

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Cabinet
Date:	27 September 2010
Title:	Duty to respond to petitions
Reference:	2087
Report From:	Chief Executive

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1. **Executive Summary**

- 1.1 The Local Democracy, Economic Development and Construction Act places a duty on Local Authorities for responding to petitions, including provision of an e-petition facility. Statutory guidance on what a petition scheme should contain was issued prior to the general election.
- 1.2 The duty to respond to petitions came into force on 15 June 2010 with provision for an e-petitions scheme to be introduced by 15 December 2010. Details of the duty placed on the County Council with regard to the petitions scheme were shared with Cabinet on 28 June 2010. Concern was expressed that the national scheme was over bureaucratic and more restrictive than current practice in dealing with petitions. Some changes to the way in which the County Council manages petitions are necessary in order to meet national requirements. Cabinet is clear however that local discretion should be utilised to the full to ensure the formal scheme adopted by the County Council retains current flexibility and reinforces the role of the Cabinet, Executive and Local Members in responding to issues raised by local people.
- 1.3 The provisions introduced through the legislation require Local Authorities, via full Council, to make, publicise and comply with a scheme for handling both paper and electronic petitions. The response suggested below is as 'light touch' as possible but addresses the requirements set out in the Act.

Emphasis is placed on the role of all Members in supporting local people who wish to raise an issue with the County Council.

2. Proposed Hampshire County Council Petitions Scheme

- 2.2 The petitions scheme will be routed through the 'Have Your Say' website so that local people are clear of the options open to them should they wish to raise an issue with the County Council. This will include details of contacts for local County Councillors as well as the Leader and Executive Members.
- 2.3 An e-petitions scheme that includes the facility for electronic signatures will be in place by 15 December.
- 2.4 Anybody over the age of 13 will be able to raise a petition asking for an action to be taken by the County Council. The subject matter of the petition should relate to an issue that affects local people and is open to the County Council to influence. Advice to local people about the petitions scheme and the processes involved will be provided by the Business Advice and Member Support (BAMS) team in the first instance.
- 2.5 Any matter raised with the County Council that identifies itself as such will be dealt with as a petition. This may include concerns that relate to partner organisations.
- 2.6 Exclusions to the scheme will be published as at Appendix One.
- 2.7 Details of the petitions received, number of signatures and the responses provided will be published.
- 2.8 Petitions will be acknowledged within five working days. If a petition is not being considered under the scheme the reasons for this will be included in the response.
- 2.9 A response or details of the action being taken will be provided within 20 working days of the acknowledgement.
- 2.10 Responses to petitions will be appropriate and proportionate to the issue raised. The options open for the Cabinet, individual Executive or Local Member to consider will include but not be limited to the actions set out below:
- taking the action requested in the petition
 - considering the petition at a meeting of the authority
 - holding an inquiry
 - holding a public meeting
 - commission research
 - a written response to the petitions organiser setting out the County Council views on the request in the petition
 - referring the petition to an overview and scrutiny committee

- 2.11 Petitions that have 32,000 (circa 2.5% of the population) signatures or more may ask for a matter to be debated in full Council or request that an Executive Member or senior officer attend a meeting of the relevant Select/Overview and Scrutiny Committee.
- 2.12 If the petition organiser does not consider that the response of the County Council has been adequate, they can request that the matter be referred to the relevant Select/Overview and Scrutiny Committee.

3. Petition Management

- 3.1 As it is not known how many petitions will be received by the County Council it is proposed that all petitions are initially routed through the Leader's office as this provides a single point of contact for local people.
- 3.2 Action will be agreed by the Leader in discussion with the appropriate Executive or Local Member and advice from the Chief Executive.
- 3.3 BAMS will manage the process to ensure that the requirements of the scheme are met.
- 3.4 It is proposed that the efficiency and effectiveness of the system will be reviewed by a small Panel of Members in six months time to ensure that it is functioning effectively and that any additional pressure on resources is identified and supported. Any adjustments will be recommended to Cabinet at the first available meeting after the Panel has met.

4. Working with Partners

- 4.1 Although the nature of petitions is difficult to predict there is a possibility that issues raised with the County Council will relate to partner organisations. In these circumstances the petition will be considered on an individual basis to determine which organisation is best placed to respond and the petition organiser notified.

5. E-Petitions

- 5.1 The previous Government provided a one off grant to Local Authorities to enable them to set up a facility for managing e-mail petitions; this amounted to £44,000 for Hampshire County Council. The legislation requires this facility to be in place by 15 December 2010. The options for developing an in-house system or buying an off the shelf system from a major supplier have now been evaluated and a preferred provider identified.
- 5.2 The preferred option, subject to Cabinet's approval, is to proceed with an external provider that has demonstrated an ability to meet all the requirements set by the County Council at the lowest cost. It is anticipated

that the cost of providing an e-mail petitions facility would be £9,500 for the software over a four year period with an estimated cost of £1,200 for branding and set up.

6. Recommendations

- 6.1 That it be recommended to Council on a pro tem basis that:
 - a) approval be given to the petition scheme and management arrangements detailed within sections 2 to 5 of this report.
 - b) the Scheme and associated reporting mechanisms be reviewed by a small Panel of Members in six months time.
 - c) Any adjustments to the scheme be presented to Cabinet at the first available meeting after the Panel has met.
- 6.2 That, prior to approval by Council, the terms of the draft scheme be applied to any petition received.
- 6.3 That approval be given to proceed with the procurement of an e-petitions facility at an estimated cost of £11,000 over four years.
- 6.4 That this matter be dealt with more fully as part of the Review of the Constitution

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes
Corporate Improvement plan link number (if appropriate):	

Direct links to specific legislation or Government Directives

<u>Title</u>	<u>Date</u>
Local Government and Housing Act 1989	
Local Democracy, Economic Development and Construction Act 2009	
Listening to Communities: Statutory guidance on the duty to respond to petitions, March 2010	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

N/A

2. Impact on Crime and Disorder:

N/A

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

N/A

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

N/A

Proposed wording of petition exclusion criteria

Some issues will not be an appropriate channel for a petition. In order to avoid duplication, the policy areas of planning and licensing are excluded as are other matters where there is a statutory right to a review or appeal (except where there is an alleged failure of the County Council in respect of one of its functions).

Petitions initiated by Hampshire County Council employees where the subject matter relates directly to their employment or to their immediate area of responsibility are also excluded. This would cover matters where another right of recourse exists (e.g. the grievance procedure).

Petitions are not the right route for Freedom of Information requests; information about the FOI procedure can be found on the "[Freedom of Information](#)" web pages.

Petitions which are considered by the Head of Governance/Monitoring Officer to be vexatious, abusive or otherwise inappropriate will not be accepted. Any petition rejected for these reasons will be formally reported to the Cabinet.

Petitions cannot target individual members of a community or County Council officers for reasons that do not relate to their role at the Council.

In the period immediately before an election or referendum petitions may need to be dealt with differently. If this is the case the reasons for this and the revised timescale which will apply will be discussed with the petition organiser.

Guidance on what can be accepted as a petition.

The information in a petition must be submitted in good faith and comply with the law. Each petition will be considered on an individual basis and it will be open to the Cabinet, Executive or Local Member to exercise discretion in how they respond. We would however normally reject petitions that contain the following:

- potentially libellous, false, or defamatory statements;
- information which may be protected by an injunction or court order (for example, the identities of children in custody disputes);
- the names of individuals, or information where they may be identified, in relation to criminal accusations;
- material which is potentially confidential, commercially sensitive, or which may cause loss or personal distress without justified cause;
- any commercial endorsement, promotion of any product, service or publication;
- the names of individual officials of public bodies, unless they are part of the senior management of those organisations. There is a complaints process available for disputes relating to the actions of individual officers and petitions regarding a County Council Officer must relate to

their role in delivering public services and not their character, personality or private life.

- the names of family members of elected representatives or officials of public bodies;
- language which is offensive, intemperate, or inappropriately provocative. This not only includes obvious swear words and insults, but any language to which people reading it could reasonably take offence.
- petitions that are substantially the same as an existing petition or petitions that have been submitted in the last 12 months.
- petitions which ask for things outside the remit or powers of Hampshire County Council to influence.
- statements that don't actually request any action;
- wording that is impossible to understand.