

## COUNCIL

18 March 2010

## Agenda Item 69

Brighton & Hove City Council

**Subject:** E-petitions  
**Date of Meeting:** 18 March 2010  
9 March 2010 Governance Committee  
**Report of:** Director of Strategy and Governance  
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**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report updates Governance Committee on the outcome of the Council's pilot e-petitions facility which was launched on 21 November 2009.
- 1.2 The report also outlines the anticipated changes that will be required to the Council's petition scheme when the relevant provisions of the Local Democracy, Economic Development and Construction (LDEDC) Act 2009 come into force.

#### 2. RECOMMENDATIONS:

- 2.1 That the Committee agrees and recommends to Council the following:
  - (a) That the current e-petitions facility be retained.
  - (b) That the changes to the E-Petitions Guidance be approved.
- 2.2 That the likely changes that will be required to the Council's petition arrangements when the relevant provisions of the Local Democracy Economic Development and Construction Act 2009 (LDEDC) come into force be noted.
- 2.3 That, given the delay in bringing into force national legislative changes and associated Statutory Guidance, officers bring a further report to the Governance Committee with a draft amended petitions scheme when the LDEDC Act provisions are in force.

#### 3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 On 22 September 2009 Governance Committee approved the launch of an e-petitions scheme and agreed the guidance which would govern the scheme. Governance Committee requested that officers report back to this meeting on the outcome of the trial period.
- 3.2 Since 21 November 2009, when the e-petitions facility was officially launched at the Get Involved Day at Hove Town Hall, twelve e-petitions have been accepted and 9 are currently live. This indicates a good level of demand for the facility

especially as, during this trial period, the availability of the e-petitions facility has not been strongly marketed to allow time for the software and management of the system to be tested.

3.3 The petitions that have been received are set out below

Title	Respondents	Deadline for signature
Late night noise	23	22/02/2010
Ice rink for Sussex	382	12/03/2010
The Drive and The Upper Drive/Old Shoreham Road crossing	53	12/03/2010
Provision of more salt/grit bins/tubs	6	12/03/2010
Financial support for the Old Market	157	12/03/2010
Reduction of cars in the City	45	12/03/2010
RAF residents against felling – Clyde Road	116	17/03/2010
Bring the on-street parking contract in-house	33	17/03/2010
Worcester Villas Parking	20	17/03/2010
Prevent non-evidence-based treatments being offered via local NHS services	21	[closed]
Free complementary therapy on the NHS	445	[closed]
Brighton History Centre	1259	[closed]

3.4 In view of the clear demand demonstrated for the e-petitions facility during the time it has been operating, it is proposed that the facility should continue to be made available. The Council wishes to increase its 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. In a very short time, the ability to petition on-line has proved to be a successful modern approach to engaging with the community. In addition, the provision of an on-line scheme will become a requirement once the relevant provisions of the LDED Act 2009 are brought into force.

3.5 The administration of the e-petition scheme has not proved to be resource intensive and it is proposed to continue to manage the system within existing resources. The software used is modern.gov which was purchased by Democratic Services in 2008 to manage on-line agendas and reports and so the introduction of the e-petitions scheme has been launched and managed at no additional cost.

3.6 Experience over the last few months has allowed the e-petitions guidance to be tested and there are some changes that it is considered would be appropriate to make at this stage:

- (i) Include a requirement for individuals who sign an e-petition to provide some basic personal details for verification purposes (an email address and an address including post code) and to clarify that a signatory's name but no other details will appear on the e-petition website. This is to improve the

vetting of the petitions and also to make clear how the personal data will be used.

- (ii) Extend the eligibility requirements for submitting and signing e-petitions to those who live, work or study in, **or use services provided by**, the City Council. This proposal arises from the History Centre petition which gave rise to a debate about whether people who used the history centre on-line were studying “in” the City. The proposed amendment would extend the scheme to a wider community of those interested in the services that the Council provides. In view of the importance of the City as a tourist, conference, shopping and cultural centre, it would appear vital for the Council to be able to hear the views of those customers who come to the City to use our services as well as those who are resident, work or study here. With the personal information requested, it will be possible to show the numbers of petitioners who are resident and those who are not.

3.7 A copy of the current guidance for e-petitions showing the proposed changes tracked is attached as Appendix One

3.8 At this stage it is not proposed to make further changes to the scheme as the new provisions of the LDEDC Act 2009 are likely to come into force shortly and a full revision of the scheme and guidance will be required at that time.

### **The Local Democracy, Economic Development and Construction (LDEDC) Act 2009**

3.9 A full update in relation to the progress of this legislation is considered elsewhere on the Committee agenda. In relation to e-petitions, the relevant provisions are Section 10-22 of the LDEDC Act. These sections are not yet in force pending statutory guidance being issued to compliment the Act. Draft statutory guidance is available and from this it is possible to summarise the changes that are likely to be required to the Council’s existing petitions scheme.

3.10 The key changes that will be required by the legislation, when it comes into force, are follows:

- (i) The petitions scheme itself will be required to be approved by full council.
- (ii) In addition to responding to the petition in writing, or considering the petition at a Council meeting, the petition scheme will be required to include the options for the Council to be able to decide to commission research in response to the petition, hold a public meeting, refer the matter to overview and scrutiny or hold an inquiry;
- (iii) Petitions with a significant level of support will trigger a debate of full council. Councils will determine the threshold locally but it must be no higher than 5% of the local population and the guidance encourages councils to adopt a much lower or no threshold;
- (iv) Petitions with a requisite level of support, set by the local authority, will trigger a senior local government officer to give evidence at a meeting of the authority’s overview and scrutiny committee;

(v) Petition organiser will be entitled to request a review of the Council's response by overview and scrutiny if the response is felt to be inadequate – this is essentially an appeal provision.

3.11 It is anticipated that these requirements will be brought into force within the next few months although a confirmed date is not available. The Council will need to decide whether to have a threshold for the number of signatures required to trigger a full council debate and senior officers being held to account respectively. The draft guidance suggests a number of 1,500 for a full council debate and 750 for a senior officer to give evidence at an overview and scrutiny meeting. These figures are examples only but the guidance does encourage Councils to consider either low or no thresholds in order to increase public engagement as much as possible. The maximum that the threshold could be set at is 5% of the local population for the full council debate. The draft guidance is clear that local authorities should keep these thresholds under review so that if the facility is not being used the thresholds can be lowered to make it more accessible. There is also power for the Secretary of State to require authorities to amend their petition scheme.

3.13 The Council must also decide which senior officers the provision for requiring attendance at overview and scrutiny will apply to.

#### **4. CONSULTATION**

4.1 Consultation has taken place internally with Democratic Services who have been managing the e-petitions scheme under the pilot arrangements.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

5.1 The e-petition support process can continue to be administered within existing resources. However it should be noted that there has also been a small Area Based Grant (c.£2k) awarded for 2009/10 and 2010/11 to help support the process, as outlined in the 2010/11 budget report.

*Finance Officer Consulted: Peter Francis*

*Date: 25/02/10*

##### Legal Implications:

5.2 As set out in the body of the report there is currently no legal requirement for the Council to provide an e-petitions facility. However, the provisions of the LDEDC Act are due to be brought into force shortly and will make this a legal requirement. Further amendments to the scheme will be required once the new provisions are in force.

*Lawyer Consulted: Elizabeth Culbert*

*Date: 14/02/10*

##### Equalities Implications:

5.3 The proposals increase accessibility to Council decision makers.

Sustainability Implications:

- 5.4 The use of an on-line facility is likely to decrease the amount of paper petitions that are submitted.

Crime & Disorder Implications:

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

Risk and Opportunity Management Implications:

- 5.6 The risks involved are that the demand for e-petitions is so high that the Modern.Gov system is not able to cope with the volume or that the number becomes unmanageable for Council meetings. The scheme includes the option of receiving a response direct from the Director which may assist in managing high numbers of petitions. To date the volume has been manageable and this will be kept under review.

Corporate / Citywide Implications:

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

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Petitions scheme with tracked changes

**Documents in Members’ Rooms**

None

**Background Documents:**

None

