

CHANGES TO THE PETITION SCHEME

Meeting	Constitutional Review Working Party - 5 November 2020
Report Author	Nicholas Hughes Committee Services Manager
Portfolio Holder	Deputy Leader and Cabinet Member for Housing and Community Services
Status	For Recommendation
Classification:	Unrestricted

Executive Summary:

The Leader of the Council asked Democratic Services to review the Council's petition scheme. Democratic Services has done so and the main changes can be summarised as:

- Now accept petitions from Change.org and 38Degrees.
- Completely remove the Council's petition facility.
- Retain ability to submit paper petitions.
- If under 50 signatories now treated as correspondence.
- 50-1500 signatories now dealt with as a petition by an officer in consultation with the Cabinet Member, then reported for info to Cabinet or Council, depending on subject matter.
- Council debates now for petitions with over 1500 signatories.
- Members of the public can only speak to petitions to the Full Council with over 1500 signatories.
- The main rejection categories are mainly unchanged.
- The appeals process unchanged.
- The scheme retains the ability to simultaneously do petition and paper petitions, but reported as separate numbers.

The Constitutional Review Working Party is asked to make a recommendation on the proposed change to the Standards Committee.

Recommendation(s):

The Constitutional Review Working Party is asked to make a recommendation on the proposed change to the Standards Committee.

Corporate Implications

Financial and Value for Money

There are no financial implications to the report.

Legal

Since the repeal of Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act 2009 (petitions to local authorities) via the Localism Act 2011, the Council

is no longer required to have a petition scheme, however it was agreed at the Council meeting of 19 April 2012 to continue to maintain a scheme.

Corporate

The Petitions policy helps the Council to promote community involvement.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

- 1.1 Whilst it is not legally mandated that the Council has to maintain a petition scheme, it chose to do so as a scheme helps to promote community involvement and gives a clear explanation as to what happens when the Council receives a petition.
- 1.2 The Leader of the Council approached Democratic Services to undertake a review of the Council's petition scheme primarily as a number of recent petitions have taken an unusually long time to progress through the process, rendering the subject matter somewhat redundant. Democratic Services agreed to undertake a review based on this approach together with correcting a number of longstanding issues that affected the administration of petitions.

2.0 Proposed Changes to the Petitions Scheme

2.1 What are the main proposed changes to the petitions scheme?

- Completely removing the Council's in-house epetition facility and replacing it by accepting epetitions from Change.org and 38Degrees.
- If a petition is received with under 50 signatories it is now treated as correspondence.
- 50-1500 signatory petitions are now dealt with as a petition by an officer, then reported for info to Cabinet or Council, depending on subject matter.
- Full Council debates are now reserved only for petitions with over 1500 signatories.
- Members of the public can only speak to petitions to the Full Council with over 1500 signatories.

These features of the existing scheme will remain:

- Retain ability to submit paper petitions.
- The main rejection categories are mainly unchanged.
- The appeals process unchanged.
- The scheme retains the ability to simultaneously do epetition and paper petitions, but reported as separate numbers.

2.1.1 A copy of the existing petition scheme is attached at Annex 1 to the report and a copy of the proposed scheme is attached at Annex 2 to the report.

2.2 What is the justification for the proposed changes to the scheme?

- 2.2.1 The new scheme retains in full the existing processes for accepting paper petitions. Our current epetition system is quite cumbersome and anecdotally perceived by many members of the public as not easy to use. By replacing it by allowing epetitions from both 38Degrees and change.org it makes it much easier for people to sign up to petitions on issues that they want brought to the Council's attention.
- 2.2.2 Using a neutral third party provider for epetitions also provides evidence of the impartiality of the process and further, provides distance from the council where the petition may be contrary to the aims or values of the council.
- 2.2.3 Using specialist epetition providers, means that members of the public can use established providers whose sole purpose is to facilitate electronic petitions. This allows for a far superior user experience for those people who wish to sign or create a petition.
- 2.2.4 The current system for considering a petition is very bureaucratic and long-winded. A petition (either an epetition or a paper petition) is first presented to a meeting of full Council, then recommended to a meeting of Cabinet, then assigned to an officer to carry out the agreed actions and then being reported back to another meeting of Full Council.
- 2.2.5 This process more often than not takes a long time, this is because the process relies heavily on fixed meeting dates, rather than when a petition is submitted. This means that petitioners can often wait months for a petition to be considered by Council. For example, the recent petition regarding postponement of dog restrictions initially ran for 2 months on the Council's website from April to June, was first presented at Council in July and then wasn't considered by Cabinet until near the end of September because of the summer break and finally back to Council on 15 October.

This was two weeks after the *end* of seasonal dog restrictions that the petition was actually campaigning against. This is obviously not helpful to any of those involved and certainly wasn't the intention of the design of the original scheme.

- 2.2.6 Under the new scheme the petition once it is submitted will go straight to the decision maker and will significantly decrease the amount of time it takes the Council to deal with the petition. This greatly benefits the petitioners. The portfolio holder will always be consulted when the appropriate officer is deciding on what action to take with a petition and the petition and the action taken will then be presented to Cabinet/Council for information, where Councillors can still discuss the petition if they wish.
- 2.2.5 Petitions with over 1500 signatures will still be presented to Council for a full debate as larger petitions are today and petitioners will still be able to speak at Council as they do now. This 1500 signatures is deemed a 'low threshold' under the former statutory guidance and well under the maximum limit of 7100 signatures allowed under that guidance. It is also important to note that the 1500 figure does not change our position as requiring the 3rd fewest number of signatures required for a Council debate amongst our fellow Kent Councils.
- 2.2.6 There will be a reduced burden on the administrative side, as Democratic Services are often trying to fix issues with petitions, as members of the public have registered incorrectly or have forgotten their passwords. Whilst petitions are generally infrequent this burden can often be very time consuming when an petition is live. All of the administration for petition will be transferred to the specialist petition providers.

3.0 Options

- 3.1 The Constitutional Review Working Party can make recommendations on any element of the petition scheme. The Working Party can recommend some parts, all or none of the revised scheme to the Standards Committee.

4.0 Next Steps

- 4.1 Any recommendations from the Constitutional Review Working Party would be considered at the Standards Committee in November. The Standards Committee can then make recommendations to accompany the report when it is discussed and agreed by Full Council on 10 December.

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Reporting to: Estelle Culligan, Director of Legal and Governance

Annex List

- Annex 1: Current Petitions Scheme
- Annex 2: Proposed Amended Petitions Scheme

Background Papers

None

Corporate Consultation

Finance: Matthew Sanham, Financial Services Manager

Legal: Tim Howes, Corporate Director of Governance and Monitoring Officer