

Report to Governance Select Committee

Date of meeting: 6 February 2018



Portfolio: Planning and Governance (Councillor J. Philip)

Subject: Petitions Scheme – Review of Operation

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Recommendations/Decisions Required:

That the Select Committee review the operation of the Council's current Petitions Scheme, with reference to the issues set out in this report.

1. As the Committee will appreciate, petitions are an important part of the Council's ongoing commitment to listening to and acting on the views of those that live, work or study in Epping Forest District.
2. The Council's Petitions Scheme was originally adopted on 14 December 2010, in accordance with the requirements of the Local Democracy, Economic Development and Construction Act 2009, as part of a duty to promote democracy. The Petitions Scheme was based on a model scheme contained in statutory guidance issued by the Department for Communities and Local Government (DCLG), which also required the Council to implement facilities for the submission of 'ePetitions' through its website.
3. The duty on local authorities to operate a petitions scheme was abolished by the introduction of the Localism Act 2011, although the Council has continued to operate the previously adopted Scheme in order to provide an opportunity for residents to express matters of concerns and priority. Members have previously requested that a periodic review of the operation of the Petitions Scheme be undertaken to assess its effectiveness and the Scheme was last reviewed by the former Constitution and Members Services Scrutiny Panel in September 2012.
4. The requirements of the Local Democracy, Economic Development and Construction Act 2009 provided that petitions with a significant level of support must trigger a debate by the full Council. Whilst it was for the authority itself to set the threshold for the appropriate level of support, the model scheme issued by DCLG set a minimum threshold of 1% of the local population for this. At the time of the Council's original adoption of the Petitions Scheme in December 2010, the population for the District was in excess of 120,000, although the Council agreed that a percentage threshold of 2% of the population (2,400 signatories) be required to trigger debate of a petition by the full Council and that a percentage threshold of 1% of the population (1,200 signatories) be required to trigger attendance of a 'Senior Officer' at an overview and scrutiny meeting to give evidence on a matter.

5. For the purposes of the Petitions Scheme, the Council regards a petition as any communication signed by or sent to the authority on behalf of a number of people. The Petitions Scheme provides that a petition may be submitted or signed by anyone who lives, works or studies in the district. However, the Committee may wish to consider whether the Scheme should also provide for the acceptance of petitions from people who live, work or study outside the district, as it is presumed that the Council would take equally seriously a petition from, for example, visitors to the District on the subject (for example) of facilities at one of its leisure centres.
6. The views of members with regard to the operation of the Council's current Petition Scheme were also sought through the Council Bulletin in December 2017. No feedback has been received from members with regard to the current or future operation of the Scheme.

Petitions Scheme

7. A copy of the current Petitions Scheme is attached as Appendix 1 to this report and is also contained within the Council's [Constitution \(Part 4 – Council Rules\)](#). The following types of petition do not fall within the scope of the Scheme:
 - (a) petitions submitted by email, as email systems are not secure. Petitioners must use either paper-based petitions or the Council's ePetitions system;
 - (b) petitions that are considered to be vexatious, abusive, anonymous or otherwise inappropriate;
 - (c) petitions relating to a planning decision, including applications, development plan documents or the community infrastructure levy;
 - (d) petitions relating to a licensing decision;
 - (e) petitions relating to an individual or entity in respect of which they have a right of recourse to a review or right of appeal;
 - (f) any matter for which the Standards Committee has powers for determining complaints received under the local assessment process;
 - (g) any complaint made against an employee of the Council;
 - (h) any matter which is substantially the same as a petition submitted in the previous twelve months;
 - (i) issues where the subject matter is subject to ongoing legal proceedings; and
 - (j) petitions in response to formal consultation processes instigated by the Council.

Written Petitions

8. During the period from September 2012 to December 2017, the Council received 21 written (paper-based) petitions. All submitted petitions are reviewed by the Director of Governance to ensure that they meet the criteria set out in the Petitions Scheme.
9. It is suggested that the following issues be considered in the review of the operation of the Petition Scheme, with regard to written petitions.

Signature Threshold

10. The Petitions Scheme makes provision for written petitions containing more than 2400 signatures to be debated by the Council at its next ordinary meeting. Petitions containing more than 1200 signatures are subject to report by the relevant Portfolio Holder for debate by the Cabinet at its next available meeting.
11. Petitions with fewer than 20 signatures are normally be dealt with by the appropriate service directorate as ordinary or 'business as usual' type correspondence, unless the Service Director considers that the subject matter is sufficiently important or contentious to warrant the referral of the matter to the relevant Portfolio Holder. Petitions containing more than 20 but fewer than 1200 signatures are considered and dealt with by the relevant Portfolio Holder, who may take appropriate action if they have delegated powers to act alone, or prepare a report to the Cabinet or a Sub-Committee of the Cabinet for decision if required.
12. None of the petitions received during the period from September 2012 to December 2017 met the thresholds for debate by either the Cabinet or the Council. The Committee might therefore consider that these thresholds are discouraging the submission of petitions.
13. Members could choose to reduce the current signature thresholds for petitions. However, this approach could greatly increase the number of valid petitions received. To enable members to consider this aspect of the Petitions Scheme, the following comparative information has been obtained from several neighbouring authorities with regard to the handling of petitions, in terms of signature thresholds (for which statutory levels no longer apply):

Brentwood Borough Council (Population (mid-2016) 76,400)

1,500 signatories - considered by full Council

500 signatories - considered by Overview and Scrutiny Committee

Broxbourne Borough Council (Population (mid-2016) 96,800)

No signature threshold. All petitions received reported to the Cabinet

Chelmsford City Council (Population (mid-2016) 174,100)

2,000 signatories - considered by full Council

Harlow District Council (Population (mid-2016) 86,000)

650 signatories - considered by full Council

50-650 signatories - considered by Cabinet or appropriate Committee

Uttlesford District Council (Population (mid-2016) 86,200)

3,600 signatures - considered by full Council

14. Where petitions, although otherwise valid, do not achieve the required number of signatures to reach the minimum threshold for consideration as a petition. They are passed to the relevant service area to be dealt with as normal correspondence.

Signature Requirements

15. The Petitions Scheme requires that written petitions must include contact details, (including an address) for the petition organiser and the name and address and signature of any person supporting the petition.

16. This element of the Scheme has caused operational difficulties in a number of recent instances, where details of the name, address and signature of persons supporting the petition has not been provided.
17. On some occasions when written petitions have been submitted, the lead petitioner has 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. If no details for the lead petitioner are submitted, an acknowledgement is sent to the first signatory to the petition. This can cause confusion if the first signatory does not know who organised the petition therefore no further action is taken as there is no lead petitioner.
18. To address these issues, a pro-forma has previously been developed for the completion of written petitions. Whilst use of the pro-forma is not compulsory, it was designed to assist those members of the public who are unsure of the information required and help to reduce the number of petitions where doubtful or unclear information is provided. Although the pro-forma template is clearly available on the Council's website, it has not been used for any petition submitted during the period from September 2012 to December 2017. It is therefore proposed to review the template and its online location, to ensure its visibility within the petitions area of the website.

Scanned or Photocopied Petitions

19. As the Petitions Scheme requires the signature of all persons supporting a petition, the Council does not accept 'scanned' copies or photocopies of petitions submitted by email, post or handed-in.
20. The Council also does not accept as a written petition, information that has been downloaded from a third-party petition host and presented as a paper-based petition. It is suggested that this approach to scanned, copied and downloaded petitions should be maintained.

Service Functions

21. A majority of the petitions received since the last review of the Petitions Scheme did not meet some of the acceptance criteria specified by the Scheme. In the main, such petitions related to planning or licensing matters or services provided by other authorities, including highway maintenance (Essex County Council) and parking enforcement (North Essex Parking Partnership).
22. It might therefore be helpful for details of the services provided by the Council and those key functions of other local authorities, to be published in the Petitions Scheme and on the Council's website, in order to assist petition submissions to be directed appropriately.
23. It may also be helpful for arrangements to be made to increase member and officer awareness of the Petitions Scheme and the Council's procedures, as it often the case that petitions are submitted directly to ward councillors or officers outside the Governance Directorate, which currently administers the Petitions Scheme.

Electronic Petitions (ePetitions)

24. The ePetition process is intended to be a more convenient alternative to the traditional paper-based approach to the collection of signatures and, by making petitions available

online, a greater number of people can contribute to local democracy. A copy of the Council's guidance in relation to ePetitions is attached as Appendix 2 to this report.

25. During the period from September 2012 to August 2017, 6 active ePetitions were added to the Council's website. It is suggested that the following issues be considered in the review of the operation of the Petition Scheme, with regard to electronic petitions.

Signature Threshold

26. The provisions of the Petition Scheme for petitions containing more than 2400 signatures to be debated by the Council and for petitions containing more than 1200 signatures to be subject of report and debate by the Cabinet, apply equally to ePetitions. To ensure consistency in approach, it is suggested that the signature threshold for electronic petitions should continue to match that provided for written petitions.

Third-Party Petition Hosting

27. The Council only accepts e-petitions which are created and submitted through its website and does accept petitions hosted by third parties. Although a number of public bodies and commercial organisations provide opportunities for the creation of online petitions, it is not generally possible to verify whether signatories to such hosted petitions live, work or study in the District. The Council does not monitor third-party petitions systems.
28. If the Committee continues to hold the view that there must be an assurance that ePetitions are submitted and signed only by people who live, work or study in the local area, the only means of ensuring this is currently through the Council's e-petitions website facility. The Committee is therefore requested to consider whether petitions hosted by sites which do not enable verification of the signatories' relevant email address should continue to be ruled as invalid under the terms of the Council's Petitions Scheme.
29. All ePetitions must follow the same guidelines as for written (paper-based) petitions. When an ePetition is submitted, it does not automatically go 'live' and proposed petitions are reviewed by the Director of Governance to ensure that they meet the Council's criteria. The Council reserves the right to review proposed petitions that are inappropriate or do not relate to a matter over which it has responsibility or influence over, or matters where there is an existing right of appeal or may require the disclosure of confidential information.
30. All ePetitions available for signature are published on the [petitions pages](#) of the Council's website. The ePetitions process requires that persons wishing to sign a petition must 'register' on the website for this purpose and provide their name, address, postcode and a valid email address. Once this step is complete, their 'signature' will be added to the petition. Any person can 'sign' an ePetition and an individual email address provides the unique signature used to 'sign' a petition. Although some families' etc. may share an email address, the portal will only accept an email address once. A maximum period of three months is currently allowed for the collection of valid signatories to an ePetition. However, a shorter time-frame may be set by the lead petitioner to reflect time-sensitive issues.
31. The term 'ePetition' may be confusing, as it is considered that when visiting the Council's website, people are likely to search for the term 'petition' rather than 'ePetition'. It may therefore be helpful for the Petitions Scheme and the ePetitions guidance to be combined into one document to reflect the availability of a written and electronic based approach to the submission of petitions.

Recommendations

32. The Select Committee is requested to review the operation of the Council's current Petition Scheme, including its approach to ePetitions and to make any appropriate recommendations to the Overview and Scrutiny Committee.
33. The content of this report has been subject to consultation with the Planning and Governance Portfolio Holder and the Corporate Governance Group. Any views expressed by the Corporate Governance Group will be reported at the meeting.

Resource Implications:

The recommendations of this report seek to enable the Council's Petitions Scheme to more effectively meet current requirements.

Legal and Governance Implications:

None. The duty for local authorities to operate a formal petition scheme was abolished by the Localism Act 2011.

Safer, Cleaner, Greener Implications:

There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district.

Consultation Undertaken:

The content of this report has been subject to consultation with the Planning and Governance Portfolio Holder and the Corporate Governance Group. The views of members with regard to the operation of the Council's current Petition Scheme were also sought through the Council Bulletin in December 2017.

Background Papers:

None

Impact Assessments:

Risk Management

There are no risk management implications arising from the recommendations of this report.

Equality:

There are no equality implications arising from the recommendations of this report.

Key Decision Y/N

No