

From: Joel Cook – Democratic Services Manager  
To: Selection and Member Services Committee – 30 November 2023  
Subject: Petition Scheme Review  
Status: Unrestricted

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## 1 Introduction

- 1.1 The County Council has had a petitions scheme since 1 September 2010. It was established, as was the case for all Councils, in response to specific legal requirements to put in place a scheme or policy that confirmed how a Local Authority would manage any submitted petition. However, the Localism Act 2011 repealed the relevant sections of the 2009 Local Democracy, Economic Development and Construction Act (LDED&C 2009) and the associated statutory guidance, removing the legal requirements for Local Authorities to maintain relevant petition schemes or policies for petitions relating to normal council business. Like the majority of Councils, Kent opted to maintain a Petition Scheme despite the lack of legal requirement (confirmed 2012 during last scheme update). For reference, the now repealed legislation and associated guidance is still referred to and drawn from in this review as they informed the development of the current scheme.
- 1.2 The petition scheme is an important tool in the Council's governance to manage and respond to public views and concerns. However, it should not be viewed in isolation and must be considered alongside the role of local Members, consultation activity, resident engagement and the Overview and Scrutiny functions already set up across the Council. There is also an expectation management aspect to be considered in that any change or review or indeed use of the petition scheme should be caveated with an understanding that no petition may bind the Council or relevant decision-maker to enact any requested activity. The purpose of any petition scheme is to promote debate and further consideration of issues, either directly by the decision-maker or by the wider elected membership on relevant committees or boards, with any recommendations being presented to decision-makers.
- 1.3 The scheme reviewed by this Committee in April 2014. The last change made to the Petition Scheme was in 2012, when the number of signatures required for a petition debate at County Council was reduced to 10,000 and a requirement for a debate at a Cabinet Committee if over 2,500 signatures were received. A copy of the current scheme is shown at **Appendix 1**.
- 1.4 At a meeting of the [Selection and Member Services Committee on Thursday, 29th June, 2023](#), Members were invited to consider the petition scheme generally, explore any areas requiring review and to provide Officers with a steer on the necessary review activity and related research. In particular, the Committee was asked to consider the merits and implications of changes to the petition thresholds, recognising that specific reductions in signature threshold numbers had been suggested by the Green & Independents Group earlier in the year.

1.5 The comments from the discussion were collated and a report was presented to a meeting of the [Selection and Member Services Committee on Thursday, 19th October, 2023](#), setting out the merits and implications of the proposed changes to the Petition Scheme, along with a number options for consideration. Those options were as follows:

**1.5.1 Option 1:**

Agree that no changes be made to the Petition Scheme;

**1.5.2 Option 2:**

(SMS may recommend one or more of the following changes to the Scheme)

- a) Recommend that the eligibility criteria be amended, only permitting signatories who reside in Kent.
- b) Recommend that 'live, work or study in Kent' be maintained as the eligibility criteria but require a specific Kent postcode to evidence the Kent link.
- c) Recommend that the threshold for a petition to be debated at County Council be reduced from 10,000 to one of the following options:
  - 8000 signatures
  - 5000 signatures
  - 2000 signatures
- d) Recommend that the Cabinet Committee debate threshold be reduced from 2500 to one of the following:
  - 2000 signatures
  - 1500 signatures

1.6 The Selection and Member Services Committee were broadly in agreement with the principle of reducing the signature thresholds to encourage resident engagement with the Council and the democratic process. However, prior to agreement, Members sought further assurance on the eligibility criteria of signatories and the verification process adopted by Kent County Council resolving any firm recommendations to Full Council.

1.7 This report sets out the steps undertaken by Democratic Services to review the verification process and the actions required should any changes take effect.

## **2. Eligibility Criteria and Verification arrangements**

2.1 The eligibility criteria continues to reflect the original arrangements set up in response to Chapter the 2009 Act "to make a scheme for the handling of petitions made to the authority by people who live, work or study in the authority's area." The repeal of the Act allows for this to be broadened or limited.

2.2 Democratic Services carried out a review of Kent County Council verification process against the verification process adopted by other Councils. The results of the review identified that all Councils' Petition Schemes are in line with Kent County Council's Petition Scheme in that:

2.2.1 The eligibility criteria for those submitting or signing a petition must either live, work or study in the area with the exception of Leicester whereby the City Mayor

may exercise their discretion to take the views of stakeholders outside the city should the matter have a significant impact beyond the city boundary.

## **2.2.2 E-Petitions:**

- 2.2.3 Those submitting an e-petition must provide their name, address (residential, work or study) and contact details
- 2.2.4 Those signing an e-petition must provide their name and address (residential, work or study)
- 2.2.5 Should a postcode be provided which cannot be verified the entry is discounted – this relies on either manual checks or a technical solution depending on the council approach and available resources.
- 2.2.6 Some Councils use an online petition management system which can manipulate data and filter out addresses which are not within the area subject to relevant postcode data being available within the system.
- 2.2.7 In East Sussex, the Council has also included non-mandatory tick boxes asking the member of the public to confirm if they live in the area, work in the area or study in the area. The registering person can tick none, one, or several of the boxes.
- 2.2.8 There is no systematic way of validating the signatures as such, they are accepted providing the conditions are met.
- 2.2.9 Should the petition threshold appear to be in the realm of triggering a debate, either at Cabinet Committee or Full Council, a Governance and Democracy Officer would carry out a check of names and addresses to look for any obvious anomalies such as obviously counterfeit names or people living, working or studying outside of the area. It would otherwise not be an efficient use of officer time to check and verify that amount of data.

## **2.2.10 Paper Petitions:**

The approach is broadly similar but without the opportunities to use technical solutions to sift postcode or petitioner identity data.

## **3. Risk Based Approach**

- 3.1 Without incorporating a detailed data set containing significant amounts of personal data, which would not have been collected for the purpose of identity verification to support a petition scheme, it would be difficult to verify with absolute certainty that a member of the public is indeed eligible to sign a petition. Given that the purpose of a petition scheme is to promote public engagement in the activity and decision-making of the Council, the Council has consistently adopted a risk-based approach in the acceptance of information provided on the basis that they meet the conditions of the Scheme.
- 3.2 It should be noted that there is limited scope to apply significant verification processes to confirm signatory eligibility – any substantive change to this approach would require additional resourcing and technical solutions. In addition, privacy

considerations relating to requiring any submission of evidence may be disproportionate to the petition scheme purpose, as noted above.

3.3 It could be viable, however, to require a Kent Postcode to be provided with any signature – if the Committee were minded to recommend a restriction to only those living in Kent, the scheme could stipulate a home address in Kent. If ‘work and study’ remain acceptable standards for eligibility then the provision of a relevant Kent postcode for place of work or place of study could be made requirements at the point of signing a petition (online or paper). There is the further option to include non-mandatory tick boxes asking the member of the public to confirm if they live in the area, work in the area or study in the area. The registering person can tick none, one, or several of the boxes. These technical arrangements may be managed at an operational level outside of the Scheme itself but are flagged to the Committees attention to outline some of the practical changes Democratic Services have been exploring to support any final shape the Petition Scheme takes following Committee and Full Council consideration.

3.4 Further considerations include the need for greater resourcing for managing the scheme due to increased checks and this would offer limited benefit to the Council if the purpose of the review is to encourage and facilitate increased public engagement or debate of relevant issues.

#### **4 Key considerations:**

4.1 Having explored the mechanisms and technical arrangements for verification adopted by other Councils in comparison to the processes used by Kent County Council, it is evident that not only do our procedures align, but our resource capacity and limited historical experience of fraudulent signatures would suggest that there would be very little merit in applying additional substantive verification processes in view of the additional resourcing or technical solution investment required to deliver these. This reasoning would still stand should Members agree to reduce the signature threshold and is not material that consideration.

4.2 An operational adaptation to the process which is viable is clarifying the existing processes to require signatories to provide Kent postcode that evidences their direct link to Kent, be that a residence, place of work or place of study. There remains, however, a challenge to applying any substantive verification process which seeks to confirm through identity checks whether a signatory is eligible because such a check would require access to data not intended for this purpose. Further operational level work will be undertaken separate to the Scheme review to explore options and opportunities to develop or identify usable data sets to assist in these processes in future.

4.3 The following points are highlighted for consideration prior to the committee resolving any recommendations:

- a) Whether the eligibility criteria should be amended, only permitting signatories who reside in Kent.
- b) Whether ‘live, work or study in Kent’ should be maintained as the eligibility criteria.

- c) Consider whether any of the of the above points regarding eligibility and the limited scope for substantive verification checks prompt reconsideration of the desired petition signature threshold levels.
- d) Note the data impact and potential equality impact implications on the application of significant verification systems to petition signatures.
- e) Note the continued use of paper petitions on significant issues, involving high numbers of signatures and the resource implications of manual checking to verify signatory eligibility.

#### **4. Conclusion**

- 2.1 The eligibility criteria continues to reflect the original arrangements set up in response to Chapter the 2009 Act “to make a scheme for the handling of petitions made to the authority by people who live, work or study in the authority’s area.” The repeal of the Act allows for this to be broadened or limited.
- 2.2 In conclusion, it is suggested that limiting or restricting the eligibility criteria of the petition and the introduction of substantive additional verification checks may have a detrimental impact on the operations and accessibility of the scheme, risking a perception of disenfranchising key stakeholders. The Petition Scheme is a mechanism used by the local authority to actively encourage participation and engagement in public matters.
- 2.3 Furthermore, the review of the mechanisms and technical arrangements for verification adopted by other Councils shows that KCC is broadly in line with their arrangements in terms of current processes and this is viewed, at an operational level as reasonable. The data risk implications around using external data sets to undertake identity verification are significant and create an imbalance between paper or externally hosted online petitions and those managed through KCC’s own petitions system in terms of how far any verification could be automated. In addition, the application of additional manual checking of petitions beyond that already undertaken would have significant resource implications that could not be met within current arrangements.
- 2.4 However, Democratic Services will continue to explore, at an operational level, the most cost-effective and appropriate systems and mechanisms to facilitate the petitions scheme. The Committee may be reassured that the practical experience of supporting the petitions scheme since its inception and the engagement with other relevant Councils indicates that the verification issues has not proved to be a significant concern or issue and therefore should not be a major factor in determining the key points of the formal Petition Scheme.

#### **5. Recommendation**

Selection and Member Services is asked to:

1. Note the further investigation into and update on verification processes.
2. Confirm the recommendation to Council for the petition thresholds:

2. Determine any changes to the eligibility criteria

## 6. Appendices

Appendix 1 – current Petition Scheme

## 7. Background Documents

Agenda Item, Petitions Review, Selection and Member Services, 19<sup>th</sup> October 2023  
[Selection and Member Services Committee on Thursday, 19th October, 2023](#)

Agenda Item, Petitions Review, Selection and Member Services meeting, 29 June 2023  
[Agenda for Selection and Member Services Committee on Thursday, 29th June, 2023, 2.30 pm](#)

Agenda Item, Petition Scheme Review, Selection and Member Services meeting 25 April 2014, [Agenda for Selection and Member Services Committee on Friday, 25th April, 2014, 2.30 pm \(kent.gov.uk\)](#)

Agenda Item, Petition Scheme Review, Selection and Member Services meeting 10 July 2012, [Agenda for Selection and Member Services Committee on Tuesday, 10th July, 2012, 11.00 am \(kent.gov.uk\)](#)

Agenda item, Proposed changes to the Constitution (a) Adoption of a Petition Scheme, County Council meeting 22 July 2010, [Agenda for County Council on Thursday, 22nd July, 2010, 10.00 am \(kent.gov.uk\)](#)

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