

Supplementary Information

**HAVANT BOROUGH COUNCIL
GOVERNANCE, AUDIT AND FINANCE BOARD
12 June 2019**

Dear Councillor

I am now able to enclose, for consideration at next 12 June 2019 meeting of the Governance, Audit and Finance Board, the following supplementary information that was unavailable when the agenda was printed.

Agenda No	Item	
7	Review of Council's Petition Scheme	1 - 14

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**Comparison of the Council's
Petition Scheme with Councils
in Hampshire and West Sussex
June 2019**

1.0 Summary

1.1 Legislation

There is no statutory requirement to have a petition scheme.

1.2 The Petition Scheme

1.2.1 Threshold for Full Council Debate

A simple comparison of threshold figures for the minimum number of signatories required for a Full Council debate appear to show that the Council is above the mean and median averages (1,000 signatories) for the benchmark councils.

However, when the thresholds are expressed as a percentage of the population of each Council, Havant's threshold equals the mean and median averages (1%) for the benchmark councils and accords with the threshold suggested in the Model Scheme.

1.2.2 Exclusions

The Council is ranked 8th out of the 18 benchmark Councils in the number of matters that are excluded from the adopted Petition Scheme. The number of matters excluded by the Council is lower than the mean average (10) and the same as median average (8).

1.2.3 E-Petitions

50% of the benchmarked Councils, including Havant Borough Council do not provide an e-petitions tool.

Havant Borough Council ceased supporting an e-petition scheme as the usage did not justify the costs involved. None of the Councils, who do not have an e-petitions tool, expressly prohibit the submission of e-petition. However, all petitions must include the name and address of any person supporting the petition.

3 Legislative Background

There is currently no legislation requiring councils to adopt a petition scheme or to respond to petitions.

The Local Democracy, Economic Development and Construction Act 2009 ('the 2009 Act') required all local authorities to establish a scheme for handling petitions made to the authority. The Act required a petition scheme to meet some minimum standards. These requirements were:

- anyone who lives, works or studies in the local authority area, including under 18's, can sign or organise a petition and trigger a response
- a facility for making electronic petitions is provided by the local authority
- petitions must be acknowledged within a time period specified by the local authority
- among the many possible steps that the principal local authority may choose to take in response to a petition, the following steps must be included amongst the options listed in the scheme
 - taking the action requested in the petition
 - considering the petition at a meeting of the authority
 - holding an inquiry
 - holding a public meeting
 - commissioning research
 - a written response to the petition organiser setting out the authority's views on the request in the petition
 - referring the petition to an overview and scrutiny committee
- petitions with a significant level of support trigger a debate of the full council. Councils will determine this threshold locally but it must be no higher than 5 per cent of the local population
- petitions with a requisite level of support, set by the local authority, trigger a senior local government officer to give evidence at a meeting of the authority's overview and scrutiny committee
- petition organisers can prompt a review of the local authority's response if the response is felt to be inadequate

The requirements listed above were the minimum set by the 2009 Act. Local authorities were encouraged to consider designing a scheme which was wider than these requirements, for example, responding to petitions from those who do not live, work or study in the local area or e-

petitions which are not made through the authority's own e-petition facility.

A model scheme ("model scheme") (see Appendix A) was produced for use by Council (Listening to communities: Statutory guidance on the duty to respond to petitions – Department for Communities and Local Government 2010)

The Localism Act 2011 ("the 2011 Act") repealed the provisions of the 2009 Act relating to petitions. In response to the 2011 Act the Council reviewed the scheme and agreed to retain a scheme but removed the Council's e-petition scheme

3 Methodology for the Benchmark Exercise

“Principal local authorities, when designing their petition scheme, are expected to

- take into account local circumstances to ensure that the scheme is locally appropriate; for example, the same thresholds set in a densely populated urban area may not be suitable for a rural authority, the same thresholds may not be appropriate for a ward-specific issue in comparison to one affecting a county.*
- ensure that the scheme is accessible to all; for example, the e-petitions facility is compliant with web accessibility standards*
- ensure that the process is easy for citizens to use; for example, that the scheme sets thresholds which are achievable for petitions on very local, as well as authority wide, concerns, no previous knowledge of council procedure is needed in order to submit a petition, the scheme is written in Plain English, people know what they have to do in order to receive a response”*

(Listening to communities: Statutory guidance on the duty to respond to petitions – Department for Communities and Local Government 2010, page 9)

For the purposes of this survey a petition is a document submitted to the Council spontaneously by the public – i.e. without any request from the Council or a statutory petition (mayor’s referendum).

This benchmarking exercise was collated by Democratic Services from internet searches of Councils in Hampshire and West Sussex.

The purpose of the exercise was to compare the issues which may be viewed as barriers to submitting a petition contained in the Council’s petition compares with other nearby authorities and the model scheme. The barriers being: the threshold for a Full Council debate, Matters excluded from the petition scheme and the ability to submit e-petitions.

The Councils surveyed were the following unitary and district/borough Councils in Hampshire and West Sussex unitary.

Council Name	Type of Council (County, Unitary or District/Borough)	Resident Population¹
Adur District Council	District/Borough	63,700

¹ Source: Office of National Statistics

Council Name	Type of Council (County, Unitary or District/Borough)	Resident Population¹
Arun District Council	District/Borough	158,700
Basingstoke and Deane BC	District/Borough	175,300
Chichester District Council	District/Borough	120,200
Crawley Borough Council	District/Borough	111,700
East Hampshire District Council	District/Borough	119,400
Eastleigh Borough Council	District/Borough	130,500
Fareham Borough Council	District/Borough	116,200
Gosport Borough Council	District/Borough	85,500
Hart District Council	District/Borough	95,500
Havant Borough Council	District/Borough	125,100
Horsham District Council	District/Borough	140,100
Mid Sussex District Council	District/Borough	148,300
New Forest District Council	District/Borough	179,600
Portsmouth City Council	Unitary	214,700
Rushmoor Borough Council	District/Borough	95,800
Southampton City Council	Unitary	252,400
Test Valley Borough Council*	District/Borough	124,000
Worthing Borough Council	District/ Borough	109,600
Winchester City Council	District/Borough	123,900

The figures for the comparison of petition schemes were taken from an internet survey. It is acknowledged that the major weakness in this form of survey is that the details depend upon the accuracy of the web sites viewed.

4.0 Adopted Petition Scheme

90% of the Councils surveyed accept petitions. Gosport Borough Council stipulates that it will only accept statutory petitions and East Hampshire District Council has no provision for the receipt of petitions.

Although not required, 100% of the Councils surveyed that accept petitions have some form of petition scheme.

Council	Adopted a Petitions Scheme?
Adur District Council	Yes
Arun District Council	Yes
Basingstoke and Deane Borough Council	Yes
Chichester District Council	Yes
Crawley Borough Council	Yes
EHDC	No
Eastleigh Borough Council	Yes
Fareham Borough Council	Yes
Gosport Borough Council	No
Hart District Council	Yes
Havant Borough Council	Yes
Horsham District Council	Yes
Mid Sussex District Council	Yes
New Forest District Council	Yes
Rushmoor Council	Yes
Portsmouth City Council	Yes
Southampton City Council	Yes
Test Valley Borough Council	Yes
Worthing Borough Council	Yes
Winchester City Council	Yes

5.0 Threshold for Full Council Debates

“Local authorities are required to set a threshold for triggering a full council debate and to include this information in their petition scheme. The Government recommends where practical, that local authorities set low thresholds, such as those used in the model scheme...”

(Listening to communities: Statutory guidance on the duty to respond to petitions – Department for Communities and Local Government 2010, page 18)

The model scheme suggested a threshold of 1% of the population of the Council. The local Authorities (Petitions)(England) Order 2010 stipulated that the maximum a petition could be set was 5%.

A simple comparison of threshold figures for the minimum number of signatories required for a Full Council debate² set by the benchmark councils that have a petition scheme shows the Council is above the mean (1453 signatories) and median (1,000 signatories) averages for the benchmark councils.



² Portsmouth City Council have a lower requirement for petitions on a matter not considered previously considered by the Council. Winchester vary their threshold depending upon how many wards are affected by the matter.

However, when the thresholds are expressed as a percentage of the population of each Council, Havant's threshold equals the mean and median averages (1%) for the benchmark councils and accords with the threshold suggested in the Model Scheme.

	Minimum Number of Signatories Required for a Full Council Debate Expressed as a % of the Council's Population
Eastleigh Borough Council	4%
Basingstoke and Deane Borough Council	2%
Adur District Council	2%
Fareham Borough Council	1%
Test Valley Borough Council	1%
Havant Borough Council	1%
Hart Council	1%
New Forest District Council	1%
Arun District Council	1%
Crawley Borough Council	1%
Mid Sussex District Council	1%
Chichester District Council	1%
Worthing Borough Council	1%
Southampton City Council	1%
Portsmouth City Council**	1%
Rushmoor Council	0%
Winchester City Council*	0%
Horsham District Council	0%

Notes

* All figures are rounded to the nearest whole number. The Thresholds for Portsmouth, Horsham and Eastleigh fall below 0.25% of the population.

** Winchester City Council's % is based on min number of signatories for 1 ward divided by average population size of a ward in Winchester

6.0 Exclusions

Before the provisions for petitions were repealed by the Localism Act 2011, legislation³ required that the following matters were excluded from a petition scheme:

³ Local Authorities (Petitions)(England) Order 2010

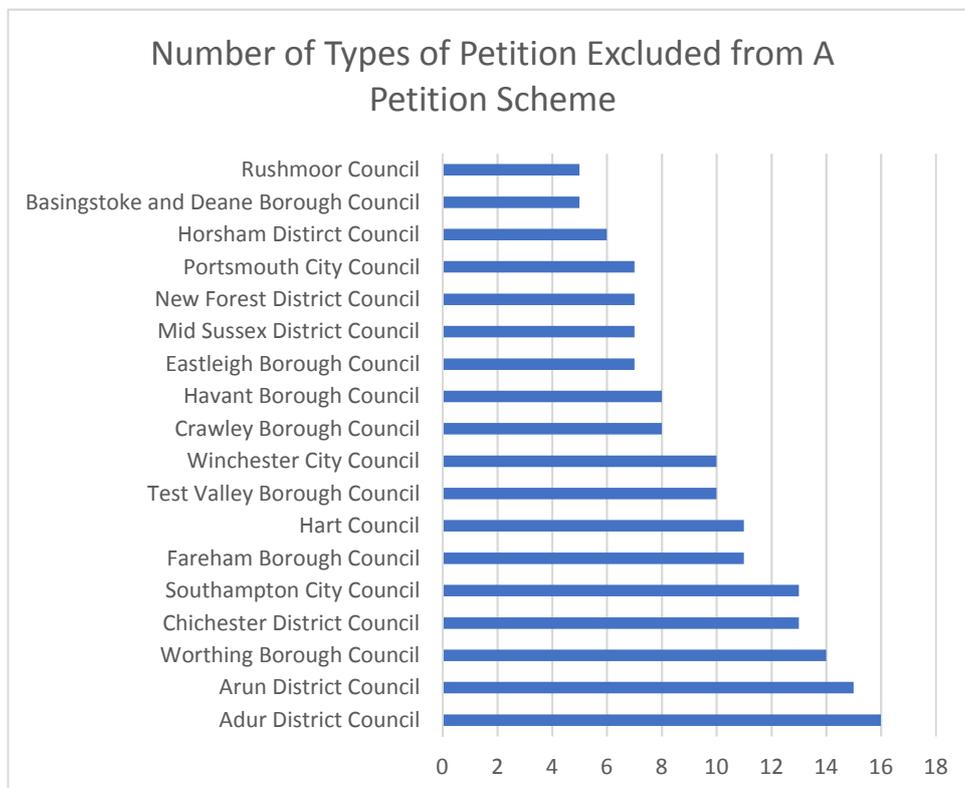
- (a) Any matter relating to a planning decision, including about a development plan document or community infrastructure levy
- (b) Any matter relating to alcohol, gambling or sex establishment licensing decision
- (c) Any matter where there is an existing right to a review or appeal

Statutory Guidance⁴ prior to the repeal of the petition provisions of the 2009 Act recommended that the following additional matters should be excluded from a petitions scheme:

- (e) Petitions which are vexatious, abusive or otherwise inappropriate
- (f) Petition Under Other Enactments e.g. asking for referendum for an elected mayor

A summary of all the matters excluded under the current schemes adopted by Council included in the survey that have adopted petition schemes is set out in Appendix A of this survey.

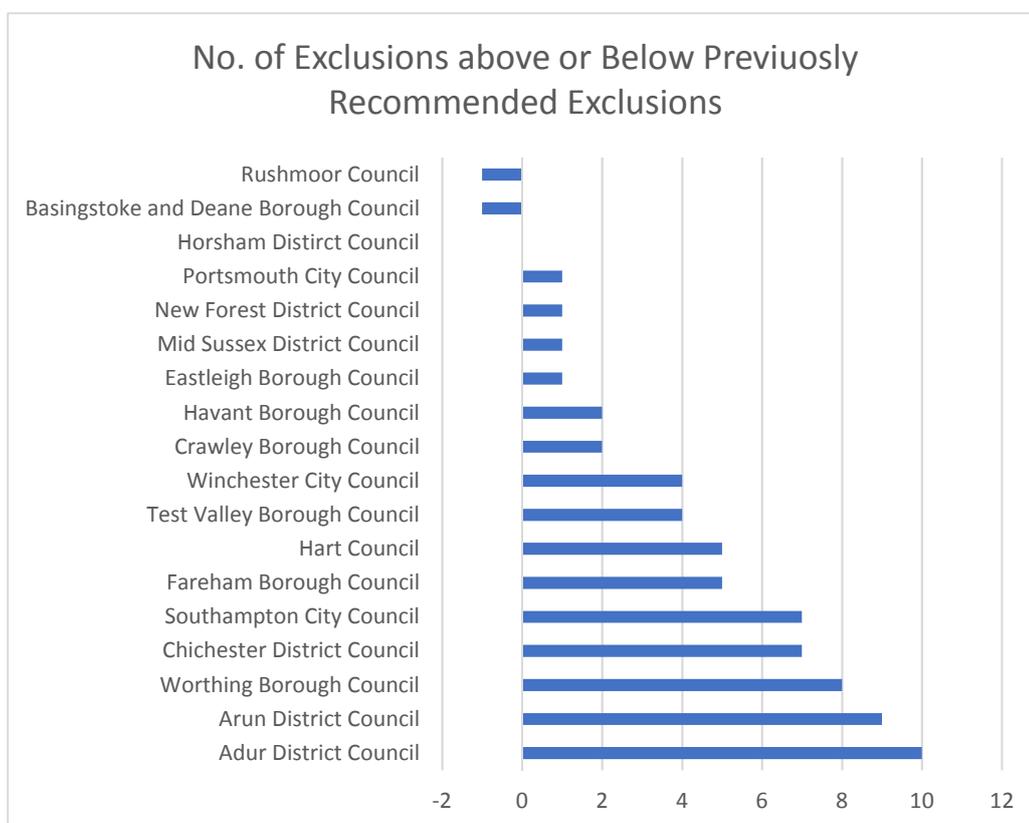
Appendix A shows that currently the Council is ranked 8th out of the 18 benchmark Councils in the number of matters that are excluded from the adopted Petition Scheme. The number of matters excluded by the Council is lower than the mean average (10) and the same as median average (8).



⁴ Listening to communities: Statutory guidance on the duty to respond to petitions – Department for Communities and Local Government 2010

Mean Average	10
Median Average	8

When the data is viewed in terms of the number of exclusions adopted by the benchmarked Councils over or below the number of exclusions previously excluded by legislation or recommended in statutory guidance, Havant Borough Council has added two additional reasons compared to Adur District Council, who have added 10 additional reasons.



The additional items excluded by Havant Borough Council are:

- (a) relates to any matter relating to a formal consultation e.g. Traffic Regulation Orders. These matters were excluded for the same reasons as petitions relating to planning applications i.e. these petitions can be dealt with under existing procedures.
- (b) where a petition of a similar nature or the same has been received within the past two years. This exclusion is intended to prevent petitioners from resubmitting petitions which have already been

considered by the Council. 56% of the benchmarked Council who have adopted schemes have similar provisions:

	Similar petition Debated by Council within the last 6 months	Similar petition Debated by Council within the last 12 months	Similar petition Debated by Council within the last 24 months	Either Same or Similar to a Petition submitted within last 6 months
Adur District Council	✓	X	X	✓
Arun District Council	✓	X	X	✓
Basingstoke and Deane Borough Council	X	X	X	X
Chichester District Council	X	✓	X	X
Crawley Borough Council	✓		X	X
Eastleigh Borough Council	X	✓	X	X
Fareham Borough Council	X	✓	X	X
Hart Council	X	X	X	X
Havant Borough Council	X	X	✓	X
Horsham District Council	X	X	X	X
Mid Sussex District Council	X	X	X	X
New Forest District Council	X	X	X	X
Rushmoor Council	X	X	X	X
Portsmouth City Council	X	X	X	X
Southampton City Council	✓	X	X	✓
Test Valley Borough Council	X	X	X	✓
Worthing Borough Council	✓	X	X	✓
Winchester City Council	✓	X	X	✓

7.0 E-Petitions

50% of the benchmarked Council, including Havant Borough Council, do not provide an e-petitions tool.

	Provide E-Petitions Facility
Adur District Council	No
Arun District Council	No
Basingstoke and Deane Borough Council	No
Chichester District Council	No
Crawley Borough Council	Yes
Eastleigh Borough Council	Yes
Fareham Borough Council	Yes
Hart Council	No
Havant Borough Council	No
Horsham District Council	Yes
Mid Sussex District Council	No
New Forest District Council	Yes
Portsmouth City Council	Yes
Rushmoor Council	No
Southampton City Council	Yes
Test Valley Borough Council	Yes
Winchester City Council	Yes
Worthing Borough Council	No
% of Councils that have e-petitions tool	50%
% of Councils with no e-petitions tool	50%

Havant Borough Council ceased supporting an e-petition scheme as the usage did not justify the costs involved. None of the Councils, who do not have an e-petitions tool, expressly prohibit the submission of e-petition. However, all petitions must include the name and address of any person supporting the petition.

	Relates to a Planning Application	Relates a Licensing Application	Statutory Petition	Other Consultation	Right of Appeal	Vexatious etc	Similar Petition Debated By Council Within The Last 6 months	Similar Petition Debated By Council Within The Last 12 months	Similar petition Debated by Council within the last 24	Discloses confidential or exempt information	Discloses commercially sensitive material	Contains names of individuals as target of petition	Contains Advertising Statements	Refers to an issue already the subject to a complaint or legal proceedings	Not a Council function	Either Same or Similar to a Petition submitted within last 6 months	Received During Politically Sensitive Times (e.g. election period)	Information Protected by a Court Order or Injunction	Not an Appropriate Channel for a Petition (e.g. personal issue)	Party Political Content	FOI Request	Relates to Local Plan
Adur District Council	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes
Arun District Council	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No
Basingstoke and Deane Borough Council	Yes	Yes	No	No	Yes	Yes	No	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No
Chichester District Council	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	No	No	Yes	No	No	Yes	Yes	No	No	No
Crawley Borough Council	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes	No	No	No	No	No
Eastleigh Borough Council	Yes	Yes	Yes	No	Yes	Yes	No	Yes	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No
Fareham Borough Council	Yes	Yes	Yes	No	No	Yes	No	Yes	No	Yes	Yes	Yes	No	No	Yes	No	Yes	No	No	Yes	No	No
Hart Council	Yes	Yes	No	No	No	Yes	No	No	No	No	Yes	No	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	No
Havant Borough Council	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	Yes
Horsham District Council	Yes	Yes	Yes	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes
Mid Sussex District Council	Yes	Yes	Yes	No	Yes	Yes	No	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No	Yes
New Forest District Council	Yes	Yes	Yes	No	Yes	Yes	No	No	No	No	No	No	No	No	Yes	No	No	No	Yes	No	No	No
Rushmoor Council	Yes	Yes	Yes	No	Yes	Yes	No	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No
Portsmouth City Council	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No
Southampton City Council	Yes	Yes	No	No	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes
Test Valley Borough Council	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	No	Yes	No	Yes	No	No	No	Yes	No	No
Worthing Borough Council	Yes	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No
Winchester City Council	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	Yes	Yes	No	No	No	No	Yes