

REPORT OF COUNTY CLERK & MONITORING OFFICER

E- PETITIONS

Reason for this Report

1. To approve the introduction of the e-Petitions facility on Modern.Gov Committee Management System to allow for on-line petitions to be received, facilitating wider public engagement than a traditional paper based petition.

Background

2. The Council on 27 March 2014, following a review undertaken by the Constitution Committee and a pilot period, adopted new Council Procedure Rules.
3. The Constitution Committee had as part of the review discussed in detail the rules relating to petitions; petition thresholds and how they would be dealt with. Rule 20 on Petitions was adopted as part of the new Council Procedure Rules.
4. The Constitution Committee on 15 January 2015 considered the model Petition Scheme established by the Local Democracy, Economic Development and Construction Act 2009, which applied to principal authorities in England and Wales – for Wales County Council and County Borough Councils which supported the streamlining and clearer guidance to Elected Members, the public and officers on how petitions are dealt with by the Council.
5. The Committee agreed that following the introduction of the Committee Management System further consideration would be given to the e-Petitions application and the recording and tracking of all petitions.

Issues

6. The Council encourages public engagement with the democratic process and petitions are one avenue through which the public can make the Council aware of specific concerns, and e-Petitions support this aim.

7. The Council's Regulatory Committees – Planning Committee and Licensing Committee have provisions for petitions in their procedure rules which work well for the statutory requirements for consultation on planning and licensing matters.
8. The Council Procedure Rules allow for the receipt of petitions at Council meetings. Other petitions received directly by Cabinet Members or submitted to Scrutiny Committees would be logged on the Petitions Register which will be activated on the Committee Management System.
9. Appendix A sets out guidance on e-Petitions which would be used as a guide on the website and form part of the City of Cardiff Petition Scheme which would be adopted by this Committee following a review of the adoption of e-Petitions facility at its next meeting.

Reasons for Recommendations

10. The Committee is requested to agree the activation of the provision of e-Petitions within the new Committee Management System and the introduction of an online Petition Register to record and track all petitions received.

Legal Implications

11. The Local Democracy, Economic Development and Construction Act 2009 placed a duty on principal local authorities (defined for the purpose of Chapter 2 of the Act as (a) a County Council in England; (b) a District Council in England; (c) a London Borough Council; (d) the Common Council of the City of London in its capacity as a Local Authority; (e) the Council of the Isles of Scilly; (f) a County or County Borough Council in Wales) to have a Petition Scheme agreed by Council, to publish details of the Scheme, and in prescribed circumstances, to take action.
12. The petition provisions of the Local Democracy, Economic Development and Construction Act 2009 were removed by Chapter 10 of the Localism Act 2011, leaving this matter to the discretion of each local authority. Many authorities have chosen to maintain a Petition Scheme as good practice.

Financial Implications

13. There are no direct financial implications at this stage in relation to this report. However, financial implications may arise if and when the matters under review are implemented. Any report with recommendations for decision that would require Full Council approval will set out any financial implications arising from those recommendations.

Recommendation

The Committee is request to

1. approve the activation of the provision for e. Petitions on the Council's Committee Management System;
2. review at its next meeting the Draft model City of Cardiff Petition Scheme in light of the introduction of the e-Petition provision so that the Scheme can be adopted and any necessary changes be made to the Council Procedure Rule 20.

MARIE ROSENTHAL
COUNTY CLERK AND MONITORING OFFICER
10 November 2015

The following Appendix is attached:

Appendix A – Draft e-Petitions Process November 2015

The following Background Documents have been taken into account:

Model Petitions Scheme 15 January 2015

City of Cardiff Council Draft Guidance for e-Petition

The e-petitions system allows anybody who lives, works or studies in the City & County of Cardiff area to be able to raise an e-Petition on the internet rather than just on paper. E-Petitions allow for petitions and supporting information to be available to a potentially wider audience.

Petitioner should be at least 18 years of age, although the Council may waive this where younger people have a legitimate interest in the matter, e.g. it's about a school building project or a youth club.

Starting an e-Petition

The Council welcomes e-Petitions which are created and submitted through our website [link]. The petition organiser will need to provide us with their name, address, post code and email address.

e-Petitions must follow the same guidelines as paper petitions and clearly display the following:

- the title/subject of the petition;
- the contact address of the petition organiser (we will use this address to write to you about the petition);
- the name and location of any person supporting the petition;
- the starting and closing date of the petition.

All e-Petitions will run for a maximum of [insert days/months] to ensure that the Council's decision making process is not delayed.

When you create an e-Petition it may take up to 5 working days before it is published online. This is to enable the Council to check that the content of the petition is suitable before it is made available for signing. However, we will make every effort to ensure that your petition is published as soon as possible.

“Rejected” Petitions

If the Council feels that we cannot publish your petition for some reason, we will contact you within 5 days to explain why.

You will be able to amend and re-submit your petition if you wish.

Approved Petitions

When an e-Petition has closed for signature, it will automatically be submitted to the Democratic Services and the petition organiser will be contacted to receive acknowledgement of the petition.

The Role of County Councillors

When a e-Petition is received which relates to a local matter affecting a specific ward, Democratic Services will send a copy to each of the relevant Ward Councillors at the same time as acknowledging receipt of the petition to the petition organiser.

If the petition organiser would like the e-Petition to be presented to the next available full Council meeting, the organiser will be advised to contact their Local Ward Councillor who will submit it on their behalf.

The website will be updated to indicate when and which Councillor will present the e-Petition to Full Council.

Privacy Policy

Only the name and area (neighbourhood) of a petitioner will appear on the website. The other details provided are needed by the Council to validate the petition and will not be used for any other purpose. This is the same information required for a paper petition.

Supporting/Signing an Online Petition

All the e-Petitions currently available for signature will be viewable on the website, and accessible for people to sign providing their name, address, postcode and email address. When this information is submitted an email will be sent to the email address that you have provided. This email will include a link which must be click on in order to confirm the email address is valid. Once this step is complete, a “signature” will be added to the petition.

People visiting the e-Petition will be able to see their name in the list of those who have signed it but all contact details will not be visible.

Appealing petition responses

If the petition organiser feels that the Council has not dealt with their petition properly, they can contact their Local Ward Councillor, or go through the Council’s complaints procedure.

This guidance is subject to review by the Constitution Committee.