

APPENDIX C

APPEAL REQUEST

Request to refer for review, under Clause 8 of the Petition Guidance in Plymouth City Council's Constitution, handling of the Petition Submission and the Petition Debate on the 31st January 2023

This is my formal request under Petitions Guidance Clause 8 of Plymouth City Council's Constitution (updated May 2022) to have the way that the Council has dealt with my Petition on behalf of Straw, referred to the relevant Overview and Scrutiny Committee in order to review the Council's response to the Petition Submission, both 1. in the way the Petition Submission was considered and the decisions that were reached and 2. in the way that this adversely affected the Council's ability to fully debate the petition and to fully consider its possible responses to the Petition.

The reasons why I consider that the Council has not dealt with my petition properly are as follows:-

1. The wording of my petition could not be more precise about the number of trees to be saved because, when it went online, that information had not been made public by the council. The data about the number of trees to be felled, being Environmental Information under the Environmental Information Regulations should (under the Council's duty to be proactive in publishing environmental information) have been made publically available by the Council sometime prior to the petition being launched. Specific figures could then have been included in the petition wording.
2. The petitioner and the 12,000 petition signatories have therefore all been severely prejudiced by the failure of the Council to make this data publically available as it should have been.
3. Most petitions, particularly when involving such a large and complex issue will not at the outset be able to be drafted so as to cover an issue in precise legalistic language. The interests of the 12,000 people who have signed the petition have been prejudiced by an overly narrow interpretation of the terms of Petitions Guidance Clause 8 of the Constitution, the sole purpose of which Clause is to allow the concerns of those living in the city to be aired further in an appropriate way.
4. The lodging of a petition of this size could have been welcomed as an opportunity to fully engage with the public through the means requested in the petition submission – for example, a public meeting. The only reason why the Council might want to rely on an overly legalistic response to the wording of the petition is to shut down proper public debate on this controversial issue. Had the Council wished to construe the Petition Submission in a less restrictive way and in line with the purpose behind Clause 8 of its Constitution, it could have done so.

5. There is a clear conflict of interest in the Council dealing with the Petition Submission when the Petition relates to the Council's decisions and behaviour.

6. In order to deal properly with this controversial project, the Council meeting on 30 January 2023 should have been given the opportunity to consider the full range of responses allowed in Petition Guidance Clause 4 of its Constitution, (and which are options available even where there are only 25 signatories) and which were requested in the Petition submission. The very narrow way that the Council has construed and dealt with this petition is severely damaging to public confidence in local democracy.

7. My concerns over this have been proven to be correct. Because of the way you have narrowly interpreted Clause 8, and the clear conflict of interests that has arisen, it has resulted in an ill-thought-out, rushed, defective and valueless public engagement exercise with a poorly drafted questionnaire and the withholding of information so that community groups cannot properly engage. If my petition had been properly dealt with by the Council, people in the city could now be taking part in a full public meeting, a proper, meaningful and thorough consultation (including an Equalities Impact Assessment) and a referendum on the question of whether the felling of the trees should go ahead.

This is an urgent matter and it should be referred to the appropriate Scrutiny Committee as a matter of urgency.