

SUBJECT:	PETITION SCHEME REVIEW
DIRECTORATE:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 To provide members with an opportunity to assess the operation of the Council's petition scheme (attached as **Appendix A**).

2. Background to Petition Scheme

- 2.1 The Council adopted its petition scheme on 20 April 2010 in accordance with the requirements of section 11 of the Local Democracy, Economic Development and Construction Act 2009. These provisions have since been repealed by section 46 of the Localism Act 2011 with effect from 1 April 2012; however, the Council's petition scheme remains in force.
- 2.2 Since establishing its petition scheme the Council has received a number of petitions, both online and in paper form, for consideration in accordance with the scheme. This has also included petitions which triggered a debate at a full council meeting in line with the requirements of the Petition Scheme.
- 2.3 The most recent petition submitted under the Petition Scheme was received by Council at its meeting on 12 August 2014 from representatives of the West End Residents Association in relation to an Article 4 planning direction. Other petitions received include petitions seeking to prevent the sale of The Lawn, regarding the location of a skate park, and opposing the closure of a play area.
- 2.4 The Council's online petition system is provided as part of its committee management software and integrated within the democratic section of the Council's website. There is no additional cost associated with this service and it can be suspended at any time. In the past there has been some confusion for petitioners when an e-petition started on an external website has not been accepted by the Council owing to the lack of a name, address, or email address for its signatories.

3. Contents of the Current Petition Scheme

- 3.1 The petition scheme adopted by the Council was based upon statutory guidance provided by the Department for Communities and Local Government. As the relevant legislation has been repealed, the Council is no longer obliged to have regard to this guidance and would be free either to amend or remove its scheme.
- 3.2 The Petition Scheme contains a significant amount of guidance for potential petitioners on the manner in which any petitions should be presented and the action

the Council might take when the petition is submitted. Members will note that much of the scheme comprises examples of potential topics for petitions and guidance on deadlines. In practice, petitions received under the scheme (as opposed to statutory petitions such as those which can trigger mayoral referendums or community governance reviews) leave Council considerable discretion in any response made to petitions.

- 3.3 The scheme provides that if a petition has received more than 900 signatures the petition will be considered at a meeting of the full council. If a petition receives more than 450 signatures the petitioners can also request that a relevant senior officer provides evidence to be a meeting of the Policy Scrutiny Committee.
- 3.4 Currently a petitioner must supply his or her name and address when submitting a paper petition, and must also provide an email address when registering to sign or submit a petition online. These measures are principally to provide an additional level of verifiability to limit the chance of petitions being submitted with false signatories.
- 3.5 While these provisions are unlikely to be onerous for petitioners working with a paper form, those using a third party's website may be unable to comply with this requirement because either the information is not collected by the third party or the third party is unable to release the information to them. A large number of websites, such as change.org and 38 Degrees, offer an e-petitions service accessible to Lincoln's citizens. These websites have proven popular in the past for local, national, and international campaigns and, as a result of their relatively high profile, are likely to be some residents' principal online petition service.
- 3.6 Rather than excluding petitions from consideration where names, addresses, and email addresses are not made available to the Council, members may wish to consider amending the Petition Scheme to exclude only signatories on a petition that are anonymous or appear likely to be fraudulent. This would ensure petitions limit the possibility that petitions could be disregarded on the basis of a lack of awareness of the minutiae of the Petition Scheme.

4. Options

- 4.1 The principal options available to the Council in considering the Petition Scheme are as follows:
- 4.2 Make no change. The Council is under no duty to review its petition scheme and no changes have taken place which necessitate a revision. It would therefore be possible to leave the scheme in place as it stands.
- 4.3 Make minor amendments. If members consider that the discretionary elements of the original petition scheme, such as the trigger points for signature numbers, would benefit from change it would be possible to amend the scheme accordingly.
- 4.4 Make significant amendments. In common with many other local authorities, the Council's petition scheme is built around the original guidance from central government. This guidance is extensive and is six pages in length. Members now have the freedom to change the scheme to fit the needs of the Council or to simplify the document. Simplification could see the scheme itself shortened to include only

the essential elements necessary to submit a petition, with any other information provided via the website for those who require it.

- 4.5 Rescind the scheme. The Council is no longer legally required to have a petition scheme. As such, the current scheme can be withdrawn and the Council can revert to its previous *ad hoc* arrangements in receiving petitions.

5. Organisational Impacts

5.1 Finance

There are no direct financial implications arising from this report.

5.2 Legal Implications

There are no direct legal implications arising from this report.

6. Recommendation

- 6.1 That members consider whether the Council's Petition Scheme would benefit from any revision.
- 6.2 That any proposed amendments be requested for further consideration in draft form or referred to Council for approval.