

Draft Revised Petitions Scheme

Havant Borough Council

Introduction

The Council welcomes petitions and recognises that they are one of many ways in which people can let the Council know about their concerns and participate in the democratic process. This document sets out how the Council will deal with petitions that meet the criteria set out in the scheme.

The type of petition determines how a petition will be responded to. There are three types of petitions:

- Ordinary petitions requiring at between 50 and 749 signatures
- Petitions Requiring a Scrutiny Review – requiring between 750 and 1499 signatories
- Petitions for debate at full Council requiring at least 1,500 signatures

More detail about how the Council will respond to each of these is referred to below.

If something is clearly intended to be a petition but does not meet the requirements set out in this scheme, we will ask the relevant service area to provide a response directly to the petition organiser.

Petitions can be sent:

by post:

Democratic Services Team
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

or emailed to

Democraticservices@havant.gov.uk

If you have created a petition on a third party online site, please send a printed copy, flash drive or cd of the petition or email a copy of the petition to the above addresses.

Please ensure you read the full scheme prior to submitting a petition to the Council.

If after reading the scheme you no longer feel a petition is the most appropriate avenue for your communication, there are a number of other ways in which you can have your say including:

- Writing to the appropriate Cabinet Member or Senior Officer
- Contacting your local Councillor
- Making a suggestion through the Council's website
- Responding to consultation
- Submitting a deputation at meetings of the Council, Development Management Committee, Scrutiny Boards
- Asking questions at Full Council

Please see the Council's website.

What is a petition?

A petition can be defined as a formal collective request to take action. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition. If a petition is in the format that the signatories are 'against' some action the council can influence, we will take this to be an underlying request that the council reconsiders the action they are 'against' - and will seek to confirm this with the petition organiser.

Who can submit a petition?

Anyone who lives, works or studies in the Borough can organise or sign a petition. The Council would also consider a petition from visitors to the Borough on a subject that was connected with one of our visitor attractions.

What should a petition contain?

All petitions must include:

- A clear statement of your concerns and what action you would like the Council to take. If this is not clear we may need to return the petition to you for further clarification. This also should include whether it is an ordinary petition, petition requiring a scrutiny review, or full Council debate.

- The name and contact details of the “petition organiser” or someone to whom you would like any correspondence about the petition to be sent. The petition organiser should not be an MP or Councillor of The Council.
- The name, address and signature of any person supporting the petition. If the details of any person are not clear then these may not be counted towards the total number.

Electronic petitions can be accepted from all websites provided they meet the above requirements. However, officers will consider them in line with the validation of signatures criteria – so far as the petition format offers easy to check validation (addresses) that the petition organiser. The Council may ask for additional evidence, where required, to validate that the signatures have come. Online petitions must be closed on the external website on submitting your petition so that the final number of valid signatures can be counted.

Before using a third party online petition site, please check to ensure that the petition generated by this site meets the above requirements.

Where a petition complies with the above requirements and the petition relates to a function of the Council it will be classified as an **‘active petition’**. Any petition submitted which does not include the above requirements will be rejected.

What can a petition be about?

Petitions should relate to a matter which is relevant to the functions of the Council or where the Council has influence.

If your petition is about something over which the council has no direct control (for example the drainage or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible on the Councils web site.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Exceptions to the Petitions Scheme

The majority of petitions we receive will be accepted but there are some circumstances where we will not be able to deal with your petition under this scheme. Petitions that fall outside of this scheme include:

- Any matter that the Council is not directly responsible for or has no influence over. We will return the petition to you and where possible direct you to the correct organisation.
- Any matter relating to a planning decision. For further information about making representations about planning decisions, please contact planning.development@havant.gov.uk
- Any matter relating to a licensing application. For further information about making representations please contact licensing@havant.gov.uk
- A statutory petition (for example a petition for a directly elected Mayor)
- Any matter where there is already an existing right of appeal or a separate complaints process, such as council tax banding and nondomestic rates.
- Any specific issue that the Council is carrying out a formal consultation on. Please see below for further information regarding how we will deal with your petition in this circumstance.
- A petition where we have received another petition on the same issue within the previous two years. In these circumstances, we will write to the petition organiser and include a copy of the response to the first petition received.
- Any petition we consider to be vexatious, abusive or otherwise inappropriate. You should not include confidential information or potentially libellous, false or defamatory statements or statements which cause personal offence, distress or loss.
- Any petition that is asking the Council to do anything unlawful or relating to the subject of any legal action taken by the Council or individual.

How the Council will respond to Petitions

How we deal with your petition depends on which type of petition you submit:

Ordinary Petitions

To be considered valid, a petition should contain between 50 and 749 signatures. If your petition contains less than 50 signatures but you are able to demonstrate that, in relation to a particularly local issue of concern, it was simply not possible to obtain 50 signatures, the Council may still consider your petition under this scheme.

If your petition is accepted as an 'ordinary petition' you will receive an acknowledgement within 10 working days of receipt and be advised of the action being taken with regards to your petition.

In most circumstances an ordinary petition will be submitted to the appropriate Cabinet Member and senior officer for consideration. You will receive a response to your petition from the relevant officer or Cabinet Member within four weeks of receipt. If more time is required, the petitioner will be contacted with a new deadline for response and the reasons why.

Petitions Requiring a Scrutiny Review

A petition will be referred to a Scrutiny Board if it

- (a) contains between 750 and 1499 valid signatories the issue raised in the petition; or
- (b) contains over 750 signatories and asks for a senior officer to give evidence at a public meeting. For example, the petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If a petition asks for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job, the relevant senior officer will give evidence at meeting of the Scrutiny Board.

You should be aware that the Board may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition— for instance if the named officer has changed jobs. The Board may also decide to call the relevant councillor to attend the meeting. Board members will ask the questions at this meeting. The petition organiser will be given an opportunity to make a deputation at this meeting and to suggest questions to be asked at the Board by contacting the Democratic Services Team up to three working days before the meeting.

Petitions For Debate At Full Council

If a petition contains 1,500 valid entries the petitioner it will be debated by full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting (see above) This means that the issue raised in the petition will be discussed at a meeting where all councillors can attend.

If your petition is accepted as a 'petition for debate at full Council' you will be contacted within 10 working days of submission and will be advised of the process to be taken at the Council meeting.

The Council will aim to consider the petition at its next ordinary meeting, although on some occasions this may not be possible, and consideration will then take place at the following meeting. Petition debates will not take place at the Council's budget setting or annual meetings.

Petition organisers are welcome to present their petition at full Council up to a maximum of five minutes. Councillors will then debate the petition subject to a maximum of 15 minutes.

The Council will decide how to respond to the petition at the meeting. It may decide to take the action the petition requests, take no further action or to request further investigation into the matter. If the issue is one that requires the Executive to make the final decision, the Council will decide whether to make recommendations to inform that decision.

The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

How will the Council deal with petitions relating to ongoing consultations?

If the Council receives a petition about an issue that it is already consulting with residents about, the petitions scheme will not apply. All petitions received that relate to the subject of a formal consultation will automatically be incorporated into the formal consultation process at the earliest stage possible. Petition organisers will be informed of this course of action within 10 working days.

Sometimes we receive petitions after the consultation deadline has passed but before a final decision has been taken. In these circumstances the decision maker will be asked to take your petition into consideration when they make the decision.

All petitions received after a decision has been taken on a matter that the Council has previously consulted residents on will not be considered under the scheme but will be passed to the relevant senior officer to respond.

What happens after the petition is submitted?

The Council will send an acknowledgement letter within 10 working days of receipt to the petition organiser. This acknowledgement will also say as much as we can at that stage of about what we have done or plan to do. If your petition meets the requirements for a debate at a Scrutiny Board or Full Council you will also be informed of the process for this.

Other reasons your petition may be rejected

The specific criteria for the petitions scheme are set out earlier in this scheme. If a petition does not meet the criteria it will not be considered under the scheme. If we are unable to consider your petition using the scheme we will send an acknowledgement letter within 10 working days of receipt to the petition organiser setting out the reasons why and what action we can take, if any, in response to your submission.

Outside the general exceptions there are several reasons why a petition may be rejected, including but not exclusively:

- the petition statement is not clear
- the subject matter of the petition is not within the remit of the Council
- the entries contain incomplete or invalid information such as no full address

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that a Scrutiny Board review the steps of the Council has taken in response to your petition. The request should be accompanied by a short explanation of the reasons why the Council's response is not considered to be adequate.

The appropriate Board will endeavour to consider your request at the next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Board determine that we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, or making recommendations to the Council's Cabinet.

Once an appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on the council's website.

Will the Council check each signature?

The Council reserves the right to seek to verify each signature appended to a petition. This can be significant when establishing whether a petition has obtained the requisite number of signatures to trigger a specific process.

Privacy Policy

The details you provide when signing a paper or e-petition are needed to validate your support. For paper petitions no personal details will be included on the website, for e-petitions only your name will be listed. The Council may contact you in relation to any petitions you have signed, unless you have requested not to be contacted when signing the petition.

The Council is the data controller for personal information collected in respect of both the Council's E-petition facility and for paper petitions.

Your personal information will not be shared outside of the Council, unless otherwise required to by law.

Paper petitions will be stored securely and will be deleted after 12 months unless subject to further appeal or other action.