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## REVIEW OF THE COUNCILS PETITION SCHEME

To: **Constitutional Review Working Party – 2 September 2014**

By: **Committee Services Manager**

Classification: **Unrestricted**

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**Summary: To review elements of the Council's Petitions Scheme.**

### For Decision

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#### **1.0 Introduction and Background**

1.1 This report seeks the views of the Constitutional Review Working Party (CRWP) on a number of issues regarding the Council's petition scheme. These include to firstly clarify that paper and electronic petitions can be run together at the same time, secondly whether there should be any amendments made to the deadlines for submission of petitions and thirdly to consider issues arising from some petitions with a limited target audience.

1.2 A copy of the Council's current petitions scheme is attached at Annex 1 to this report.

#### **2.0 Concurrent Paper and Electronic Petitions.**

2.1 Recently the Council received a valid request for an Epetition regarding the compulsory purchase of Manston Airport. This was then placed on the Council's website for members of the public to register and sign. We were then contacted by the Epetition organiser asking whether additional signatures on an identical paper petition would be allowed to be submitted in addition to those collected electronically. The petition scheme does not specifically allow or preclude the concurrent running of a paper petition and Epetition. After studying the constitution, consulting with the Legal Department and getting the approval of the Senior Management Team it was decided that with the proviso that if the wording of both the paper petition and the Epetition were exactly the same then it would be acceptable in principle. However it would not be possible to add together the number of people that had signed the Epetition and the paper petition as they did not ask for the same information, making it impossible to say for certain that "double signing" had not occurred. For this reason the report to Council contained two separate figures regarding the number of signatures rather than a single one.

2.2 This lack of clarity is undesirable and the Council's petitions scheme needs to be clarified to avoid such confusion moving forward. There are a number of options that could be used to clarify the rules.

#### **2.3 Prohibit paper petitions and Epetitions being run concurrently**

2.3.1 Specifically precluding this option would certainly stop the problem occurring in the future; however this could potentially have accessibility issues, as if we only accept one or the other type of petition it might mean that some people could be excluded from signing a petition (e.g. those who do not have access to a computer)..

## 2.4 Allowing paper petitions and Epetitions being run concurrently

- 2.4.1 There are two different ways that this could be actioned. The first way would be to change the information that is asked for on both paper petitions and Epetitions in order to assist Democratic Services staff in working out whether someone has signed both a paper and Epetition. All those who signed an Epetition would need to provide a full postal address when signing the Epetition in addition to pre-registering. In addition all those signing a paper petition would need to provide a full postal address including a house number, street name, town and postcode. If these two pieces of information were supplied then it would be possible to cross reference the petitions to see if anyone had signed a petition twice. It would therefore mean that if we did not have the information described we would have to reject those signatures. Democratic Services could then add the number of signatures in both the paper and Epetition together for the purposes of establishing which threshold the petition had reached.
- 2.4.2 It is important to note that it would be a labour intensive process to verify signatures between an Epetition and a paper petition, especially seen in the numbers of the recent Manston petition referred to earlier. In addition to this issue Democratic Services also received feedback from the organisers of the Manston CPO petition that the Council's Epetition system was a "*...cumbersome website which alienated many people and discriminated against people without IT skills...*". So the idea that asking for even more information might be counterproductive. Democratic Services could remove the need to log on in order to sign an Epetition, this would make the process easier, however the risk of doing this would be that it would make it much easier to abuse a petition and make it easy for a person to sign it multiple times and it increases the risk of the Council receiving automatically generated "spam".
- 2.4.3 Alternatively on the proviso that both petition prayers of the paper and Epetition were exactly the same then Democratic Services could present the numbers that had signed both the paper and Epetition to Council as separate numbers. Democratic Services would then use the higher of the two figures for purposes of establishing which threshold the petition had reached. The downside to this would be that the petition may not meet as high a threshold as it would have done had the signatures been added together as described in paragraph 2.4.1 above.
- 2.4.4 If it is the view of the CRWP that concurrent paper and Epetitions should be allowed then irrespective of which of the options at 2.4.1 or 2.4.3 is chosen, two points that need to be clarified. Firstly the petition prayer for both the Epetition and the paper petition must be identical; otherwise they would be treated as separate petitions. Secondly the end date of the Epetition and the date of submission of the paper petition must be the same date; if not then they would again be treated as separate petitions. The need for identical closing dates for concurrent petitions is largely a practical one, because if there were different closing dates, those different dates could end up implying referral to different Council meetings! Note also that any petition treated as "separate" because of failure to comply with the above would almost certainly be ruled out on the "substantially similar" to a previous petition rule.

## 3.0 **Amendments to the Deadlines for submission of petitions**

- 3.1 Currently there are three separate deadlines for petitions to be submitted prior to Council meetings in order for them to be dealt with at that Council meeting. The deadlines relate to the number of people who have signed the petition. In order for a petition to be presented to a meeting of Full Council:
- A petition with 25 or more, but fewer than 650 signatures should be submitted to the Council 10 working days in advance of the date of the meeting of Full Council.
  - A petition with 650 or more but fewer than 1000 signatures should be submitted at least 25 working days in advance of the date of the meeting of Overview and Scrutiny Panel;

- A petition with 1000 or more signatures that does not request that an officer gives evidence to the Overview and Scrutiny Panel meeting should be submitted to the Council at least 25 working days in advance of the date of the meeting of Full Council.
- 3.2 The deadlines were originally based on the amount of time Officers needed to write the supporting reports that would accompany the petition when they were dealt with at Council or the Overview and Scrutiny Panel. The smaller petitions (fewer than 650 signatures) only need a small report that presents the petition with no actual detail on the subject of the petition, whereas the larger petitions (both 650-1000 and 1000+ signatures) need reports that cover actual detail of the subject of the petition to help facilitate debate. The latter will evidently take more time to produce than a largely procedural report.
- 3.3 Due to the high profile nature of the petition for the compulsory purchase of Manston, Kent's International Airport, Council agreed at its meeting held on 10 July 2014 to waive the rule in the petitions scheme that requires a petition with 1,000 or more signatures to be submitted at least 25 working days in advance of a council meeting in order that the petition could be presented at that meeting. This raises the question of whether the notice period of 25 working days might generally be regarded as too long, and could be shortened. Otherwise, if waiving the notice period would only be for exceptional circumstances for petitions surrounding high profile or urgent issues, who would decide on whether an issue was high profile urgent?
- 3.4 Any new deadline should allow for the writing and inclusion of the report in the published agenda papers. This was the reasoning behind the 10 working day deadline for small petitions as the reports that are written are small and contain little detail of the subject matter of the petition submitted. If the CRWP are considering shortening the deadlines within which petitions can be submitted, then it should aware that agendas must be sent out at least five clear working days in advance of the meeting in order to comply with access to information rules.
- 3.5 If the CRWP are inclined to allow concurrent Epetitions and paper petitions then there is a real possibility that a large amount of officer time will be needed for the checking and verifying of signatures especially on very large petitions such as the recent Manston CPO petition, which could impact on the number of days needed between the submission of a petition and its inclusion in agenda papers for a meeting of Council.
- 3.6 In order to obviate any misunderstanding on the part of a petitioner as regards the date of the meeting at which a petition can be presented, Democratic Services will, if a petitioner requests an end date for an Epetition that would mean it would miss the submission deadline for the next meeting of Council or Overview and Scrutiny Panel, explain to the petition organiser the significance of the date they have chosen and offer them the chance to change it. Democratic Services will also, once a final decision has been reached on whether the periods of notice for petitions should be adjusted, publish the deadline dates for the submission of petitions on the TDC website.

#### **4.0 Petitions with a limited target audience**

- 4.1 The Council has recently received a number of smaller Epetitions, which although valid and were placed on the Council's webpages did not achieve the required number of signatures to reach the minimum threshold for consideration as a petition. In these cases the petition organiser's petition prayer has been forwarded to the relevant Council department to be dealt with as a normal piece of correspondence.
- 4.2 In one instance, when Democratic Services contacted the petition organiser to inform him that his petition had not reached the minimum threshold, he expressed his disappointment, but made the point that the issue that he had petitioned about only affected the road that he lived in and that the road only had 20 or so people living in it, so it was impossible for him to ever reach the minimum threshold.

- 4.3 As a result of this correspondence the issue is before Members to discuss. Members could choose to reduce the minimum threshold for a petition from the current 25 signatures; however this may not solve the issue that is highlighted here, without reducing the number to such an extent that it would virtually allow any issue to be submitted as a petition, which could greatly increase the number of “valid” petitions received.
- 4.4 Democratic Services have conducted some desktop research in order to find out the lowest threshold for petitions to be considered valid amongst the other East Kent Council’s. The results are as follows:

<b>Council</b>	<b>No. of signatures required for a petition to be considered valid</b>
Shepway	At least 250
Dover	At least 20
Ashford	At least 50
Canterbury	More than 15
Kent	No threshold referred to, so presumably Zero

**5.0 Introducing a Petitions Proforma**

- 5.1 Democratic Services have had one case in the recent past where a paper petition was submitted, but the petition organisers had failed to collect the correct information (i.e. a name, address and signature) from petitioners, thereby resulting in the petition being rejected. There have also been a number of occasions where it has been difficult to ascertain who the petition organiser is as contact details have not been made clear on the petition. Therefore Democratic Services have developed a proforma for those people looking to organise a paper petition, attached at Annex 2.
- 5.2 Whilst it would not be proposed to make use of the form compulsory, making it available should help those members of the public who are unsure of the information required and reduce the number of petitions where doubtful or unclear information is provided.
- 5.3 If the CRWP is supportive of introducing the use of such a proforma it is proposed that it would be placed on the Council’s petition webpages for members of the public to download.

**6.0 Options**

- 6.1 The CRWP may wish to make recommendations on the following areas of the petitions scheme:
- 6.1.1 To allow or prohibit Paper and Epetition to be run concurrently (and agree any consequent changes).
  - 6.1.2 To amend the deadlines for the submission of petitions.
  - 6.1.3 To consider amendments to the way the Council deals with very small petitions.
  - 6.1.4 To introduce a petition proforma.

**7.0 Corporate Implications**

**7.1 Financial and VAT**

- 7.1.1 A significant increase in the number of petitions received or the possibility of having to manually check paper petition entries against Epetition entries could significantly increase the amount of officer time needed to process petitions.

## 7.2 Legal

7.2.1 The implications for the various options are discussed within the report. Members should be aware of the potential staff implications of the options.

## 7.3 Corporate

7.3.1 The Council's petitions scheme can be used to promote community involvement.

## 7.4 Equity and Equalities

7.4.1 The petitions scheme is open for use by all people, and it is not considered that equality considerations need to be addressed in this report.

## 8.0 Recommendation

8.1 The Working Party is invited to consider whether:

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- i. to allow paper and Epetitions to be run concurrently and agree any consequential changes, and if so, determine whether to include or preclude checking by officers for double entries;
- ii. to reduce the current notice required for petitions with 650 or more signatures from 25 working days;
- iii. to reduce the current threshold of signatures which enables a petition to be presented at a meeting of full Council from 25

8.1.3 The Working Party is invited to note the improvements that the Democratic Services will make in relation to implementing the petitions scheme, as outlined at paragraph 3.6 above.

## 9.0 Decision Making Process

9.1 Any recommendation of the Constitutional Review Working Party will be referred to the Standards Committee which, in turn, will make recommendations to Council for final adoption.

Future Meeting if applicable: Standards Committee Council	Date: 16 September 2014 2 October 2014
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Reporting to:	Glenn Back, Democratic Services and Scrutiny Manager

### Annex List

Annex 1	TDC Petitions Scheme
Annex 2	Draft Petitions Proforma

### Background Papers

Title	Details of where to access copy
None	

### **Corporate Consultation Undertaken**

Finance	Matthew Sanham, Finance Manager (Service Support)
Legal	Steve Boyle, Interim Legal Services Manager and Monitoring Officer