

## BABERGH DISTRICT COUNCIL

<b>TO:</b> O&S Committee	<b>REPORT NUMBER:</b> B/RP/20/1
<b>FROM:</b> The Monitoring Officer	<b>DATE OF MEETING:</b> 15 <sup>th</sup> February 2021
<b>OFFICER:</b> Jan Robinson Corporate Manager Governance and Civic Office	

### VALIDATION OF PETITIONS.

- 1.1 A petition was submitted to the Council on 11th January 2021 regarding Parking, Belle Vue and the Customer Access point at Sudbury. The petition was subsequently ruled invalid by the Council as the addresses of the petition signatories had not been adequately completed in line with the requirements of the Council's petitions policy.
- 1.2 The Lead Petitioner, Mr Morelli, has requested that under Paragraph 7 of the Petitions Process the steps that the Council has taken with regard to his petition be reviewed.
- 1.3 Overview and Scrutiny are asked to review the steps that the Council has undertaken and establish whether the correct procedure was followed in line with the Council's Petition Policy.

### 2. WHAT WILL NOT BE DISCUSSED

- 2.1 The Committee will not debate the merits of the petition subjects. The scope of the review is limited to the consideration of whether the petitions policy has been correctly applied in invalidating the petition.
- 2.2 Any other Constitutional queries.

### 3. RECOMMENDATIONS

- 3.1 That Overview and Scrutiny review the steps taken by the Council in response to a request by the Lead Petitioner and assess whether the petitions policy has been followed correctly.
- 3.2 Should the Committee determine that the petition has not been dealt with adequately it can resolve to use any of its powers to deal with the matter.

### REASON FOR DECISION

To ensure that Babergh District Council has followed the correct process when validating a petition.

### 4. KEY INFORMATION

- 4.1 The Council welcomes petitions and recognises that petitions are a way in which people can let the Council know of their concerns.

- 4.2 In order to ensure that all petitions are dealt with fairly, consistently and lawfully the Council has adopted a petitions policy as part of its Constitution. The Babergh District Council Petitions Policy and the requirements within the scheme are based on a model scheme recommended by the Department for Communities and Local Government which a number of Councils have adopted. There is no statutory requirement to provide a Petitions Scheme.
- 4.3 Any person who lives, works or studies in the Babergh area can submit a petition, including children and young people (under 18).
- 4.4 Petitions can be submitted in writing or by E- petition but must include the following information to be considered valid. (Paragraph 2 of the petitions policy)
- The full name, address or place of work or study and signature of any person supporting the petition that meets the criteria under 2.2 of the policy.
  - The contact address of the petition organiser
  - A clear and concise statement covering the subject of the petition
  - What action the petitioners wish the Council to take.  
  
(the petitions scheme includes a check list and sample form)
  - E- petitions are required to provide the above information but without the signature of the person supporting the petition.
- 4.5 When the Petition is received and validated an acknowledgement is sent to the Lead Petitioner confirming this.
- 4.6 The validation process is undertaken by a Committee Officer who will check that the name and address is fully completed for each signatory, or that details of where the person is studying or working are also given, where the petition signatory lives outside of the area.
- 4.7 The name and address is checked against the open electoral register or in some cases by writing to the name and address quoted on the petition. Once the number of valid signatures has been confirmed the petition is acknowledged and a response is sent to the Lead Petitioner informing them that the petition has been validated and will be considered according to the type of petition it is under the relevant part of the Council's Constitution.
- 4.8 Once a petition is validated it can still be rejected by the Strategic Director if the petition does not qualify under the scheme for the following reasons:-
- if the petition is considered to be vexatious, abusive or otherwise inappropriate,
  - if it is a petition qualifying under another enactment,
  - it is excluded by order,

- or if it relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

- 4.9 With regard to the petition received from Mr Morelli, the petition was assessed by the Committee Officer and was rejected for validation because the full addresses of the persons supporting the petition had not been submitted as detailed in Paragraph 2.2 of the Petitions Process. There is further advice about the requirement to provide full addresses in the checklist and example petition form attached to the policy.
- 4.10 It is important that the Council validates each petition to ensure that the petitioners, live, work or study in the area and that the petition is genuine. It is also essential that the Council has the full name and address of the petitioners so that it is able to contact them to provide them with any further information regarding the petition or if the Council wishes to consult with the petitioners further. This cannot be done from a postcode alone.
- 4.11 The validation process of the full name and address of each signatory also enables the council to avoid accepting any signatures which may have been submitted fraudulently. Accepting a potentially fraudulent petition could result in the Council taking a decision based on incorrect representation and incorrect information. It is also important that validation is consistent and in line with Council procedure.
- 4.12 Once the Committee Officer realised that he was unable to validate the petition, he immediately wrote to Mr Morelli explaining that a postcode does not provide sufficient detail for due diligence to be carried out. This approach is consistent with other petitions that had been rejected.
- 4.13 The Council welcomes democratic engagement and the Committee Officer in his response offered assistance to the Lead Petitioner to enable the petition to be validated so that it could be actioned. This included a suggestion for the Lead Petitioner to provide at least 20 of the full addresses of the petitioners so that the Petition could gain ordinary petition status and be dealt with through the petitions process. In addition, not all of the petitioners had endorsed all three issues contained in the petition and the signature count was different for each of issues. This could lead to confusion and misrepresentation, which was explained to the Lead Petitioner. The Council can only validate the signatures that endorsed the whole petition. The Committee Officer also signposted the Lead Petitioner to the E- petitions scheme which enables the petition to be completed electronically for convenience and also to comply with the current Covid-19 restrictions.
- 4.14 The Committee Officer advised the Lead Petitioner that the subject of parking would be debated at the next Council meeting on the 19<sup>th</sup> January 2021. Further to this the Petitions Scheme (Paragraph 2.8) outlines *“petitions which are the same or substantially the same as petitions which have been considered in the previous twelve months will be dealt with having regard to the consideration and outcome of the earlier petition. This may result in the Council declining to take any action on the later petition. It will be for the Council to determine whether a petition is the same or substantially the same as an earlier petition.”*

As such if the petition did receive 1000 valid signatures the topic of car parking would not be debated at council again or as a separate item within the next twelve months.

4.15 With regards to the other two subjects of the petition, the Committee Officer confirmed to the Lead Petitioner that the subject of Belle Vue House detailing the action to be supported in the petition of any decision being deferred until the end of February had already happened with the decision now being taken at the March Cabinet meeting (11<sup>th</sup> March 2021), details of which can be viewed on the Forthcoming Decisions List.

In relation to the Sudbury Customer Access Point, the Council had already confirmed that it would be maintaining its Customer Access point in Sudbury albeit in a different format than was currently provided.

4.16 The Lead Petitioner contacted the council to say he was not prepared to provide twenty names and addresses to validate the petition. At this point in recognition of the work and the effort the Lead Petitioner had put in to collecting the signatures, using the Chairman of the Council's discretion, and as an item was already on the agenda to discuss Car Parking in Hadleigh, Mr Morelli was invited as a guest to speak to the Council for three minutes regarding the parking element of the petition, this being the only matter that was still unresolved. Mr Morelli declined this invitation and has since informed the Council that he was unhappy with the way his petition was dealt with.

4.17 Whilst the Council applauds the work that Mr Morelli has carried out to capture public feeling and recognises his strong feelings on the subject, the Council must apply a fair and consistent process when validating petitions across the board. Although the Council has been unable to validate the petition in its current form the Council has worked hard to ensure that Mr Morelli had the ability to address the full Council which would have been the same outcome if the petition had been validated.

## 5. APPENDICES

Title	Location
(a) Petitions Scheme	Attached
(b) Letter from the Committee Officer to the Lead Petitioner	Attached
(c) Correspondence relating to number of signatures for each petition item	Attached
(d) Letter from the Corporate Manager for Democratic Services to the Lead Petitioner	Attached
(e) Extract of Pages from Petition – <b>CONFIDENTIAL</b>	Attached – Part 2