

COUNCIL

26 APRIL 2018

THE COUNCIL'S PETITION SCHEME – E-PETITIONS

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Summary

At its meeting on 30 January 2018, the Business Support Overview and Scrutiny Committee considered a report on e-petitions and agreed to ask the Council to consider amending the Council's Petition Scheme to accept e-petitions which do not include all of the personal details currently required by the scheme.

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2012 the provisions relating to petitions in the Local Democracy, Economic Development and Construction Act 2009 were repealed by Section 46 of the Localism Act.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. The Business Support Overview and Scrutiny Committee requested 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. A report was submitted to the Committee for consideration at its meeting on 30 January 2018
- 3.2 The report advised that since the beginning of 2015, approximately 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 privacy default setting on their account to allow this.
- 3.5 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.

- 3.6 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.
- 3.7 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 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. Business Support Overview and Scrutiny Committee

4.1 The record of the discussion of this matter by the Business Support Overview and Scrutiny Committee at its meeting on 30 January 2018 is set out below:

Discussion:

- 4.1.1 At its meeting on 30 November 2017, the Committee had agreed that a report on e-petitions be presented to this meeting in light of an increase in the number of e-petitions being submitted to the Council which had been set up on platforms other than the e-petition facility provided by mod.gov and hosted on the Council's web-site.
- 4.1.2 Members noted that the Council's Petition Scheme stipulated that e-petitions must follow the same guidelines as paper petitions. A petition organiser, and any person supporting the petition, must provide their name, address, a valid postcode and e-mail address. This requirement was not being met when petitions hosted on external platforms were submitted to the Council. Although officers subsequently sought this information from petition organisers, it was not available.
- 4.1.3 A Member suggested that some people preferred to use other e-petition platforms in preference to the Council's own facility because they did not wish to register their details with the Council. Also, by using other platforms, they had the ability to add photographs, provide updates and comments, and link a petition to other social media platforms. These functions were currently not available on the Council's e-petition facility. It was also suggested that someone who was searching how to create a petition would be more likely to find websites such as Change.org than search the Council's website. Members were advised that there was a recent example of an e-petition on the Council's website that had attracted over 2,000 signatures.
- 4.1.4 A Member proposed that officers explore the potential to develop the Council's e-petition facility so that it incorporated some of the functionality of other e-petition platforms and became petitioners' preferred e-petition platform. It was further proposed that, whilst this development work was being undertaken on the Council's e-petition facility, petitions from other e-petition platforms should be accepted and considered by the Council.
- 4.1.5 The Council's Monitoring Officer advised that there could be no interim change to the Constitution and that any proposal to accept e-petitions from platforms other than the Council's e-petition facility would need to be referred to Full Council. If the Committee was minded to recommend such a proposal, Full Council would need to consider an amendment to the Council's Petition Scheme to accept e-petitions which did not include all of the personal details currently required by the scheme.

Decision:

4.1.6 The Committee agreed:

- a) That officers explore the potential to develop the Council's e-petition facility so that it incorporated some of the functionality of other e-petition platforms and became petitioners' preferred e-petition platform.
- b) That Full Council consider an amendment to the Council's Petition Scheme to accept e-petitions which did not include all of the personal details currently required by the scheme.

5. Director's Comments

5.1 Following the meeting of the Business Support O&S Committee officers have informally approached mod.gov, the organisation which supplies the Council's e-petitions system, about the possibility of developing the facility so that it provides some of the functionality provided by other e-petition platforms.

5.2 The following prospective changes to the e-petition facility were highlighted:

- i) The ability for a petition organiser to contact anyone who signs their petition to provide updates or information relating to progress on the campaign;
- ii) An ability for anyone signing the petition to leave some comments in support of the petition;
- iii) A facility for the lead petitioner to print off a copy of the petition showing the name, town and postcode of each signatory (but not their email address or full postal address).

5.3 mod.gov has advised that there are no immediate plans to make changes to the ePetitions facility at the current time due to other development priorities. While the suggested improvements would be added to their development pipeline for consideration alongside other requests they cannot guarantee if or when these would get to the top of the priority list. However they could consider looking into the enhancements as chargeable bespoke feature developments for Medway. A written specification would have to be submitted before any formal quote could be provided although it was estimated that the cost would be £5,000 - to £10,000 for which budget provision would need to be identified.

6. Options

6.1 The Council's Petition Scheme is included in the Constitution and 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 is a matter for Council. If the Council wishes to accept e-petitions hosted on external websites where a name, address, a valid postcode and email address for each signatory cannot be provided to the Council as "decision maker" it is

recommended that this should only be permitted where there is evidence that the host organisation requires the lead petitioner and any signatories to register this information before being able to sign an e-petition. The necessary change to the Petition Scheme to give effect to this is shown on page 4.6 of Appendix A.

6.2 Alternatively, if the Council considers that no change should be made to the scheme Members may wish to ask the Head of Democratic Services to include clear advice on the Council's website that e-petitions hosted on external websites cannot be accepted under the Council's current arrangements for handling petitions unless the information required by the Petitions Scheme is supplied.

6.3 Currently there is no budget provision to commission mod.gov to undertake bespoke development work to enhance the functionality of its e-petition system.

6.4 This is a matter for Members of the Council to consider and determine.

7. Financial and Legal Implications

7.1 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.

7.2 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.

7.3 The cost of administering and processing petitions is met from within existing budgets. There is currently no budget provision to meet any costs associated with development of the Council's own e-petition facility.

8. Risk Management

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

9. Recommendation

9.1 Council is requested to consider the following recommendations from the Business Support Overview and Scrutiny Committee:

- a) That officers explore the potential to develop the Council's e-petition facility so that it incorporates some of the functionality of other e-petition platforms and become petitioners' preferred e-petition platform (noting that this would require budget provision of between £5000 and £10,000 to be identified).
- b) That Full Council consider an amendment to the Council's Petition Scheme to accept e-petitions which did not include all of the personal details currently required by the scheme for paper and e-petitions, taking into account the advice in paragraph 6.1 of this report that this should only be permitted where there is evidence that an organisation hosting the e-petition requires the lead petitioner and any signatories to register a name, address, a valid postcode and email address before being able to sign an e-petition. (The necessary change to the Petition Scheme to give effect to this is shown at page 4.6 of Appendix A).

Lead officer contact

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Appendices

Appendix A – Current Petition Scheme

Background papers:

None

APPENDIX A

Petitions

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will usually receive an acknowledgement from the Council within five working days of receipt.

We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition and a reasonable person would regard it as such. The Council reserves the right to make this judgement and may decide to determine a matter under another procedure such as the internal complaints procedure. Paper petitions can be sent to:

Head of Democratic Services
Medway Council
Gun Wharf
Dock Road
CHATHAM
Kent ME4 4TR
Telephone 01634 332760
Email: democratic.services@medway.gov.uk

or be created, signed and submitted online via the Council's website.

You can also present a petition at a meeting of the Full Council or ask a Councillor to present a petition on your behalf at these meetings. Council meetings take place on a six weekly basis. Dates and times can be found on the Council's website (<http://democracy.medway.gov.uk/ieListMeetings.aspx?CId=122&Year=2010>). If you would like advice about this option please contact the Head of Democratic Services at least 10 working days before the meeting and she will explain the process. Alternatively contact details for all Medway Councillors can be found on the Council's website (<http://democracy.medway.gov.uk/mgMemberIndex.aspx?bcr=1>). If your petition has received 12,675 signatures or more it will automatically be referred to a meeting of the Full Council for debate and if this is the case we will let you know the date of the meeting in good time. (Note: the debate will not take place at the Council meeting where a petition is presented but will normally be the next ordinary meeting).

What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
- the name, address and signature of any person supporting the petition which the Council may choose to verify. For e –petitions you must provide a valid email address, postal address and postcode.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the

council's website. If the petition does not identify a petition organiser, we will contact the first signatory to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

The Council will not consider a petition which raises substantially the same issues as any other petition submitted in the past twelve months.

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser usually within five working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. The subject of the petition will be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example, seeking a referendum on whether the area should have an elected Mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Please contact the Head of Democratic Services for further advice if you are uncertain.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. We may also publish correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us. You can do this by emailing the Council (<http://www.medway.gov.uk/information/personalisation/signup.aspx>).

How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council's Overview and Scrutiny Committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition.

*Overview and Scrutiny Committees are committees of Councillors who are responsible for scrutinising the work of the Council and other partners– in other words, the Overview and Scrutiny Committee has the power to hold decision makers to account. (<http://democracy.medway.gov.uk/mggeneric.aspx?md=oandsmenu>)

As a general rule in the first instance the lead petitioner will receive a response from the relevant Director usually within ten working days of receipt of the petition by the Council which will explain the action the Council proposes to take on the issues highlighted in a petition.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will 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 your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here <http://www.medway.gov.uk>

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full Council debates

If a petition contains at least the number of signatures equating to 5% of Medway's population it will be debated by the Full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors usually for a maximum of 20 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further

investigation into the matter, for example by a relevant committee. Where the issue is one on which the Cabinet is 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 our website.

Officer evidence

Your petition may ask 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. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to Councillors to enable them to make a particular decision.

If your petition contains at least the number of signatures equating to 2% of Medway's population, the relevant senior officer will give evidence at a public meeting of the relevant Overview and Scrutiny Committee. You may ask for the Chief Executive, any Director or Assistant Director to be called to give evidence. The Head of Democratic Services can help you identify the most appropriate officer to call to give evidence in your petition. This must be the Chief Executive, a Director or Assistant Director. You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant Cabinet Member to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chairman of the committee by contacting the Head of Democratic Services up to three working days before the meeting. The Overview and Scrutiny Committee may also allow you to speak at the meeting.

E-petitions

The Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, address, a valid postcode and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, 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.

When an e-petition has closed for signature, it will automatically be submitted to the Head of Democratic Services. In the same way as a paper petition, you will receive an acknowledgement usually within five working days. If you would like to present

your e-petition to a meeting of the Council or ask a Councillor to do so on your behalf, please contact the Head of Democratic Services within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. A summary of the response will also be published on this website.

How do I 'sign' an e-petition?

You will be able to see all the e-petitions currently available for signature on the Council's website (from 15 December 2010).

When you sign an e-petition you will be asked to provide your name, and a valid postcode, postal address and email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

E-petitions submitted through other platforms

Where an e-petition hosted on an alternative platform is received by the Council, and due to default privacy settings, the Council is unable to see a name, postal address, a valid postcode and email address for each signatory, the petition will only be accepted where there is evidence that the organisation hosting the e-petition requires the lead petitioner and any signatories to register a name, postal address, a valid postcode and email address before being able to sign an e-petition.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly the petition organiser has the right to request that one of the Council's Overview and Scrutiny Committee's review the steps that the Council has taken or is proposing to take in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's final response is not considered to be adequate. You should notify the Head of Democratic Services within 10 working days of receiving a final response if you wish to request a review with reasons.

The relevant Overview and Scrutiny Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Cabinet and arranging for the matter to be considered at a meeting of the Full Council.

Once the review has been completed the petition organiser will be informed of the results usually within five working days. The results of the review will also be published on our website.

(Note: Where petitioners call for a review of action taken/proposed following discussion of a petition or an officer being called to give evidence at an Overview and Scrutiny Committee, this will be undertaken by the Business Support Overview and Scrutiny Committee. Where that committee has dealt with the petition in the first instance it may decide to refer the review to Full Council if there is scope for a conflict of interest).