

Report of the Democratic Services Manager

The Introduction of a Corporate Approach to Handling Petitions & ePetitions

Summary

1. Further to a request from Audit & Governance Committee in March 2009, this report details how petitions are currently being dealt with across the Council, sets out a potential corporate approach for handling those petitions and proposes the introduction of e-petitioning, i.e. by the public via the internet, in line with legislative changes.

Background

2. At Full Council in November 2008 it was agreed to remove EMAPs from the decision making structure and replace the existing Scrutiny Committees with an increased No. of alternative Scrutiny Committees.
3. A Working Group of Council, made up of one member from each of the political groups, was formed to consider the detailed implementation of the changes agreed at Full Council in November 2008, and the consequential changes required to the Constitution. As part of that review, the Working Group looked at the type of business being presented to Executive Members. They recognised that the reports presented to Executive Members relating to petitions were being handled in a variety of different ways – see **Annex A**. The Working Group agreed that in best practice terms, a corporate approach for handling petitions should be identified and suggested the introduction of a corporate petitions register.
4. At the same time, there was already an ongoing commitment for officers to report back to this Committee on the introduction of ePetitions in response to the Local Democracy, Economic Development and Construction (LDEDC) Bill – further information on the relevant requirements of the Bill is shown at **Annex B**.
5. The Working Group therefore recommended that their suggestion for the introduction of a corporate petitions register be fed into this officer report for Members' consideration.

Consultation

6. A full consultation exercise has taken place across the Council on the proposals within this report. All directors have been consulted on the report and specifically the IT&T team and the Monitoring Officer have been consulted on the legal and IT&T implications associated with e-petitions.

IT&T Consultation – E Petitions

7. In terms of the proposals contained in this report for introducing an e-petitions facility through the existing Committee Management System (Mod Gov), the Head of IT&T suggests that using that option might be the most practical way forward in the immediate future. This is on the basis that the 'e-petition' facility is available now as part of the latest Mod Gov upgrade package, at no extra cost to the Council. After a review period on how effectively the system was working, the Head of IT&T then suggests Members may or may not wish to consider at that point migrating over to the new corporate EDRMS but that would be based on an assessment of work plans and priorities for EDRMS. In any event, if the Mod Gov system were working effectively no change may be necessary.
8. Tracey Carter has suggested that any IT time or investment in the next year or so would only be likely to be agreed if it were considered essential or delivered towards More for York or delivered savings which would be self funding.
9. In response to the IT&T comments:

If the Council were to simply make use of the facility on e-petitions available to it now following the installation of the latest upgrade from Mod Gov (these are provided automatically to the Council as part of the package it initially purchased from Mod Gov), no additional IT&T time would be required to support switching on that facility other than the usual time allocated by IT&T to facilitate Mod Gov upgrades. Details of how the Mod Gov facility would work are set out in the 'analysis' section of the report below.

Directorate Consultation – Corporate Petitions Register

10. No comments have been received from Directors on the proposed processes involved in either establishing a Corporate Petitions Register or an e-petition facility.

Options

11. The following options are available to Members:
 - (i) introduce an E-Petitions facility and Corporate Petitions Register using the Mod Gov CMS at no extra financial cost to the Council from immediate effect;
 - (ii) defer a decision on one or both of these facilities, introducing one or neither now;

- (iii) invite the Head of IT&T and TC to look into more detail about migrating these facilities now with EDRMS, at a potential consequential delay to introducing these measures;
- (iv) introduce no change with practices currently remaining as present and failing to address forthcoming legislative change.

Analysis

12. Current Petition Arrangements and Numbers Received

Annex A sets out the various ways in which petitions are currently handled in the Council. These variable practices came to light during the course of the deliberations of the recent Scrutiny Working Group reporting to Council. The primary route for petitions in to the Council still remains a Member submitting petitions directly to Council with those petitions then being referred to the appropriate Member/Committee for further consideration. In 2007/8, the total number of petitions submitted in this way was 31 (24 being as matters coming under the umbrella of City Strategy Directorate).

However, currently once a petition has been referred by Council to an appropriate Committee etc, the petition is then released to the relevant Directorate for preparation of an appropriate cover report. There is currently, no standard practice in the Council for how these petitions are then presented back to Members, or within what timeframe etc. There is no log of progress with these petitions once they have been referred by Council. Any communication with petitioning Member and petitioners is variable at this stage also.

In addition, to the petitions submitted by Members it is understood that there may currently also be petitions submitted directly to Directorates within the Council. It has not been possible to yet establish how often these arise or how many there may be. Again, there is currently no standard practice for dealing with these should petitions be received within the Council in this way.

One suggested potential solution to this, considered by the Scrutiny Working Group and referred to this Committee for consideration was a Corporate Petitions Register, centrally administered.

13. Introduction of a Corporate Petitions Register

The Scrutiny Working Group considered the number of ways that Directorates were handling petitions which came in directly to them i.e. some were carrying out investigative work before presenting them to the relevant Executive Member and others were presenting them before doing any investigative work and then having to re-present them once that work was completed, making the process lengthy and not necessarily easy to track by the petitioners. They agreed there was a need to regulate the approach in order to ensure an equality in the way that petitions were handled and the time taken to respond to them. The

Working Group therefore recommended the introduction of an on-line Corporate Register to record all petitions received by either Full Council or into a specific Directorate.

14. The electronic Committee Management System administered by Democratic Services could provide the mechanism for doing this and would work as follows:
- Whenever a hard copy petition is received, a responsible officer within the relevant Directorate would forward the petition to the Register Administrator in Democratic Services for submission on to the electronic register.
 - The hard copy petition would be scanned and attached to the entry on the register and made visible on both the intranet and internet.
 - Each entry on the register would identify a senior officer responsible for dealing with the petition (*this should be the manager responsible for the relevant service area*)
 - All new entries would identify the relevant wards in order to generate an email notification to the ward councillors to keep them informed
 - the relevant Executive Member would also receive email notification of a new entry
 - In order to provide the petitioners with a point of contact and information on what actions are to be taken as a result of their petition, the register would:
 - a) record any actions to be carried out as a result of the petition e.g. investigating the issues raised in the petition
 - b) identify an officer responsible for those actions
 - The relevant senior officer would be responsible for the register being regularly updated, in order to provide an audit trail (in the same way that actions arising from committee meetings are updated)
 - The register would contain a number of search mechanisms to enable easy access to information by petitioners/officers/Members/the public.
 - An appropriate timeframe would be established for referral of the petition to Member(s) from receipt by the Council (within 8 weeks)

15. Introducing E petitions

The electronic Committee Management System administered by Democratic Services can also provide the mechanism for submitting ePetitions. The following process outlines how it would work:

- Members of the public submit a request via the Internet for an ePetition to be published on the website. They must log on using an existing self-registered username and password, or register as a new user.
- Members and Officers submit a request via the Intranet for an ePetition to be published on the website. They can log on using their existing username and password.

- The submitter of the ePetition receives an email from Democratic Services advising them that their ePetition request will be reviewed by an ePetition Administrator and they will be kept informed by email of its progress.
- The ePetition Administrators receive an email advising them that a new ePetition request has been submitted.
- An ePetition Administrator will review the ePetition that has been submitted to determine whether it is suitable for publication or whether it requires some amendments before being published.
- An ePetition Administrator will advise the submitter of the ePetition by email of their decision.
- A link to all ongoing ePetitions (and the corporate petitions register) would be visible on both the Council's website homepage and on the intranet homepage. The link would take the viewer to an Petition homepage containing both the register and information on how to submit an ePetition request and how to communicate with the ePetition Administrator whilst they make their decision of whether the ePetition should be published
- Once an ePetition has been published, members of the public can view and sign it on the Internet and Members and Officers can view and sign it on the Intranet.
- The current results of an ePetition are displayed on the Internet and Intranet by count, percentage and graphically.

Other Local Authorities

16. There are a number of other Councils successfully using this ePetitions facility, for example London Borough of Lambeth and Staffordshire County Council. Members may choose to investigate this by looking at their websites - see links below:

<http://www.lambeth.gov.uk/moderngov/mgePetitionListDisplay.aspx?AspxAutoDetectCookieSupport=1>

<http://moderngov.staffordshire.gov.uk/mgEPetitionListDisplay.aspx?AspxAutoDetectCookieSupport=1>

17. Currently, Lambeth have 7 e-petitions underway and Staffordshire County has one. The introduction of e-petitions has not impacted in any way upon the traditional route of Members presenting petitions at Council meetings in either of these authorities. Introducing E-petitions has rather been seen as an additional facility for residents and Members.

18. It is anticipated that the impact in York of introducing e-petitions, based on the current level of hard copy petitions, is likely to be of similar order. It is not envisaged that e-petitions will replace or even reduce the current hard copy

activity. Rather it is seen as an additional facility, which will meet legislative requirements, which are set out in full in Annex B.

Raising Public Awareness

19. In order to successfully introduce and raise the profiles of both a new corporate petitions register and ePetitions facility, the Council may need to carry out a public awareness campaign leading up to their introduction. Information on these new facilities and instructions on their use, would also need to be made available in a number of ways and in the relevant languages, to ensure it is accessible by all of the city's residents.

20. The Marketing & Communication and Equalities teams would be consulted on how best to raise awareness regarding these facilities and contact has been established with the two other local authorities referred to above, currently using the Mod Gov e-petitions facility about how they approached public awareness raising to maximise the potential of the facility best. Lambeth Council did not do any specific marketing around the introduction of E-petitions. They inform their Marketing & Communications team when an e-petition is registered on the Mod Gov site.

Corporate Strategy

21. The introduction of a corporate register for petitions and a facility for ePetitions would provide two new ways for members of the public to get involved in the decision making process, and therefore both would support the Inclusive City theme i.e. 'we will do our best to make sure that all citizens, regardless of race, age, disability, sexual orientation, faith or gender, feel included in the life of York'.

Implications

Corporate Petitions Register

22. There are no **financial, legal, equalities, crime and disorder** or other known implications associated with introducing a Corporate Petitions Register. As outlined in the 'analysis' section above, it is intended to be a log standardising corporate practices, establishing timeframes and maintaining a progress record relating to petitions received in the Council. Contact has been made with the Councils CMS suppliers (Mod Gov) to make sure that the log is available to the Council electronically, at no extra cost, as part of our ongoing developmental upgrade package with Mod Gov. Mod Gov have confirmed the electronic facility is available at no extra cost to the Council. Any technical faults will again be repaired by Mod Gov as part of their support package to the Council.

23. It is suggested in this report that any such Register be administered by Democratic Services since it administers all other Mod Gov facilities and its component parts, e.g. Agenda/reports publication, forward plan, officer decision log, scrutiny topic registration and forward plan.

24. In terms of any **human resource** implications therefore, it is envisaged that the log or register would be updated and maintained by an administrator within the Group as part of their regular duties. Based on the number of petitions received currently, it is not envisaged that the required administrative work will take more than 1-2 hours weekly.

E-Petitions

25. It is envisaged that following implications will arise from introducing E-Petitions:

Financial – Any public awareness campaign referred to in paragraph 14 above would incur some cost and further work would need to be undertaken with the Marketing & Communications & Equalities teams to establish the most appropriate ways of raising awareness, if the Council wished to market or promote E-petitions specifically in any way.

Equalities – there is an initial equalities issue in relation to the suggested public awareness campaign as the information will need to be provided in a number of ways. Once both facilities have been introduced, the instructions for using them will also need to be made available in different languages etc.

Human Resources - the day-to-day administrative application of a petitions facility will need to be supported. It is suggested again that initially this should be administered by Democratic Services. This makes some sense, certainly initially, given Democratic Services currently administer the Mod Gov Committee Management System (CMS) as explained above.

Based on the current number of petitions received within the Council and on discussions with other local authorities using the Mod Gov system for E-Petitions, it is anticipated that administration to support this process will be no more than half an hour to an hour weekly.

One small addition to this would be establishing one officer within each Directorate to act as a contact responsible for receiving all petitions initially referred to each Directorate. It is envisaged that this could work in a similar way to the current Forward Plan Contact Officers in Directorates but again, based on the number of petitions presently received, this should not be onerous. No other resource issues are envisaged subject to there being no major increase in the number of petitions received annually (see Annex A for the number of petitions received into Directorates in the municipal year 2007/8).

Legal – The legal requirements of the forthcoming LDEDC Bill are shown at Annex B. The introduction of ePetitions and a Corporate Petitions Register as set out in this report, would enable this Council to meet those requirements.

- a. **Information Technology** – There are no IT implications associated with the recommendations in this report as IT support is already made available through the providers of the electronic Committee Management System and the support required for these 2 new facilities would automatically be included, as indicated by Mod Gov, the Council’s providers.

The only point at which it is envisaged that additional support from the Council’s IT&T team would be necessary, would be at such time if Members decided they preferred to migrate the E-Petitions facility over to the Corporate EDRMS, at which time a proper costed case would need to be made.

- b. There are no known Crime and Disorder, Property or Other implications associated with the recommendations in this report.

Risk Management

26. There are no known risks associated with the recommendations in this report. There are however risks associated with not introducing these new facilities as the incorrect handling of a petition could lead to petitioners not being fairly heard by the Council and the Council would not be providing a service required by forthcoming legislation, in the case of introducing E-Petitions

Recommendations

27. Having considered the information within this report, Members are asked to agree the introduction of the Corporate Petitions Register / suggested ePetitions facility outlined in this report, based on, initially, using the facilities available within the Mod Gov Committee Management System

Reason: In order to comply with the legislative requirements of the forthcoming LDEDC Bill.

Contact Details

Author:
Melanie Carr
Scrutiny Officer
Scrutiny Services

Chief Officer Responsible for the report:
Quentin Baker
Head of Civic, Democratic & Legal Services

Report Approved



Date 07
September
2009

Specialist Implications Officer(s)

Finance: N/A

Legal: Quentin Baker

Wards Affected:

All



For further information please contact the author of the report

Background Papers: None

Annexes:

Annex A – Relevant Findings of Council Working Group

Annex B – Information on the forthcoming LDEDC Bill