer)"

So, on the one hand we have the Chair of Comm. 5 stating that their work programme was already full while Peter Barnett is saying that scrutiny of the issue would be very time-consuming. Since the work programme was finalized prior to the Presentation and since the officer advising Comm. 5 clearly had no stomach for launching an investigation into this issue, is it ever likely that water fluoridation will ever be scrutinized? ,

This begs the question: "if Comm. 5 is never likely to investigate water fluoridation, then shouldn't a special Committee be set up to scrutinize it. The City Council does not have the luxury of prevaricating over the issue since the issue devolves to the Council in either 2012 or 2013. Since the issue is complicated, then the sooner a scrutiny starts, the better. Once responsibility is taken by the City Council for fluoridating Coventry residents, it would be too great a temptation to accept the status quo. But that is not an option: the practice is illegal, City Councillors are not medically qualified to sanction fluoridation and the Council's

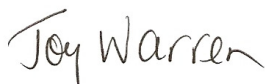
insurers will not indemnify the Council or a Councillor sued by a constituent alleging harm caused by fluoride. Since there are 34% of people in Coventry under the age of 41 with Dental Fluorosis, it is highly probable that a law action will occur either during 2012 or 2013.

At this third attempt, scrutiny of the issue of water fluoridation has become an imperative. The City Council needs to **formulate a policy** on the issue since it is not acceptable that the issue be inherited without an examination of the many 'con's' of the practice. Since the City Council approved water fluoridation in the late 1960's, much new research has been published and this needs to be scrutinized and debated. The long-term health of everyone living in Coventry should be the concern of Comm. 5. To continue to argue that the dental health of toddlers and small children in socially deprived families is of prime importance ignores the needs of the vast majority of Coventry Citizens. The current "reduction of inequalities" philosophy does not work in respect of fluoridation because fluoride damages permanent teeth permanently in at least 34% of people under the age of 41 living in Coventry. There are other health concerns.

In order to reduce a tiny inequality, a greater inequality is created. Is this the sort of thing with which Coventry City Council wants to be associated?

The above issues are the main reasons for the Petitioner requesting a review of the failure to add the issue of water fluoridation to Comm. 5's work programme. And, as already mentioned, if Comm. 5 could not find time for the issue to be scrutinised, did the Petition deserve to be completely rejected by those responsible for publishing the minutes of the 22nd June 2011 meeting?

Signed:



Dated: 25th July 2011

Below, I have listed other issues which I feel that Governance Services and/or Scrucro should investigate.

General observations on the petitions' procedure

- a. Do Scrutiny Committees have the right to throw out a petition which has merit after a very brief presentation? If petitions are liable to be rejected at this interim stage why bother with starting any petition in future? Does this not run counter to democratic principles and transparency?
- b. The Appellant would like to enquire the purpose of the presentation stage to a Scrutiny Committee. Only positive actions are implied and no negative actions are listed (Petition Scheme 8.7 refers).
- c. To avoid a misinterpretation of the Chair's verbal decisions in future, it is suggested that the Chairs of Scrutiny Committees are responsible for signing the decision letter so that the Chair can verify that the decision letter agrees with his verbal decision and that minutes of the meeting tally with the decision in the decision letter..
- d. In future, Governance Services should ensure that all petitioners should be made aware of the Petition Scheme July 2010 **prior** to their presentation. This would be in accordance with good practice.
- e. Did the Health Development Service Manager, Peter Barnett (Community Services Directorate) refresh his memory about the contents of the Petition Scheme July 2010 when arranging the Presentation for the Health Scrutiny Committee on 22nd June 2011? If he wrote the minutes, this prior-reading seems unlikely. Reading the PS would have been good practice.
- f. Committee 5's responsibility is to **uphold basic human rights**. In the case of water fluoridation, for example, compulsory medical treatment is against democratic principles and basic human rights. (Council of Europe's Convention on Human Rights and Biomedicine 1997 refers.) Officers advising Comm. 5 need to draw the attention of a Committee's responsibility to uphold basic human rights.
- g. All meetings by City Councillors should be either audio-recorded or video-d. (The Appellant has not been able to obtain a copy of either electronic record.)

Appendix 1

HEALTH AND SOCIAL CARE SCRUTINY BOARD (SCRUTINY BOARD 5)

22 June 2011

Members Present: Councillor Mrs Abbott
Councillor Bailey
Councillor Gannon
Councillor Gazey
Councillor Mrs Lepoidevin
Councillor Ruane
Councillor B. Singh
Councillor Mrs Sweet (Deputy Chair)
Councillor Welsh (Chair)

Co-opted Member
Present: Mr D.Spurgeon

Employees Present: P. Barnett (Chief Executive's Directorate)
S. Brake (Community Services Directorate)
E. Dewar (Community Services Directorate)
M. Godfrey (Community Services Directorate)
C. Sinclair (Customer and Workforce Services Directorate)

In Attendance: J. Forde (Acting Joint Director of Public Health)
C. Home (CCHS/CWPT)
J. Iloya (Consultant in Dental Public Health)
A. Kane (University Hospital Coventry & Warwickshire Trust)
P. Martin (University Hospital Coventry & Warwickshire Trust)
P. Masters (Coventry & Warwickshire Partnership Trust)

1. **Declarations of Interest**

There were no declarations of interest.

2. **Minutes**

The Minutes of the Meeting held on 27th April 2011 were noted.

3. **Petition: Water Fluoridation**

The Board considered a report of the Acting Director of Public Health in response to a petition which had been presented by a resident of Woodlands Ward raising a number of concerns related to the fluoridation of drinking water in the City.

The petition maintained that Fluoridation of water was a medical treatment with a lack of research, that it caused Dental Fluorosis which damaged permanent teeth and constituted a compulsory medical treatment which was contrary to Department of Health policy. The petition requested that the City Council, through its Health Scrutiny Board, commission further investigations into water fluoridation and invite stakeholders and experts to contribute to a policy discussion prior to the City Council assuming responsibility for public health matters.

A detailed briefing paper regarding the fluoridation of water had been prepared by Jonathan Iloya, NHS Coventry's Consultant in Dental Public Health, and this was included as an appendix to the report submitted.

John Forde, Acting Director of Public Health, and Mr Iloya, attended the meeting to present the report. The Petition Organiser also attended the meeting and presented evidence in support of the petition.

Members of the Board questioned attendees on their presentations and after due consideration of the report and matters raised at the meeting, the Board noted the concerns raised by the petitioners however, mindful of work programme priorities which are open to periodic review, agreed that the petitioners' request for the Board to commission further investigation not be agreed.

RESOLVED that the Board:

- (a) Note the petition and the petitioners' concerns**
- (b) Take no further action in respect of the petition for the reason given above.**

Appendix 2

FLUORIDATION PETITION TO COVENTRY CITY COUNCIL

OUR CONCERNS ARE:

1. The medical treatment of water fluoridation has been practised in Coventry for 42 years. In all that time, the **complete lack of research** by NHS Coventry PCT into monitoring and reporting on the health of the fluoridated population of Coventry **is of the greatest concern.**
2. Dental fluorosis (DF) of permanent teeth is caused by too much fluoride in an infant's and child's diet and environment. This cause of the disfigurement is admitted by dental health consultants. Fluorosed tooth enamel is weakened enamel – in short, **fluoride damages permanent teeth.** A 1995 survey ⁽¹⁾ of 9-year-old children in 5 primary schools in Birmingham, recorded a level of 34% Dental Fluorosis.
3. A Government Minister, Baroness Hayman, said in 1999: "We acknowledge that Dental Fluorosis is a manifestation of systemic toxicity". ⁽²⁾ Research confirms that fluoride bio-accumulates in the bones and organs.⁽³⁾ **Fluorosed bones are weakened bones** because collagen production is reduced, thus making them more susceptible to fractures.
4. Many of us have been ingesting and absorbing fluoride all our lives. Since it's a bio-accumulative toxin which is present in our water supply and food, and since it is **compulsory medical treatment,** its administration is **not in accordance with the Department of Health's Reference Guide to Consent for Examination and Treatment, 2nd ed.** ⁽⁴⁾ "A person with [mental] capacity is entitled to withdraw consent at any time, including during the performance of a procedure."

ACTION REQUESTED:

We ask that Coventry City Council, as a Statutory Consultee, commission further investigations by the Health Scrutiny Board into water fluoridation with requests for reports from, and invitations to the relevant stakeholders to attend Scrutiny meetings, with a view to formulating recommendations on policy and to providing an informed response for the time when the Council is eventually consulted on the matter once formal responsibility for water fluoridation has been passed to the City Council.

NAME (PRINT)	ADDRESS (Number and Road Name)	POST CODE	Signature

(1) Rock and Sabieha, 1997: (2) Hansard 2014/99: WA 158: (3) Susheela, A.K. and Mohan Jha, 1981: (4) Section 45, p. 19

Appendix 3: Email from Peter Barnett, Health Development Service Manager, 14/06/11

From: Peter.Barnett@coventry.gov.uk
To: wmaf@live.co.uk
Subject: RE: Water Fluoridation Petition
Date: Tue, 14 Jun 2011 08:20:45 +0000

Dear Joy Warren

Thank you for your email.

The meeting on 22nd June is to consider your petition, which calls on the City Council to undertake an investigation into fluoridation. Members will have the opportunity to hear from the Acting Joint Director of Public Health on his professional advice regarding this matter, however he will not be expected to speak for a long time, and it is normal to hear from the petition spokesperson, who would outline their concerns and set out briefly the issues they wish the Council to take on Board. This would normally be about 10 minute or so, with officers answering any questions which arise in the presentation subsequently.

Following consideration of this the Board will consider whether or not to accept the request in the petition (to undertake an investigation) and they may do this at the meeting or at a later date. An investigation such as this would dominate the work programme for the coming year (or longer) and the Board would need to consider this carefully given the demands placed on their time by other matters in the health and social care services in the City.

Cllr Welsh has asked me to contact you to find out if you have any further written information you would like to submit to support your petition (presumably regarding your concerns with fluoridation) I can refer Members to your website, however a short written synopsis might be helpful in getting the Board to understand the concerns you and your petitioners have.

Please let me know if you are able to supply something to go out in advance of the meeting.

Thank and regards

Peter Barnett

Health Development Service Manager
Community Services Directorate
Room BGH308, 3rd Floor Broadgate House,
Broadgate, Coventry, CV1 1NH.
Tel: 02476 832595

Appendix 4: Email from Carolyn Sinclair, Governance Services Officer, 21/07/11

[Carolyn Sinclair](#)

To wmaf@live.co.uk, Peacocke, Hugh

Dear Ms Warren

Further to your email of 17th July, I wish to inform you as follows:

The petition submitted under the Petition Scheme on 17th March 2011, requested the Health and Social Care Scrutiny Board to consider an investigation into water fluoridation.

This matter was placed on the agenda for the Board's meeting on 22nd June 2011.

At the meeting, the Board considered a detailed report of the Joint Director of Public Health commissioned by the City Council in response to the petition. The Director of Public Health and Mr Iloya, a consultant in Dental Public Health, were in attendance at the meeting to present the report. You attended the meeting with a number of petitioners and you gave a powerpoint presentation in support of the petition. Members of the Board asked both parties a number of questions relating to their submissions.

Following consideration of the report and matters raised at the meeting, the Board agreed to note concerns raised by the petitioners and agreed not to undertake a review on fluoridation of water at this time.

It is the Petition Officer's opinion that the matter has been given due regard by the Board and that they made a decision based on the evidence provided and in accordance with the Petition Scheme.

Should you have any concerns that we have not taken appropriate steps to respond to the petition, there is a right of appeal which is set out in the Petition Scheme and can be viewed using the link below.



<http://epetitions.coventry.gov.uk/wp-content/uploads/2011/05/Petitions-Scheme-July-2010.pdf>

Please note that any appeals should ordinarily be made no later than 5 working days from the date of the meeting. However, due to the technical problems you have experienced accessing the Petition Scheme, this deadline has been extended for one week to 29th July should you wish to submit an appeal.


Kind regards

Carolyn Sinclair
Governance Services Officer
Governance Services
Customer and Workforce Services Directorate
Coventry City Council
Room 60, Council House, Earl Street
Coventry, CV1 5RR
www.coventry.gov.uk
Telephone: 024 7683 3166
copy to: Hugh Peacocke, Governance Services Manager

Appendix 5: email dated 25th July from Andrew Dowell who was an observer at the Fluoridation Petition Presentation on 22nd June 2011

Re: Fluoridation: Can you remember? Back to messages |  

To see messages related to this one, [group messages by conversation](#).

□ Andrew Dowell
To Joy Warren 11:13
Reply 

On Sat, Jul 23, 2011 at 11:03 PM, Joy Warren <wmaf@live.co.uk> wrote:

Hello Andrew

What did the Chair of the Health Scrutiny Committee tell me at the end of the presentation on 22nd June?

Joy

I seem to remember something like they would not include the request of the petition in the years program but if they got a gap in the program they might fit it in.

Your email also prompted me to look up reference 7 about adult fluoridation in the Briefing. I've only glanced at it so far but noticed that one of the points it made was to note the paucity of studies (on which the briefings bold assertion of 27-35% fewer caries assertion was made.

Have you looked at it?

How much water do you need for an fluoride test? I'll be changing my filters soon and I was thinking of testing the water before and after the test, and also unfiltered.

Best wishes

Andrew

Appendix 6: Telephone conversation between Joy Warren and Peter Barnett, 24th June 2011 (Also submitted as a separate document in order to preserve the date of creation.)

Three questions were put to Peter Barnett:

1. Will the petition presented to Comm. 5 on 22nd June be time-expired?
2. Can more signatures be added to it in order to strengthen the public's call for an examination of the issue by either the Council or Comm. 5?
3. What is the present state of dental services for Coventry schools?

(The petition was presented to Comm. 5 on 22nd June. Following written submissions by both Mr Jonathan Illoya, the Consultant in Dental Public Health, and by Mrs Joy Warren, Co-ordinator for West Midlands Against Fluoridation, and following a 13 minute presentation by Joy Warren which was followed by questions from Committee members, the Chair of Comm. 5, Mr David Wales told the petitioner that there was no room on the Committee's programme for the coming year but that if a space appeared, the issue of fluoridation would be revisited.)

Reply by Peter Barnett

1. The petition had not been turned down and it was just that there were more important issues to be discussed during the year.
The petition is still 'live' and will continue to be 'live' for the foreseeable future. The Committee had fulfilled its duty to examine the issue which had been the request of the petitioner.
2. There is no need to add more signatures to the petition but there are no rules preventing this from happening. There is no guarantee, however, that notice will be taken of them.
3. Unsure but it is not thought that there are any school dentists who visit schools to carry out dental care on children. There is a programme, however, for schools to participate in Health Education and this includes oral care and prevention of dental problems. There is no Dental Officer for Coventry. There is, however, a Consultant in the Public Health Department who looks after Coventry and Warwickshire dental health. This is Jonathan Illoya.

Other topics briefly discussed:

The insurance position once the responsibility for water fluoridation devolves to Coventry City Council. Councillors and the City Council will not be indemnified by Zurich Municipal in the event of any constituent alleging harm due to fluoride in the water supply. (Peter Barnett has a copy of a letter from United Kingdom Councils Against Fluoridation to Comm. 5 Committee Members.)



(From the first day that responsibility passes to the City Council for the water fluoridation programme, consenting councillors will be culpable of breaking European Law, viz. The Medicines Directive, 2004.)

A request from Joy Warren for a photocopy of one of the pages of the petition which she had failed to photocopy prior to submission of the petition. Peter Barnett referred her to Caroline Sinclair in order to acquire this page. (Caroline Sinclair promised that afternoon to scan the page and email it to Joy Warren the following Monday.)

Appendix 7: Time-Line of the Petition from 22nd March to 29th July 2011

The petition was presented by Cllr Chris Cliffe to Full Council on **22nd March**. Approval by Council was given for the petition to be referred to Comm. 5 in order to commission further investigations. There was then a break in the proceedings because of a purdah period.

On **6th June**, the Petitioner was told that Comm. 5 would discuss the petition on **22nd June**. The Petitioner decided to accept this date even though she would be on holiday up to 20th June (am) because, in the email dated 6th June, there was no intimation that the meeting would be anything other than a simple presentation of the facts. The Petitioner had originally decided to keep it simple and not go for a full-blown presentation using PowerPoint. However, it became apparent that the outcome of the petition was a **foregone conclusion** (see App. 1- Peter Barnett's email dated **14th June 2011**) and the Petitioner learned that afternoon that a 27-page report from Jonathan Illoya had already been sent to Comm. 5 members which pre-empted all the facts which were to be presented by the Petitioner.

This gave the Petitioner one week in which to present a written analysis of Jonathan Illoya's 27-page report. Since this was clearly impossible in the time allowed, the Petitioner decided to send a few photographs and a short piece of text to Peter Barnett for distribution to Comm. 5. These were sent on 20th June on return home from holiday. On **15th June**, the Petitioner asked Peter Barnett to make a projector, laptop and screen available since by this time she reasoned that her simple verbal presentation would have to be more comprehensive. This request was made again on **20th June**. A third oral request was made on the morning of the meeting. During 20th (pm), 21st and 22nd (am), the petitioner created a Powerpoint Presentation which included many facts which argued against water fluoridation.

After the 22nd June, the Petitioner contacted Peter Barnett on **24th June** and discussed the possibility of acquiring more signatures in order to strengthen the petition. She was **not** told that this was not allowed.

Unknown to her, the minutes of the 22nd June meeting were posted onto the Council's website on an unknown date. Also, non-receipt of an official decision letter disappeared below the Petitioner's radar as did the existence of a *Petition Scheme* document and right of appeal..

Things then went quiet regarding communication with the City Council. In the meantime, the Petitioner was busy designing a website for Coventry Against Fluoridation on which there is a Petition button so that the original hard copy signatures could be added to electronically. In week commencing **11th July** the Petitioner realised that there was an e-Petition service provided by Coventry City Council. Email correspondence with Governance Services on this issue (including a comprehensive assessment of the inadequacy of the e-Petition service) prompted the issuing of the belated decision letter.

An extension of the period during which the Petitioner was allowed to appeal was spontaneously granted by Governance Services. The deadline for appeal is **29th July 2011**.