

BUSINESS SUPPORT OVERVIEW AND SCRUTINY COMMITTEE

29 NOVEMBER 2018

THE COUNCIL'S PETITION SCHEME – E-PETITIONS

Report from: Perry Holmes, Chief Legal Officer

Author: Julie Keith, Head of Democratic Services

Summary

The report advises the Committee of the current position relating to the scope for enhancements to the e-petition facility hosted by the Council.

1. Budget and Policy Framework

1.1 The Council adopted its current Petition Scheme on 25 November 2010 in response to provisions in the Local Democracy, Economic Development and Construction Act 2009. The Act placed a new duty (now repealed) on local authorities to respond to all petitions and to establish a scheme for handling petitions including provision of a facility for electronic petitions (e-petitions).

1.2 The Council's Petition scheme is included in the Council's Constitution and is attached to this report at Appendix A.

2. Background

2.1 On 26 April 2018 the Council considered two recommendations from this Committee as follows:

- That officers explore the potential to develop the Council's e-petition facility so that it incorporated some of the functionality of other e-petition platforms and became petitioner's preferred e-petition platform and
- That full Council consider an amendment to the Council's Petition Scheme to accept e-petitions which did not include all of the personal details currently required by the scheme

2.2 The Council was advised that an approach had been made to mod.gov, the organisation which supplies the Council's e-petitions system, about the possibility of developing the facility so that it provides some of the functionality provided by other e-petition platforms.

- 2.3 The following prospective changes to the e-petition facility had been highlighted:
- The ability for a petition organiser to contact anyone who signs their petition to provide updates or information relating to progress on the campaign
 - An ability for anyone signing the petition to leave some comments in support of the petition
 - A facility for the lead petitioner to print off a copy of the petition showing the name, town postcode of each signatory (but not their email address or full postal address)
- 2.4 Mod.gov had advised that there were no immediate plans to make changes to the e-petitions facility at the current time (and this remains the case) due to other development priorities. While the suggested improvements would be added to their development pipeline for consideration alongside other requests they could not guarantee if or when these would get to the top of the priority list. However they could consider looking into the enhancements as chargeable bespoke features development for Medway. A written specification would have to be submitted before any formal quote could be provided although it was estimated that the cost would be £5000 to £10,000 for which budget provision would need to be identified.
- 2.5 The Council formally noted that Officers had explored the potential to develop the Council's e-petition facility so that it may incorporate some of the functionality of other e-petition platforms to become petitioners' preferred e-petition platform, and have found that the cost of doing so is outside of current budget restraints. This matter to be re-considered in six months' time.
- 2.6 The Council also resolved only to accept e-petitions which fully comply with the existing requirements of Medway Council's constitution i.e. where an e-petition hosted on an alternative platform is received by the Council, the petition will only be accepted when the Council is able to see a name, postal address, a valid postcode and email address for the lead petitioner as well as each signatory.
- 2.7 The Council instructed the Head of Democratic Services to include clear advice on the Council's website that e-petitions hosted on external websites cannot be accepted under the Council's current arrangements for handling petitions unless the information required by the Petitions Scheme is supplied.

3. E-Petitions – advice and analysis

- 3.1 The Council hosts an e-petition facility on its website, provided by mod.gov, which is the most widely used local authority committee management system. The Council's Petition Scheme stipulates that e-petitions must follow the same guidelines as paper petitions. An e-petition organiser must provide their name, address, a valid postcode and email address. The same information is required for any person supporting the petition.
- 3.2 Under the Council's current Petition Scheme, the Council can accept and process e-petitions hosted on other platforms as long it is possible to see the name and a valid email address, postal address and postcode for each

signatory which is the standard applied under the Council's own e-petition facility. Currently, this requirement is not being met in every case.

- 3.3 For example, whilst Change.Org require those wishing to sign petitions on their website to set up an account and fields are provided for a name, valid email address and postal address at that point this information cannot be seen when the petition is submitted to the Council as the "decision maker". Only the name, town, postcode and country are supplied for each signatory where these have been registered. Change.Org have advised that the full email and postal addresses of anyone signing a Change.Org petition cannot be made available to the Council (or any other organisation) as the "decision-maker" unless a signatory changes the privacy default setting on their account to allow this.
- 3.4 There are some other differences between the Council's e-petition facility and the Change.Org facility. These include a facility for the lead petitioner and other Change.Org users to promote the petition to other people by way of donation and via social media. There is also a facility on Change.Org for the lead petitioner to provide an update to everyone who has signed the petition and a facility for signatories to the petition to leave a comment on the issue – these options are not currently available on the Council's e-petition facility provided by mod.gov. In addition the petition organiser on Change.Org can print off a hard copy of the petition at any point showing the name, town, country and post code for every signatory, before it is submitted to the decision maker. Again this is not a facility available under the Council's e-petition platform where the petition is submitted electronically when it closes for signatures. It is however, possible for the lead petitioner to print off a hard copy listing just the names of each signatory and the Council, as decision-maker, is able to see all the information for each signatory.
- 3.5 Currently in Medway in all cases where e-petitions are received by the Council from an external e-petition platform, petition organisers are asked to provide any information that is missing from their e-petition. However, to date they have been unable to provide the missing information to satisfy the requirements of the Council's scheme.
- 3.6 Of the nine e-petitions submitted to the Council from alternative e-petition websites, seven have been accompanied by a corresponding paper petition which meets the requirements of the Council's Petitions Scheme and the issue has therefore been processed in the usual way. Under the current Petition Scheme the corresponding e-petition will not be logged or referenced by officers in any report to Overview and Scrutiny.
- 3.7 Since the Council meeting on 26 April 2018 8 e-petitions have been set up using the Council's e-petition facility attracting in the region of 1800 electronic signatures. No petitions hosted on external e-petition websites have been received in this period.

4. Options

- 4.1 On 26 April 2018 the Council was advised that the Council's Petition Scheme is included in the Constitution and would need to be amended to enable acceptance of externally hosted e-petitions (or any paper petitions) which do

not meet the requirements of the scheme. The Council was advised that if it wished to accept e-petitions hosted on external websites where a name, address, a valid postcode and email address for each signatory cannot be provided to the Council as “decision maker” this should only be permitted where there is evidence that the host organisation requires the lead petitioner and any signatories to register this information before being able to sign an e-petition. As set out above, the Council formally resolved to continue to only accept e-petitions which fully comply with the requirements of Medway’s Constitution.

4.2 Mod.gov have recently confirmed they cannot currently give priority to enhancements to the e-petition facility at no cost as there are 600 separate ideas and feature enhancements in their development pipeline with only a small number of those (less than 2%) relating to the e-petition functionality. Currently there is no budget provision to commission mod.gov to undertake bespoke development work to enhance the functionality of its e-petition system. Any proposal to take this forward would require budget provision to be identified as part of the 2019/2020 revenue budget setting process.

4.3 This is a matter for Members of the Council to consider and determine.

5. Financial and Legal Implications

5.1 Since the repeal of the provisions relating to petitions in the Local Democracy, Economic Development and Construction Act 2009 local authorities have discretion to put in place locally determined arrangements for handling petitions. Any changes to the Council’s Petition Scheme will have to be approved by full Council as the scheme forms part of the Council’s Constitution.

5.2 Under Section 9FC of the Local Government Act 2000 Overview and Scrutiny Committees have power to review and scrutinise any decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the executive and those which are not the responsibility of the executive. Overview and Scrutiny Committees may make reports and recommendations to full Council and the Cabinet on the discharge of functions and on matters which affect the authority’s area or the inhabitants of the area.

5.3 The cost of administering and processing petitions is met from within existing budgets. There is currently no budget provision to meet any costs associated with development of the Council’s own e-petition facility. Any recommendation for this to be funded would have to be considered when the Council determines the revenue budget for 2019/20.

6. Risk Management

6.1 The publication of clear arrangements for handling petitions ensures transparency and consistency of approach.

7. Recommendation

- 7.1 The Committee is asked to note the report and decide what, if any, action it wishes to recommend.

Lead officer contact

Julie Keith, Head of Democratic Services

Telephone: (01634) 332760 E-mail: julie.keith@medway.gov.uk

Appendices

Appendix A – Current Petition Scheme

Background papers:

None