

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Cabinet
<b>Date:</b>	6 February 2015
<b>Title:</b>	Revised Petition Scheme
<b>Reference:</b>	6402
<b>Report From:</b>	Director of Policy and Governance

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#### 1. Executive Summary

1.1. The purpose of this paper is to propose changes to the County Council's Petition Scheme in the light of the repeal of the statutory provision relating to petition schemes set out in the Local Democracy, Economic Development and Construction Act 2009 ('the Act') and to take account of the practical experience gained by the County Council in operating its Petition Scheme since its inception in 2010.

#### 2. Contextual information

2.1. The Act required the County Council, as a principle council, to adopt and operate a petition scheme. The requirements of the Act were very prescriptive and in the spirit of localism the current Government repealed the provisions requiring the County Council to have a petition scheme in the Localism Act 2011. It is therefore open to the County Council to adopt, or otherwise, a petition scheme in whatever form it sees fit.

2.2. An amended Petition Scheme and Exclusion criteria are set out in Annex 1. Material changes to the existing scheme are set out below:

- a) The age limit for petitioners and signatories to petitions has been removed to encourage democratic engagement across all elements of the Hampshire population. For Petitioners under the age of 18 details of their legal guardians will be required to ensure that appropriate consents are in place.
- b) The right for petitioners with more than 32,000 signatures to require a debate on a matter has been simplified to only refer to the County Council. This is on the basis that any petition that reached this threshold would most appropriately be dealt with by the Full Council.

- c) Petitions that relate to an ongoing consultation will be treated as part of the consultation and not dealt with independently to remove duplication to ensure consistency.
  - d) Clearer requirements for a valid petition are now set out in the Scheme and these practical requirements are designed to resolve practical issues and confusions that have arisen with the operation of the existing Scheme. Practical examples are given and templates are provided to make it easier for petitioners to create a valid petition and to increase the efficiency of the operation of the Scheme.
  - e) The Exclusion Criteria have also been updated to make it clear that there must be an identifiable and contactable lead petitioner with whom the County Council can engage with.
- 2.3. In addition the petitions section of the County Council's web site will be updated to clarify further the procedure for submitting petitions so that accurate records will be available to shown when petitions have been submitted in accordance with the scheme.

### **3. E-Petitions**

- 3.1. The County Council does not currently operate an e-petitions scheme, but it is suggested that going forward this might be considered further given the growing digital agenda and the potential advantages such a scheme could offer from both a democratic and administrative perspective.
- 3.2. It is therefore proposed that investigations are undertaken into an e-petitions scheme and that a further report is brought back to Cabinet on this issue when this has been completed.

### **4. Recommendation(s)**

- 4.1. That the amended Petition Scheme and Exclusion Criteria in Annex 1 are approved.
- 4.2. That an e-petition scheme is investigated and that a further report is brought to Cabinet regarding any proposals for a scheme once that the investigation is complete.

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

**This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision to revise the current Scheme to provide a flexible and responsive mechanism for dealing with matters raised by local communities.**

**Other Significant Links**

<b>Links to previous Member decisions:</b>		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Duty to respond to Petitions (Council)	112	25 Nov 2010
Duty to respond to Petitions	2087	27 Sept 2010
Duty to respond to Petitions	1571	28 June 2010
<b>Direct links to specific legislation or Government Directives</b>		
<u>Title</u>		<u>Date</u>
The Localism Act		2011
Listening to Communities: Statutory Guidance on the duty to respond to Petitions		March 2010
Local Democracy, Economic Development and Construction Act		2009

**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.)**

<u>Document</u>	<u>Location</u>
None	

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

#### **1.2. Equalities Impact Assessment:**

No equality impacts have been identified as a result of the recommendations in this report.

### **2. Impact on Crime and Disorder:**

2.1. The proposals are not likely to have a significant impact on crime and disorder.

### **3. Climate Change:**

- a) How does what is being proposed impact on our carbon footprint / energy consumption? Not applicable.
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? Not applicable.

**Draft Revised Petition Scheme:**

Petitions are a means by which the public can bring an issue to the attention of the County Council and ask for action to be taken. 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 County Council to exercise discretion in how it responds.

- a) Subject to the Exclusion Criteria anybody who lives, works or studies in the Administrative County of Hampshire is able to raise or sign a petition asking for an action to be taken by the County Council;
- b) 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;
- c) 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;
- d) Details of the petitions received, number of signatures and the responses provided will be published on the County Council's website;
- e) 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;
- f) If a petition is not being considered under the scheme, the reasons for this will be included in the response;
- g) Responses to petitions will be appropriate and proportionate to the issue raised, if a petition relates to an ongoing consultation process, then the petition will be considered as part of that process;
- h) Petitions of 32,000 signatures (circa 2.5% of the population of the Administrative county of Hampshire) or more may request for a matter to be debated in full Council.

**Requirements of a Petition:**

For consistency and to enable verification, the County Council requires that every petition includes key information:

- a) A title or other wording that clearly sets out the issue and the action that is being requested of the County Council;
- b) A lead petitioner, including their contact details (including where the lead petitioner is under 18 years of age, contact details of the person with parental responsibility for the lead petitioner);
- c) The printed full name, signature and Hampshire address (postcode and house number or name) of everyone who has signed the petition. Petitioners must live, work or study in the administrative County of

Hampshire, therefore the postcode that demonstrates such a connection with the County should be used. The County Council reserves the right to verify details.

Signatories where any of the required information (printed full name, signature and Hampshire address) is missing or illegible will be disregarded. Double entries and signatories where there is reason to believe the details are fictitious will also be disregarded.

**We allow petitions that contain:**

<b>Condition</b>	<b>Example</b>	<b>Notes</b>
Addresses but no postcodes	123 Warsash Road, Fareham	Providing it is a Hampshire address
Postcodes only	GU34 2QG	Providing it is a Hampshire postcode
Street name only	Wellands Road, Lyndhurst	Providing it is a Hampshire address
Only a first name or surname listed	"Sarah" or "C.Jones"	Providing a Hampshire address or postcode is also given
No signature		Providing there is a printed name
Many names with the same address	Bob Smith Carrie Smith Derek Smith	Providing they are in the individual's own handwriting and not one person writing all three names

**We reject petitions that contain:**

<b>Condition</b>	<b>Example</b>	<b>Notes</b>
Names, but no addresses	Susan Cook, Barrie Edwards, Sophie Carter	
Addresses listed without a name	Bluebell Cottage, Aldershot	
Addresses from out of Hampshire	Bond Street, London	
Suspected entries from the same person and entries in the same handwriting (other than entries by people with parental responsibility on behalf of children who cannot write)	Margaret & Dennis Smith or Stephen Partridge Ros Partridge	Entries from a couple in the same writing is counted as one signature
Double Entries – Same name listed twice or more		If the address is the same

in the petition		
Fictitious or false names	Captain America	

Petitioners are encouraged to download and use the County Council's petition template.

Prior to initiating a petition, petitioners are encouraged to seek the advice of the Democratic and Member Services team, who will be able to provide advice on the requirements and exclusions relating to any proposed petition.

Once submitted a petition will be considered closed and no changes or additional signatures will be accepted.

The timeframe for a response to a petition will not commence until it is received by the Chief Executive, c/o Head of Democratic and Member Services.

## **Exclusions Criteria**

### **Guidance about exclusions to the Scheme**

Some issues will not be appropriate 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 (FOI) requests; information about the FOI procedure can be found on the Freedom of Information <http://www3.hants.gov.uk/service722> web pages. Other routes to bring matters to the County Council's attention may be more appropriate and more information is available on the Have Your Say <http://www3.hants.gov.uk/yoursay> web pages.

Petitions which are considered by the Head of Governance/Monitoring Officer to be vexatious, abusive or otherwise inappropriate will not be accepted.

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.

The following exclusion criteria would normally apply and form the basis for a petition to be rejected:

- 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 a petition that has been submitted and recorded on the County Council's website in the previous 6 months;
- j) Petitions which ask for things outside the remit or powers of Hampshire County Council to influence;
- k) Petitions that don't request any action;
- l) Wording that is impossible to understand;
- m) Petitions without an identifiable and contactable Lead Petitioner.