

BUSINESS SUPPORT OVERVIEW AND SCRUTINY COMMITTEE

30 JANUARY 2018

THE COUNCIL'S PETITION SCHEME – E-PETITIONS

Report from: Perry Holmes, Chief Legal Officer

Author: Julie Keith, Head of Democratic Services

Summary

At its meeting on 30 November 2017, the Committee agreed that an item on the e-petitions be added to the work programme and that a report be presented to this meeting.

1. Budget and Policy Framework

- 1.1 The Council adopted its current Petition Scheme on 25 November 2010 in response to provisions in the Local Democracy, Economic Development and Construction Act 2009. The Act placed a new duty on local authorities to respond to all petitions and to establish a scheme for handling petitions including provision of a facility for electronic petitions (e-petitions).
- 1.2 The Scheme is included in the Council's Constitution and is attached to this report at Appendix A.

2. Background

- 2.1 In 2008 the Department for Communities and Local Government (DCLG) identified Medway as an expert practitioner in the area of petitioning and as such the Council was invited by the De Montfort University to participate in a workshop on the practical implications of petitioning as part of a systematic review of evidence on community empowerment commissioned by the DCLG.
- 2.2 In 2009 the Government legislated to place a duty on local authorities to respond to all petitions, to draw up a petitions scheme (which had to include some mandatory elements) and to provide a facility for e-petitions.
- 2.3 With effect from 1 April 2012 the provisions relating to petitions in the Local Democracy, Economic Development and Construction Act 2009 were repealed by Section 46 of the Localism Act. The Coalition Government considered this would provide more discretion for local authorities to decide how to approach petitions locally. The Council was advised of this at its

meeting on 26 July 2012 and took the view that no change was required to Medway's Petition Scheme as it was working effectively.

3. E-Petitions – advice and analysis

- 3.1 The Council hosts an e-petition facility on its website, provided by mod.gov, which is the most widely used local authority committee management system. The Council's Petition Scheme stipulates that e-petitions must follow the same guidelines as paper petitions. An e- petition organiser must provide their name, address, a valid postcode and email address. The same information is required for any person supporting the petition. This Committee has asked for a review of the provisions in the Council's Petition Scheme relating to e-Petitions in light of an increase in the number of e-petitions being submitted to the Council which have been set up on platforms other than the e- petition facility hosted on the Council's website and which do not meet the requirements of the Medway Scheme.
- 3.2 Since the beginning of 2015, 16 petitions have been set up on the Council's own e-petitions facility. In the same period 9 e-petitions have been submitted to the Council from alternative e-petition websites.
- 3.3 In particular there is a growing use of Change.Org, 38 Degrees and Petitions24.Com as e-petition platforms. Under the current Petition Scheme, the Council can accept and process e-petitions hosted on other platforms as long it is possible to see the name and a valid email address, postal address and postcode for each signatory which is the standard applied under the Council's own e- petition facility. Currently, this requirement is not being met in every case.
- 3.4 For example, whilst Change.Org require those wishing to sign petitions on their website to set up an account and fields are provided for a name, valid email address and postal address at that point this information cannot be seen when the petition is submitted to the Council as the "decision maker". Only the name, town, postcode and country are supplied for each signatory where these have been registered. Change.Org have advised that the full email and postal addresses of anyone signing a Change.Org petition cannot be made available to the Council (or any other organisation) as the "decision-maker" unless a signatory changes the default setting on their account to allow this.
- 3.6 There are some other differences between the Council's e-petition facility and the Change.Org facility. These include a facility for the lead petitioner and other change.org users to promote the petition to other people by way of donation and via social media. There is also a facility on Change.Org for the lead petitioner to provide an update to everyone who has signed the petition and a facility for signatories to the petition to leave a comment on the issue – these options are not currently available on the Council's e-petition facility provided by mod.gov. In addition the Petition organiser on Change.Org can print off a hard copy of the petition at any point showing the name, town, country and post code for every signatory, before it is submitted to the decision maker. Again this is not a facility available under the Council's e- petition platform where the petition is submitted electronically when it closes for signatures. It is however, possible for the lead petitioner to print off a hard

copy listing just the names of each signatory and the Council, as decision-maker, is able to see all the information for each signatory.

- 3.7 Currently in Medway in all cases where e-petitions are received by the Council from an external e-petition platform, petition organisers are asked to provide any information that is missing from their e-petition. However, to date they have been unable to provide the missing information to satisfy the requirements of the Council's scheme.
- 3.8 Of the nine e-petitions submitted to the Council from alternative e-petition websites, seven have been accompanied by a corresponding paper petition which meets the requirements of the Council's Petitions Scheme and the issue has therefore been processed in the usual way. Under the current Petition Scheme the corresponding e-petition, which may contain a significant number of signatures will not be logged or referenced by officers in any report to Overview and Scrutiny irrespective of the number of signatures included.
- 3.9 It is difficult to provide the Committee with any conclusive analysis of how other local authorities are handling e-petitions generated on external websites that do not supply email and postal addresses. As this is a relatively new and emerging issue very few Councils have stated their position on the issue. Examples of Councils which clearly state they will accept these petitions are Surrey County Council , Brighton and Hove (Unitary) and Rother District Council (which does not host its own e-petition facility). Thurrock, a neighbouring Unitary Council, requires an accompanying paper petition including ten or more handwritten signatures. Conversely Guildford and Southampton City explicitly state that they will only accept e- petitions hosted on the Council's own e-petition facility.
- 3.10 At a national level the UK Government and Parliament Petitions website also hosts an e-petition facility and contains the following guidance in relation to e-petitions and their consideration by the House of Commons Petitions Committee:

“Will the Committee consider petitions hosted on other e-petitions sites?”

- The (Petitions) Committee will not consider e-petitions hosted on external websites, and nor will it consider archived petitions from petitions.direct.gov.uk.
- It would still be open to petitioners to approach MPs and ask them to take up their cause—for example, by approaching the Backbench Business Committee for time for debate.
- The Committee may take petitions hosted on other sites into account when assessing the topicality of subjects proposed for debate.
- Committee staff will give advice to members of the public about how they could raise these petitions in Parliament in other ways”

4. Options

- 4.1 The current Petition Scheme operated by Medway Council would need to be amended to enable acceptance of externally hosted e-petitions (or indeed any paper petitions) which do not meet the requirements of the scheme. Any amendments to the Council's Petitions Scheme proposed by this Committee would need to be recommended to full Council as the Scheme forms part of the Constitution.
- 4.2 Alternatively, if the Committee considers that no change should be made to the scheme the Committee may wish to ask the Head of Democratic Services to include clear advice on the Councils' website that e-petitions hosted on external websites cannot be accepted under the Council's current arrangements for handling petitions. In addition mod.gov could be requested to investigate the possibility of developing the functionality of its e-petition system. For example, the addition of an option for signatories to leave comments.
- 4.3 This is a matter for Members of the Council to consider and determine.

5. Financial and Legal Implications

- 5.1 Since the repeal of the provisions relating to petitions in the Local Democracy, Economic Development and Construction Act 2009 local authorities have discretion to put in place locally determined arrangements for handling petitions. Any changes to the Councils Petition Scheme will have to be approved by full Council as the scheme forms part of the Council's Constitution.
- 5.2 Under Section 9FC of the Local Government Act 2000 Overview and Scrutiny Committees have power to review and scrutinise any decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the executive and those which are not the responsibility of the executive. Overview and Scrutiny Committees may make reports and recommendations to full Council and the Cabinet on the discharge of functions and on matters which affect the authority's area or the inhabitants of the area.
- 5.3 The cost of administering and processing petitions is met from within existing budgets.

6. Risk Management

- 6.1 The publication of clear arrangements for handling petitions ensures transparency and consistency of approach.

7. Recommendations

- 7.1 The Committee is requested to consider the information contained within this report and decide what, if any, further action it wishes to recommend.

Lead officer contact

Julie Keith, Head of Democratic Services
Telephone: (01634) 332760 E-mail: julie.keith@medway.gov.uk

Appendices

Appendix 1 – Current Petition Scheme

Background papers:

None