

# **Governance, Audit and Finance Board – 12 June 2019**

## **Petition Scheme Briefing Note**

### **Current Scheme**

The petition scheme has been reviewed once since it was adopted by the Council on 28 July 2010. It is timely to review the scheme following enquiries from members of the public and councillors regarding the provisions of the scheme.

The key aspects of the petitions scheme are:

- 1500 signatures are needed for a petition to be debated at a Council meeting
- Where a petition is debated at a Council meeting, the lead petitioner has five minutes to address the meeting and a further 15 minutes is allocated for councillors to debate the call for action within the petition.
- 750 signatures are needed to require a Member or a senior officer to give evidence to Overview and Scrutiny

A copy of the current scheme is attached as Appendix A to this note

A flowchart showing how petitions are processed under the scheme is attached as Appendix B

The fact that a petition may not meet the requirements of the scheme does not itself imply that the issue is ignored. A petition which raises significant public interest but does not comply with the scheme may still be submitted to Full Council.

### **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

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  - 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 is 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 were not made through the authority's own e-petition facility.

A model scheme ("model scheme") (see Appendix C) 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 facility.

## **Petition Scheme in Practice**

Since the adoption of the petitions scheme in Havant there have been 2 occasions where petitions have been debated at a Council meeting (both in 2013).

The low number of petitions does not necessarily indicate that the provisions of the scheme prevent or discourage the submission of petitions. The advancement of social media and digital technology has changed the way that residents interact with the Council and councillors. Whilst traditional methods of petitioning remain for organised groups, many individuals lobby for action or change through social media campaigns, directly lobbying councillors and partner organisations. This trend has not reduced the number of petitions, but it should be recognised that petitions are not the only avenue for valid concerns or calls for action to be raised with the Council or councillors.

## **Key Issues**

### **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 which equated to 1% of the population of the Council. The Local Authorities (Petitions)(England) Order 2010 stipulated that the maximum threshold a petition could be set at was 5%. Statutory guidance for the 2009 Act advised that threshold should be reviewed, and consideration should be given to lowering it in order to ensure it locally achievable.

The Council’s current threshold for a Full Council debate is set at 1500 (1% of the population). The main reason for petitions, received by the Council, not reaching Full Council is because they are either in response to consultations e.g. the Local Plan or refer to an issue which is not a function of the Council. The Council does not have evidence to suggest that the threshold figure prevents a petition reaching Full Council.

A benchmark report comparing the Council’s scheme with other local Authorities in Hampshire and West Sussex will be circulated as a separate document.

### **Ease of Use**

*“Principal local Authorities, when designing a petition scheme, are expected to ..... ensure that the process is easy for citizens to us...”*

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

The petitions scheme itself is a detailed document which is not particularly user friendly. Any member of the public wanting to consult it for guidance on how to submit a petition or understand its provisions would currently find it difficult to locate and then subsequently not be clear in respect of what actions would be necessary to comply with the scheme. To overcome this problem a revised scheme is attached as Appendix D.

## **Background information**

[The Local Democracy, Economic Development and Construction Act 2009](#)

[The Local Authorities \(Petitions\) \(England\) Order 2010](#)

[Listening to Communities: Statutory Guidance on the Duty to Respond to Petitions](#)