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Working on behalf of



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To All Councillors & The Mayor

By email only

**Please ask for Daniel Fenwick**  
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Date: 24 September 2020  
Your Ref:  
Our Ref: DF/AG

Dear Members & Mayor,

### **Governance Petition received on 18 September 2020**

I write to inform you that on 18 September 2020 the Council received a petition calling for a change in governance arrangements from the mayor and cabinet model to a leader and cabinet model.

The Chief Executive, as proper officer, is responsible for the statutory process of validating the petition within a month of receipt. In the Chief Executive's absence, I deputise for electoral functions.

It has been determined that in accordance with amendments to electoral law made under the Coronavirus Act 2020, the petition is invalid because it was received on a date between 16 March 2020 and 5 May 2021. I set out the full reasons for this below and its implications so you are aware and can advise your constituents if they ask.

In accordance with the statutory regime, the petition organiser has been informed this morning and a public notice of the decision will be published today at East Ham Town Hall and on the website. The petition itself will be available for public inspection, as required by the legislation.

### **Reasons for the Decision**

As members will be aware a petition signed by 5% or more of registered electors can call for a referendum on a change in governance arrangements. On receipt of a petition, the Council must validate the petition within a month against certain statutory criteria.

Regulation 9 of the Local Authorities (Referendums) (Petitions) (England) Regulations 2011/2914 (the Petition Regulations) as amended set out those criteria.



INVESTOR IN PEOPLE

## 9.— Validity of petitions

(1) Subject to paragraph (2) a petition shall be a valid petition if—

- (a) it is signed (whether before or after the coming into force of these Regulations) by not less than the number of local government electors for the authority's area that is the verification number; and
- (b) it satisfies the requirements of regulation 10; and
- (c) it is presented to the local authority to whom it is addressed on a day other than one which falls within a moratorium period or within the period beginning with the 16th March 2020 and ending with 5th May 2021.

I have highlighted the wording as an amendment introduced by regulation 12(3)(a) of the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020/395 arising out of the Coronavirus Act 2020, which postponed all elections until 6 May 2020.

Under this regulation, the Council was required by law to hold the petition as invalid and has no discretion in this decision. We fully appreciate that this is a fairly draconian statutory provision and so have had our view confirmed by external counsel due to its significance.

### What Happens to the Petition?

Whilst the petition cannot be presented before 6 May 2021, the signatures on the petition are **not** invalidated and can form part of a petition presented on or after this later date. (This is of course subject to the petition and each signature meeting other statutory requirements).

In particular, members will be aware that signatures on a petition must be dated within 12 months of its submission. The amended Regulations have provided that the period from 16 March 2020 to 5 May 2021 **will not count** for the purposes of calculating the 12 months period retrospectively.

So if a petition was presented on 6 May 2021, the 12 month period would therefore include signatures dated:

- a. Between 16 March 2020 and 5 May 2021 **and**
- b. 12 months before 16 March 2020.

Any petition submitted can also include additional signatures or be amalgamated with another petition asking for the same change in governance but of course any signature can only be counted once.

### What Happens Now?

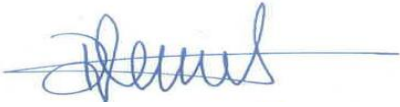
The Council has informed the Petition organiser of the decision as we are under a duty to notify them of the decision as soon as reasonably practicable. Of course, the Council cannot and will not advise the petitioner about their position but we've provided the reasons for the decision and the above information for their assistance.

A public notice will be issued today with the following information:

- (a) that a petition has been received which has been determined to be an invalid petition;
- (b) of the reasons for that determination;
- (c) of the constitutional change sought by the petition;
- (d) of the petition date;
- (e) that the petition is available at the authority's principal office for inspection by members of the public at all reasonable times and free of charge; and

(f) of the address of the authority's principal office.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Daniel', with a horizontal line extending to the right.

**Daniel Fenwick**  
**Director Legal & Governance**

cc Althea Loderick, Chief Executive