

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 5
29 OCTOBER 2018	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance	
Cabinet Member(s) responsible:	Councillor David Seaton, Cabinet Member for Resources	
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PETITIONS SCHEME - MATTERS THAT CAN BE DEALT WITH

R E C O M M E N D A T I O N S	
FROM: <i>Director of Law and Governance</i>	Deadline date: <i>N/A</i>
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> 1) recommend to Council the adoption of the updated Petitions Scheme as set out in Appendix 1 to the report, 2) consider making a recommendation to Council to change the petition threshold levels for Council, Cabinet and Scrutiny debate, 3) consider the impact of Purdah on the debate of petitions at council, cabinet or scrutiny committee meetings and time critical petitions. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Constitution and Ethics Committee following a referral from the Interim Director of Law and Governance and Monitoring Officer.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to set out proposed amendments to the Petitions Scheme to restrict the remit of petitions that would be accepted under the scheme. This will ensure that all petitions received and considered by officers and/or Members cover areas in which the Council has the ability to take action and will avoid any debate that cannot be acted upon.

2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1, 'Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.'

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

- 4.1 The Local Democracy, Economic Development and Construction Act 2009 introduced a statutory duty for local authorities to adopt a scheme setting out how it would manage and respond to petitions and also required local authorities to set up facilities for e-petitions. This was supported by statutory guidance which set out a model petition scheme and required council to set thresholds for triggering a full council debate.
- 4.2 The Local Authorities (Petitions)(England) Order 2010 stipulated that the maximum threshold which can be set is 5 percent of the local population. The maximum figure should be calculated using the estimate of the population of the area of the authority contained in the Office of National Statistics population estimates for England and Wales. In 2017 the population estimate for Peterborough was 198,914 and 5% of this is 9,945.7. However the statutory guidance stated that *"we expect that in most cases a much lower figure will be considered locally appropriate."*. The model scheme given was based on an authority with a population of 150,000 and it stated that if a petition contains more than 1500 signatures it will be debated by the full council. It required 750 signatures for a debate at scrutiny committee and it also said that a petition should be debated for a maximum of 15 minutes at full council plus five minutes for the petitioner to speak.
- 4.3 Chapter 10 of the Localism Act 2011 repealed this part of the 2009 Act and specifically removed the following requirements:
- the need for the Council to make a scheme for the handling of petitions
 - the need for the Council to be able to accept petitions electronically
 - the need for the Council to comply with its own petition scheme
 - the need to publish the Council's petition scheme on its website
 - the need to acknowledge petitioners, tell petitioners what we intend to do with their petitions or place their petitions on the website
 - the need for the Council to do one of the list of required steps when considering a petition
 - the need for thresholds to determine how to process petitions, for those thresholds to be reasonable and the requirement for petitions reaching those thresholds to be debated at Council and or Overview and Scrutiny
 - the power of review by the Secretary of State
 - the specified reasons for the rejection of a petition
- 4.4 Therefore the Council has the discretion to manage petitions in any way it considers appropriate, including having no provision at all. However, in order to maintain good governance and strengthen public trust and confidence councils have generally continued to retain petition schemes.
- 4.5 The Council's Petition Scheme sets out the criteria the any petition has to meet in order to be valid for submission to the Council. At current, these are:
- Clearly state the concern or problem to be addressed.
 - Clearly state what the Council is being asked to do.
 - State who the lead petitioner is and include their contact details.
 - Must not concern a planning or licensing application.
 - Must not be similar to, or a duplicate of a petition submitted within the previous 12 months.
 - Contain at least 20 names, address and signatures of people living, working or studying in the area.
- 4.6 The Scheme also sets out the cases where a petition would be disqualified, as follows:
- Abusive.
 - Vexatious (intending to cause only annoyance, frustration or worry).
 - Presented for the purpose of making mischief.
 - Otherwise inappropriate.

4.7 In 2018 a number of petitions have been submitted that have been eligible for debate at either Council or Full Cabinet. It was considered that several petitions received requested action that was either not within the Council's power, or related to matters where there was no course for appealing a decision.

4.8 As such, research was undertaken by officers into the Petitions Schemes of a number of other local authorities. Each of the six authorities that were reviewed included a requirement in their scheme that petitions be limited to areas with the Council's remit or that directly affect inhabitants.

Therefore, it is recommended that the below wording is added in the Council's Petitions Scheme.

4.9

Additional petition criteria:

- Must be relevant to a function that the Council has a responsibility for and/or directly affects Peterborough inhabitants.

Additional disqualification criteria:

- Relates to a function the Council is not responsible for and/or could not influence.

It is also suggested, however, that a further criteria be added for those petitions that are eligible for debate at Scrutiny Committee, Cabinet, or Full Council. This being that:

"7.8 Any petition to be debated at a Scrutiny Committee, Cabinet or Full Council meeting must relate to a matter on which the Council can take action, to be determined by the Monitoring Officer."

All proposals are set out within **Appendix 1**.

Threshold Levels

4.10 The current threshold levels for petition debate at Peterborough are 50 valid signatures to trigger a debate at Cabinet or Scrutiny Committee, and 500 valid signature to trigger a debate at Full Council. There is currently a 45 minute time limit on the discussion of an individual petition.

4.11 For comparison, the threshold level for a number of other authorities are set out below:

- Central Bedfordshire Council - 600 for debate at Scrutiny, 1,250 for debate at Council
- Elmbridge Borough Council - 50 for debate at Cabinet, 2,600 for debate at Scrutiny, 3,900 for debate at Council
- Swale Borough Council - 500 for debate at Cabinet, 1,500 for debate at Council
- Milton Keynes Council - 1,000 for debate at Council
- Swindon Borough Council - 1,500 for debate at Council
- Huntingdonshire District Council - 500 for debate at Council
- East Northamptonshire Council - 4,000 for debate at Council
- Medway Council - 2% (4,000) for debate at Scrutiny or Cabinet, 5% (10,000) for debate at Council

4.12 Should the Committee wish to make a recommendation to amend the threshold level for Peterborough City Council, this would be considered by Full Council.

Impact of Purdah

At the meeting of Full Council on 17 October 2018 it was requested that the Constitution and Ethics Committee consider and discuss the impact of Purdah on the debate of petitions and how

time critical petitions may be dealt with.

The recent petition regarding the Manor closure raised concerns over the length of time taken from the submission of the petition on 7th March (confirmed by the petitioner for debate at full council on 26 April) until it was debated at full council in October. The May council meeting is annual council and is largely a ceremonial meeting with no substantive business. The petition was due to go to the July council meeting but once a by-election was called it fell with the pre-election "purdah" period. In accordance with the Local Government Act 1986, the Code of Practice on local authority publicity, and LGA guidance, councils must *'ensure that any published information by them during the Purdah period should not contain controversial material that might form part of political campaigning during the pre-election period.'* The guidance also says: *'Do not publish any publicity on controversial issues or report views on proposals in a way which identifies them with individual councillors or groups of councillors.'* and that *'You should not: produce publicity on matters which are politically controversial'*. This is because there is a risk they will impact on public opinion for or against any political party. Publicity is defined very widely as *"any communication, in whatever form, addressed to the public at large or to a section of the public"*. As well as covering the more obvious forms such as press releases, speeches, leaflets and newspaper articles issued by or on behalf of the Council, it can include sponsorship and council meetings.

The Council's current petition scheme specifically states that *"3.6 During the period before an election or referendum, known as Purdah, it could be necessary for a petition to be dealt with differently. Should this happen a full explanation will be given including any anticipated timescales."* In this case officers considered that it was necessary to consider this petition differently because of its sensitive political nature and therefore it was deferred to the next Council meeting in October.

It is suggested that the Committee consider any changes they may want to recommend to the Petitions Scheme in light of this discussion.

5. CONSULTATION

- 5.1 Consultation has been undertaken with relevant internal officers prior to the proposals being submitted to the Committee for consideration and debate.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 It is anticipated that amending the Petitions Scheme as recommended would ensure that only petitions that requested action the Council could in fact take were discussed. This would, therefore, mean that the Petitions Scheme was of greater value and more effective.

7. REASON FOR THE RECOMMENDATION

- 7.1 To align Peterborough City Council's Petition Scheme with other local authority petition schemes. The recommendation would also ensure that all petitions received and considered by officers and/or Members covered areas in which the Council has the ability to take action and would avoid any debate that could not be acted upon.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 To make no changes. This option was dismissed as a recommendation as to maintain the status quo would continue to provide for petition debates in which no possible action could be taken by the Council.

9. IMPLICATIONS

Financial Implications

- 9.1 There are no financial implications arising from this report.

Legal Implications

9.2 There are no legal implications arising from this report.

Equalities Implications

9.3 There are no equalities implications arising from this report.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- Central Bedfordshire Council Constitution
- Elmbridge Borough Council Constitution
- Oxfordshire County Council Constitution
- Guildford Borough Council Constitution
- Essex County Council Petitions Policy
- Brighton and Hove City Council Constitution

11. APPENDICES

11.1 Appendix 1 - Petitions Scheme

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