

Subject:	E Petitions		
Date of Meeting:	8 October 2009 Governance Committee 22 September 2009		
Report of:	Director of Strategy and Governance		
Contact Officer:	Name:	Elizabeth Culbert	Tel: 29-1515
		Caroline Banfield	Tel: 29-1126
Wards Affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report sets out proposals for Brighton & Hove City Council to commence an e-petitions facility.

2 RECOMMENDATIONS:

That the Governance Committee recommends that Full Council:

- 2.1 Approves the launch of an e-petitions facility with effect from 21st November 2009 for Brighton & Hove City Council for a trial period and requests a further report on the outcome of the pilot is brought to Governance Committee on 9th March 2010;
- 2.2 Notes that the pilot period will be shorter if the provisions relating to e-petitions in the Local Democracy Economic Development and Construction Bill come into force prior to the review date;
- 2.3 Agrees the e-petitions guidance attached at Appendix One;
- 2.4 Authorises the Head of Law to take all steps necessary to implement the e-petitions facility, including making any necessary amendments to the Council's Constitution;

That the Governance Committee:

- 2.5 Notes the provisions of the Local Democracy Economic Development and Construction Bill in relation to e-petitions and requests officers to bring a further report back to Committee when the commencement date is known.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In Brighton & Hove members of the public are encouraged to bring forward their issues on matters relating to the work of the Council in a number of ways. They can bring deputations, ask questions at public meetings and submit a petition to a full council meeting through a ward councillor or directly at other public meetings.
- 3.2 The Council wishes to increase the opportunities for direct engagement with the public and one way of doing this is to make access to the Council and its decision makers easier. Rather than requiring a petition to go through a ward Councillor it is possible to enable members of the public to directly submit their own petitions and enable this to happen on-line. It is a modern approach to engaging the community and reflects the desire of the Council to increase public involvement in its work.
- 3.3 In 2008, Democratic Services purchased software that enabled the team to produce standardised paperwork for council meetings and to publish them to the council's website. This software also allows Democratic Services to launch and administer an e-petitions system at no additional cost. There would be a requirement for the team to moderate any petitions received and it is proposed that existing staff would do so for the duration of the six month trial period. At the end of the trial, the level of demand for e-petitions and the consequent demands on staff time and cost implications of this will need to be reviewed.

How would e-petitions work?

- 3.4 The Council would set up and monitor an online facility for members of the public to register their petition. This would be available on the Council's website for others to view and add their name to. At the close of the petition, the petition would be considered at the relevant meeting and the petitioner invited to attend. The online petition facility would not replace the ability of ward councillors or members of the public to submit a paper petition should they wish to do so.
- 3.5 A guidance setting out the procedure would be available – a draft of which is attached at Appendix One. The key elements of the guidance are:-
 - **Who can sign an e-petition?**
Any person who lives, works or studies in Brighton & Hove. They would be asked to provide a few basic details for verification purposes. In line with current arrangements, a Councillor would not be eligible to sign a petition.
 - **Who can submit an e-petition?**
Any person who lives, works or studies in Brighton & Hove. In addition they would need to register as a user giving certain information for verification and contact purposes.
 - **What issues can the e petition relate to?**

Any issue in respect of which the Council has powers or duties or shared delivery responsibilities.

- **Rejection of petitions**

The guidance sets out the circumstances in which a petition may be rejected, for example if it is vexatious, abusive, discriminatory or otherwise offensive.

The proposed new legislative framework

3.6 There is currently no requirement to provide a petition facility, online or otherwise. However, the Local Democracy, Economic Development and Construction Bill contains provisions requiring Councils to have a facility for the public to present petitions in electronic form. The Bill has already been through the Lords and is set to be considered in the Commons in October 2009. The requirements in the Bill in relation to e-petitions are detailed and prescriptive. They include:-

- A requirement for a facility for electronic petitions;
- A published scheme to govern dealing with valid petitions;
- An acknowledgement to the petition organiser including information on action taken;
- One or more specific steps on receiving a petition to be made available. The steps include:- holding an inquiry; holding a public meeting; commissioning research; giving a written response; referring the petition to Overview and Scrutiny; considering the petition at a meeting of the Council;
- Petitions signed by a certain number of people (to be defined by the Council taking into account Statutory Guidance) will be able to request that they are considered at a meeting of the Council
- Further, petitions will be able to “require an officer to be called to account” at a public meeting. Such petitions will need the support of a specified number of people as defined by the Council for this purpose and taking into account Statutory Guidance. The officers who can be called to account are Chief Officers and the Chief Executive.
- A petition organiser will be able to request that Overview & Scrutiny review the steps taken in response to the petition and the Council must publish the result of the review.

3.7 It is possible that these provisions will be in force by late 2009 or, more likely, early 2010. If we have a scheme in place already it will enable officers and Members to become acquainted with online petitions and address any early concerns before the more stringent requirements are enacted.

Taking forward e petitions in Brighton and Hove

3.8 If Members agree the proposal, the new e petitions facility could be launched on 21st November 2009 as part of the “Get involved” programme which is planned to promote the council, local democracy and active citizenship in a year-long campaign. A separate report with full details of the programme appears on the Committee agenda. The launch event for the programme is scheduled for Saturday 21 November 2009 and it is proposed that e-petitions

will be launched to members of the public who attend that event. In order to ensure that the e-petition system works effectively and efficiently, democratic services propose to soft launch e-petitions in mid October to undertake user testing on a live system.

- 3.9 It is suggested that officers should bring back a report after six months of operating the scheme in order to review its success and to determine whether to continue with it.
- 3.10 If the provisions of the Local Democracy Bill are enacted prior to the end of the six month period, a report will be presented to Governance Committee and Council earlier setting out the additional features required by the new legislation and a draft amended scheme.

4. CONSULTATION

- 4.1 Consultation has taken place internally with the Communications Team, Policy Team, ICT and with the Environment Directorate.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

There are no financial implications as the Modern.Gov system is already in place and there are no additional IT costs to support e-petitions. The proposal for the 6 month pilot is to moderate and support the system using existing staff resources and a review of this arrangement will be necessary at the end of the pilot period when a further report will come back to Governance Committee.

Finance Officer Consulted: Anne Silley

Date: 15th September 2009

5.2 Legal Implications:

As set out in the body of the report, there is currently no legal requirement for the Council to provide an e-petitions facility. The Local Democracy, Economic Development and Construction Bill includes proposals to create a duty for Councils to have an e-petitions facility. The proposals are summarised at paragraph 3.6 of the report.

Lawyer Consulted: Elizabeth Culbert

Date: 21st August 2009

5.3 Equalities Implications:

The proposals will increase accessibility to Council decision makers through creating an additional means of submitting petitions directly and online. The existing means of submitting petitions through ward Councillors will still be available so that anyone without IT access will continue to be able to submit a petition.

5.4 Sustainability Implications:

The use of an online e-petitions facility is likely to decrease the amount of paper petitions that are submitted.

5.5 Crime & Disorder Implications:

There are no Crime and Disorder implications arising from this report.

5.6 Risk and Opportunity Management Implications:

The risks involved are that the demand for e-petitions is so high that our Modern.Gov system is not able to cope with the volume or that the number of petitions being brought to Council meetings becomes unmanageable. Modern.Gov is hosting e-petitions elsewhere and have been able to manage issues regarding demand. The report and guidance proposes the option of a petitioner choosing to receive a direct response for the relevant Director which would assist in managing high number of petitions at meetings.

5.7 Corporate / Citywide Implications:

The initiative supports the “Get Involved” programme which is seeking to promote the Council, local democracy and active citizenship.

SUPPORTING DOCUMENTATION

Background Documents

APPENDIX ONE

DRAFT

E-Petitions Guidance

Who can sign an e-petition?

An e-petition can be signed by a person (other than an elected Councillor) of any age who lives, works or studies in Brighton & Hove. You do not have to be a registered user to sign all e-petitions but you will need to provide a few basic details, including a valid email address, for verification purposes. Details of all signatories will be passed to the lead petitioner on the completion of the e-petition.

You can only sign an e-petition once. The list of signatories will be checked by officers and any duplicate signatures or obviously frivolous responses will be removed.

Who can submit an e-petition?

An e-petition can be submitted by a person of any age who lives, works or studies in Brighton & Hove. To submit an e-petition you will need to be a registered user. Registration is a simple process that just requires you to provide us with a few details in case we need to contact you about the e-petition. From time to time, the Council may also submit an e-petition itself to gauge public feeling on a particular issue.

How do I start an e-petition?

On the e-petitions homepage, select the 'Submit a new e-petition' option. You will be prompted to enter a title which the system will automatically check against existing e-petitions to allow you to see if a similar one has been considered recently. There is also a drop down box which allows you to associate your e-petition with any existing issue in the Council's [Forward Plan](#) which details all of the key decisions to be taken by the Council in the coming months. You will then need to fill in the online form. This will be submitted to the Democratic Services team who may contact you to discuss your e-petition before it goes live.

What issues can my e-petition relate to?

Your e-petition should be relevant to some issue on which the Council has powers or duties or on which it has shared delivery responsibilities. It should also be submitted in good faith and be decent, honest and respectful.

Your e-petition may be rejected if the Head of Democratic Services considers it:

- Contains intemperate, inflammatory, abusive or provocative language.
- Is defamatory, frivolous, vexatious, discriminatory or otherwise offensive; or contains false statements.
- Is too similar to another petition submitted within the past six months..
- Discloses confidential or exempt information, including information protected by a court order or government department.
- Discloses material which is otherwise commercially sensitive.
- Names individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies, or makes criminal accusations.
- Contains advertising statements.
- Refers to an issue which is currently the subject of a formal Council complaint, Local Ombudsman complaint or any legal proceedings.
- Relates to the Council's Planning or Licensing functions as there are separate statutory processes in place for dealing with these matters.
 - Does not relate to an issue upon which the Council has powers or duties or on which it has shared delivery responsibilities.

During politically sensitive periods, such as prior to an election, politically controversial material may need to be restricted.

The Council accepts no liability for the petitions on these web pages. The views expressed in the petitions do not necessarily reflect those of the Council.

If your petition relates to an issue which is beyond the powers of the Council to address, it may be more appropriate to start an e-petition on the [Number 10 website](#). Advice on the admissibility of e-petitions can be obtained from Democratic Services (contact details below).

Privacy policy

The details you give us are needed to validate your support but will not be published on the website. This is the same information required for a paper petition. On the completion of an e-petition, your details will be passed on to the principal petitioner. The Council may contact you in relation to any petitions you have signed, unless you have requested not to be contacted when signing the e-petition.

What information should my e-petition contain?

Your e-petition will need to include:

- A title.
- A statement explicitly setting out what action you would like the Council to take (a “call for action”).
- Any information which you feel is relevant to the e-petition and reasons why you consider the action requested to be necessary. You may include links to other relevant websites.
- A date for when your e-petition will go live on the website. It may take Democratic Services a couple of days to check your e-petition request and discuss any issues with you so please ensure that you submit the request a few days before you want the e-petition to go live.
- A date for when your e-petition will stop collecting signatures. In order to achieve the maximum impact, you may want to set this date so that the e-petition will be submitted prior to a date on which a debate is to be held or a decision taken on the issue. We will host your e-petition for up to 4 months but would expect most to be shorter in length than this.

As lead petitioner, your name will be displayed with your e-petition on the website.

If you are having trouble submitting an e-petition or would like further advice and information then please contact Democratic Services and Scrutiny (details below) and we will be happy to assist you.

Promoting your e-petition

Whilst the Council will host e-petitions on its website, it will not generally promote individual e-petitions. It is therefore down to the lead petitioner to spread the word about their e-petition in order to get as many people as possible to sign up. If this is not done then your e-petition could receive no signatures. Raising awareness of it could be done in a number of ways such as promoting it on local community websites, discussion forums or newsletters. All it takes is to give people a brief explanation of the issue and then direct them to the site at www.brighton-hove.gov.uk/epetitions to sign up.

What happens when the e-petition is complete?

When the e-petition reaches its closing date, you will no longer be able to sign it online. The list of signatories will be collated by Democratic Services and you will be contacted regarding the submission of the completed e-petition.

What will happen to the e-petition once it is submitted?

Once the e-petition has been submitted, you will be offered the choice as to whether you wish the petition to be referred to the appropriate

Council meeting for response or wish to receive a response directly from the relevant Director. The relevant Council meeting could be Full Council, Cabinet, Cabinet Member Meeting, Committee or Sub Committee depending on the issue.

If you wish to refer the petition to a Council meeting, you will be invited to attend the meeting and will be offered the opportunity to present the petition which will involve spending up to three minutes summarising what the petition is about and how many signatories you have. A response will also be sent to you within 15 working days of the Council meeting and will be posted on the Council's website.

If you wish to receive a written response directly from the relevant Director this will be sent to you within 21 days of the close of the petition and a copy will be posted on the Council's website.

What can e-petitions achieve?

When you submit an e-petition to the Council it can have positive outcomes that lead to change and inform debate. It can bring an issue to the attention of the Council and show strong public approval or disapproval for something which the Council is doing. As a consequence, the Council may decide to, for example, change or review a policy, hold a public meeting or run a public consultation to gather more views on the issue.

Can I still submit a paper petition?

Yes, you can still submit paper petitions.

A petition may also gather names and addresses in both forms - you can have a paper version and an online version, although repeat names will be removed. Both forms should run for the same period of time and must be submitted together. When submitting an e-petition request, please let us know if you are running a paper petition as well and this can be highlighted on the website.

Contact Details

For more information and advice, or to discuss a potential e-petition, please contact:

Mark Wall

Head of Democratic Services

mark.wall@brighton-hove.gov.uk

01273 291006

Alternative formats and languages

If you would like information published by Brighton & Hove Council in large print, braille, audio tape, in pictures and symbols, or in a community language please call.

Brighton & Hove Council reserves the right to vary these guidelines as and when necessary. However, any changes will not be applied retrospectively.