

REPORT OF
THE CABINET
PART I

112. DUTY TO RESPOND TO PETITIONS – APPROVAL OF DRAFT PETITIONS SCHEME

1. The Local Democracy, Economic Development and Construction (LDEDC) Act places a duty on Local Authorities to respond to petitions, including an e-Petitions facility. On 27 September 2010, the Cabinet considered a draft Scheme for handling petitions to meet the legislative requirements for recommendation to full Council.

2. Subsequently the Department for Communities and Local Government wrote to all Local Authorities withdrawing *'Listening to communities: Statutory guidance on the duty to respond to petitions'* to allow Local Authorities to have more discretion to decide how to deal with petitions locally. The letter did however make it clear that the petitions requirements set out in the LDEDC Act remain in force unless or until they are repealed by fresh primary legislation, including the need to provide a facility for people to make e-petitions.

3. The Cabinet had expressed concern about the prescriptive nature of the duty and the unnecessary bureaucracy that would result. Therefore, the ability to apply more local choice as a result of the withdrawal of the statutory guidance was welcomed. The draft Scheme builds on the existing good practice within the County Council for handling petitions to ensure they are dealt with effectively and meets the requirements of the LDEDC Act.

4. In regard to the provision of an e-petitions facility, options have been evaluated and a preferred provider identified. The preferred option is to proceed with an external provider for an 'off the shelf' system, having demonstrated an ability to meet the County Council's requirements at the lowest cost including associated set up costs. One off grant to Local Authorities to enable them to set up a facility for managing e-petitions has been received, therefore base budgets will not be impacted.

5. The draft scheme is attached below:

113. Hampshire County Council Petitions Scheme

- The Scheme will be routed through the 'Have Your Say' website to ensure people are clear of the options available to them
- Anybody who lives, works or studies in Hampshire and is over the age of 13 will be able to raise a petition asking for an action to be taken by the

County Council

- Any matter raised with the County Council that identifies itself as such will be dealt with as a petition, which may include issues relating to partner organisations
- If a petition raises issues that relate to a partner organisation, the petition will be considered on an individual basis to determine which organisation is best placed to respond and the petition organiser notified
- Details of the petitions received, number of signatures and the responses provided will be published on the County Council's website
- Petitions will be acknowledged within five working days with a response or details of the action being taken provided within 20 working days of the acknowledgement letter
- If a petition is not being considered under the scheme, the reasons for this will be included in the response
- Responses to petitions will be appropriate and proportionate to the issue raised
- Petitions of 32,000 signatures (circa 2.5% of the population) or more may request 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
- If a 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

The following exclusion criteria would normally apply:

- a) potentially libellous, false, or defamatory statements;
- b) information which may be protected by an injunction or court order (for example, the identities of children in custody disputes);
- c) the names of individuals, or information where they may be identified, in relation to criminal accusations;
- d) material which is potentially confidential, commercially sensitive, or which may cause loss or personal distress without justified cause;
- e) any commercial endorsement, promotion of any product, service or publication;
- f) 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;

- g) the names of family members of elected representatives or officials of public bodies;
- h) 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;
- i) petitions that are substantially the same as an existing petition or petitions that have been submitted in the last 12 months;
- j) petitions which ask for things outside the remit or powers of Hampshire County Council to influence;
- k) statements that don't actually request any action;
- l) wording that is impossible to understand.

RECOMMENDATION

That the County Council:

- a) approve the draft Scheme as set out above; the Scheme to be reviewed as part of the wider review of the County Council's Constitution, which will be considered by the Audit Committee and Cabinet for recommendation to the County Council; and
- b) gives approval to proceed with the procurement of an e-petitions facility.