

CABINET – 8 December 2010

LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT
2009 - ELECTRONIC PETITIONS

REPORT OF CORPORATE DIRECTOR (GOVERNANCE)

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RECENT REFERENCES:

Local Democracy, Economic Development And Construction Act 2009 – Petitions -
[CAB2036](#) – 9 July 2010

EXECUTIVE SUMMARY:

The Local Democracy, Economic Development and Construction Act 2009 included requirements for local authorities to have formal procedures in respect of petitions, including facilities to enable submission of electronic petitions.

Cabinet on 9 July 2010 and Principal Scrutiny Committee on 12 July 2010 considered a Report that set out requirements for the Council to adopt new procedures with regard to how to respond to petitions. Those procedures included certain thresholds for numbers of signatories and a mechanism for a right of appeal (Report [CAB2036](#) refers). Delegated authority was granted to the Corporate Director (Governance), in consultation with the Leader and Chairman of Principal Scrutiny Committee to finalise the procedures.

Full Council approved the inclusion of the [new guidance](#) at Part 8 of the Constitution and for all consequential changes arising from its adoption to be made to other parts of the Council's Constitution.

Subsequent to consideration of CAB2036, the Department for Communities and Local Government removed the statutory status of the guidance on the duty to respond to petitions, with effect from 24 September 2010. Although the requirements within the Act remain, Councils now effectively have more discretion to decide how to approach petitions locally.

Cabinet also noted that, at the time that when the Council's new petitions scheme was adopted, officers were in the process of investigating the best approach for introducing an e-petition facility, by 15 December 2010, either via the Council's website or through a third party host.

This Report brings Members up to date with the procurement of an e-petition system.

RECOMMENDATIONS:

That Cabinet recommend to Council:

1. That the Council's adopted Petitions Scheme be updated to include reference to procedures related to an e-petitions facility, as set out as Appendix 1 to the Report.
2. That the Corporate Director (Governance) be authorised to enable the e-petition facility to be also used for petitions excluded under the 2009 Act (e.g. Planning and Licensing) as soon as reasonably practicable and to make any consequential changes to the Council's published procedures.

To Cabinet:

2. That the revised Petitions Scheme (taking account of the decisions in Recommendation 1 above) be used in the interim until Council approval, so that the start date of 15 December 2010 for the implementation of an e-petitions facility is met.

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LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION
ACT 2009 - ELECTRONIC PETITIONS

Report of Corporate Director (Governance)

1 Requirements of an Electronic Petition Scheme

- 1.1 The Council has adopted a scheme that sets out how it will acknowledge receipt of petitions and how these petitions will be dealt with. The Local Democracy, Economic Development and Construction Act 2009 required that the petition scheme define categories of petition, and set a minimum number of signatures for each 'type' of petition.
- 1.2 The Act also required that Councils must 'provide a facility for making petitions in electronic form to the authority'. The same defined categories and minimum number of signatures for each 'type' of petition will apply for the e-petition facility. The criteria previously agreed in the existing guidance for paper petitions also apply with regard to whether a petition is appropriate for publishing on their e- petition facility. The Council must give specific reasons why a petition was deemed unsuitable which will allow petitioners an opportunity to amend and resubmit their petition. Councils must also decide what equates to a signature on an e-petition.
- 1.3 The Act required that an e-petitions facility should be operational from 15 December 2010.
- 1.4 The Act excludes certain petitions from the statutory Petitions Scheme under the 2009 Act. Examples are licensing and planning where other statutory processes apply. It is proposed to allow the e-petition facility to be used in those instances, but in accordance with the specific requirements which apply to those other statutory processes. However, there may need to be a different start date to allow software issues to be resolved with the supplier.

2 Withdrawal of statutory guidance on petitions

- 2.1 The Department for Communities and Local Government removed the statutory status of the previously issued guidance on the duty to respond to petitions, with effect from 24 September 2010.
- 2.2 Although the requirements within the Act remain, Councils now effectively have more discretion to decide how to approach petitions locally. However, this change came after most local authorities had undertaken subsequent work to adopt the provisions of the Act, including researching the procurement of an e-petitions facility. Local authorities are still legally bound to comply with the minimum requirements of all the statutory duties of

the Act. The guidance adopted by the Council (based around the previous statutory guidance) is still correct and therefore can remain in its present form. The Coalition Government intends to repeal the legislation to give Councils further discretion – it would be more useful to review the petition scheme at that stage. This could also then take account of any experience gained from the recently adopted scheme.

3 Procurement of an 'e petition' facility.

- 3.1 Members may be most familiar with the Downing Street e petition facility. The system allows for the electronic submission of petitions on-line, via a website, for their 'signing'. The Council retains complete control in overseeing the facility, including the policing of 'excluded' petitions (as agreed in the existing guidance) including those petitions considered to be vexatious, abusive etc.
- 3.2 The Council has decided to procure an e petition facility to be hosted by the Council's own website which has been developed by the Council's existing website content management system, Web Labs.
- 3.3 Officers have received a demonstration of the system from Web Labs and noted the following benefits:
- fully Compliant with current legislation
 - seamless integration with existing web site – same branding and style sheets
 - could be a hosted solution or installed on your own server
 - totally web browser based with an intuitive user interface
 - easily personalised to meet exact requirements
 - totally scalable for all sizes of Local Authorities
 - end to end solution from Petition Initialisation to Resolution and Management Reporting
 - a one-off cost of £1000, plus an annual maintenance fee of £250 .
- 3.4 Officers will receive further training prior to the system going live in December 2010.

OTHER CONSIDERATIONS:

4 RELEVANCE TO SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN:

- 4.1 The petitions scheme (and particularly the e-petitions element) will help deliver the following objective 'An efficient and effective Council' by providing an additional means of communicating with the Authority and raising matters of concern.

5 RESOURCE IMPLICATIONS:

- 5.1 The introduction of an e-petitions facility will have financial implications both for set-up (£1,000) and for ongoing maintenance costs (£250 pa) which are described above and can be met within existing budgets. Officer time is less easy to quantify, although there will be a requirement for the management of the process, to be undertaken within the Democratic Services Team.
- 5.2 The Council is to receive a proportion of an Area Based Grant (ABG) in the current financial year (2010-11) in recognition of the duty on local authorities to have a petitions (and facility for receiving electronic petitions) scheme in place. This Council's payment will be £1,644.

6 RISK MANAGEMENT ISSUES

None, provided the e-petitions system is effectively monitored to avoid mis-use.

BACKGROUND DOCUMENTS:

None

APPENDICES:

E-Petitions – Additional paragraphs for WCC Petitions Scheme

Appendix A**Winchester City Council – Petition Scheme****Local Democracy, Economic Development and Construction Act 2009****Listening to Communities: Guidance on the Duty to Respond to Petitions**

Insert the following paragraphs in the Winchester Petitions Scheme:

1. Delete existing paragraph 3.5 and replace by:

3.5 Please note that dealing with paper petitions under this scheme is separate from our e-petition facility on the Council's website. For details of how to instigate or support an e-petition. **(insert link#)**.

2. Delete existing paragraph 7 and replace by:

7 E-petitions

7.1. The Council welcomes e-petitions which are created and submitted through our **website (link#)**. E-petitions must follow the same guidelines as **paper petitions (link#)**. If the petition applies to a planning or licensing application, or on a matter where there is already an existing right of appeal (such as Council Tax banding and non-domestic rates) or under specific statutory procedures such as Elected Mayors and referendums etc, then those other procedures will apply. Procedures for submitting petitions as part of representations regarding individual planning or licensing applications can be found **via these links (link#)**.

7.2 The petition organiser will need to provide their postal address and email address and state how long the petition should be open for signatures. Petitions can run for up to 12 months, but a shorter timeframe is more usual.

7.3 When an e-petition is submitted, it may take five working days before it is published online. The Council has to verify its content etc before it is made available for signature.

7.4 If the Council considers that it is unable to publish your petition, the petitioner will be contacted within this time period to explain the reasons for this decision. This will allow the petitioner an opportunity to amend and resubmit their petition. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

7.5 When an e-petition has been closed for signature, it will automatically be submitted and you will receive an acknowledgment within 10 working days.

7.6 If you would like to present your e-petition to a meeting (depending on the 'triggers' in the paper petition scheme), please contact the Council as soon as possible.

8. How do I 'sign' an e-petition?

8.1 When you 'sign' an e-petition, you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information, you will be sent an email to the email address that you have provided. This email will include a link which you then must click on to confirm that the email address is valid.

8.2 Once this step is complete, your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name on the list of signatories, but not your contact details. The name and postal address of the petition organiser will be published with the petition. Where names and addresses are relevant to the Council's consideration of a particular topic, those details may appear in Committee reports elsewhere on the website. In those instances, telephone numbers and email addresses will still be excluded.

Re-number remaining paragraphs.
