



City of Westminster

General Purposes Committee

Date: 20 October 2010

Classification: General Release

Title: Revisions to the City of Westminster Petition Scheme

Report of: Head of Legal and Democratic Services

Wards Involved: All

Policy Context: N/A

Financial Summary: The approximate cost of £2,000 for designing and implementing the e-petition system is expected to be met from a dedicated government grant in 2010/11. It is expected that in future years the same annual provider support costs will be met from existing resources.

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1. Executive Summary

- 1.1 The General Purposes Urgency Sub-Committee at its meeting on 4 May 2010 agreed proposals for a City of Westminster Petition Scheme as required by the Local Democracy, Economic Development and Construction Act 2009.
- 1.2 At the meeting Members noted that proposals for the e-petition element of the duty set out in the Act, which is required to commence by the 15 December 2010, would follow in recognition of the extra time that would be needed to prepare for this and also to await further Government guidance.
- 1.3 The Petition Scheme was agreed by the Council at its Annual meeting on the 19 May with a commencement date of the 20 May.
- 1.4 This report sets out such proposals for the e-petition element of the Scheme and seeks approval of the revised City of Westminster Petition Scheme, as attached at Appendix A, and requests that the revised Scheme be recommended to Full Council on 3 November 2010.

- 1.5 The guidance referred to in paragraph 1.2 above has not been issued and the previously issued Statutory guidance has now been withdrawn by the Government. This allows Local Authorities greater scope in how they approach this requirement, which remains in force.

2. Recommendations

That the Council, on 3 November 2010, be recommended:

- 2.1 to approve the e-petition element of the revised City of Westminster Petition Scheme (as attached at Appendix A to this report and shown in italics) to come into operation from 15 December 2010.
- 2.2 that the Head of Legal and Democratic Services be authorised to make any minor drafting amendments in order to clarify any aspect of the petition scheme in consultation with the Chairman of the General Purposes Committee.

3. Reasons for Decision

- 3.1 The inclusion of an e-petition element within the City of Westminster Petition Scheme ensures that the City Council complies with the requirements of the petition provisions of the Local Democracy, Economic Development and Construction Act 2009.

4. Background

- 4.1 The e-petition element of the Council's Petition Scheme has been developed using the model scheme set out in the Appendix to the Statutory Guidance, which has subsequently been withdrawn, save for some minor amendments to take into account the City Council's existing procedures and practices and local circumstances.
- 4.2 On the 24 September 2010 the Department for Communities and Local Government withdrew the Statutory Guidance issued by the previous administration "*having regard to both the Government's commitment to remove unnecessary prescription for local authorities and the priority of cutting out all wasteful spending*". Officers are content that the model scheme, as amended to take into account the Council's existing procedures and practices and local circumstances, is not onerous. The Council's Petition Scheme can be amended at any time in the future should this prove not to be the case.
- 4.3 The key aspects of the Council's E-Petition element are as follows:
- The facility for creating, signing and submitting electronic petitions to the Council will be hosted on the City Council's website.
 - E-petitions must follow the same guidelines as paper petitions.

- The Council will check that the subject of the petition is suitable before it publishes it online and makes it available for signature. This may take up to five working days. Should the Council feel that it cannot publish a petition for some reason, the petition organiser will be given the reasons for this and will be given the opportunity to change and resubmit the petition if they should so wish (if the petitioner decides not to do this a summary of the reason why it has not been accepted will be published under the 'rejected petitions' section of the Website).
- In addition to providing the Council with their name, postal address and email address petition organisers will be asked to indicate whether they live, work or study in Westminster.
- Petition organisers can run an online petition at the same time as a paper petition, combining the two before submitting them to the council, although repeat names should be omitted by the petition organiser.
- Two versions of the same e-petitions will not be publicised by the council within a six month period.
- E-petitions will run for a maximum of three months but petition organisers will have the ability to choose shorter timeframes. While the model scheme provided for a period of six months with options to extend as well as shorten the timeframe this was considered to be over generous given that petitions to the Council reflect issues of concern or priorities to the community where a prompt resolution is desired by petitioners. It is therefore considered that the proposed maximum period of three months better addresses this objective. This can of course be reviewed in light of experience.
- Signatories to an e-petition will be asked to provide their name, a Westminster relevant postcode, and a valid email address and will be asked to indicate whether they live, work or study in the City. When this information has been submitted an email will be sent to the email address provided. This email will include a link which the signatory must click on in order to confirm the email address is valid. Once this step is complete the 'signature' will be added to the petition. People visiting the e-petition will be able to see the signatories name in the list of those who have signed it but their contact details, i.e. postcode and email address will not be visible.

Data Protection

- 4.4 The personal details provided by petitioners will only be used by the Council and solely in connection to the petition such as advising petitioners on the Council's response. This data will be destroyed shortly after the petition has closed and the Council's response has been published.

E-petition provider

- 4.5 The Council has reviewed the options both technical and operational for achieving this e-petition duty objective and have concluded that the solution offered by mySociety meets the requirement satisfactorily.
- 4.6 MySociety is a project of a registered charity called UK Citizens online Democracy. They manage most of the best-known democracy and transparency websites in the UK; TheyWorkForYou and WriteToThem. They are a not-for-profit company of a community of volunteers and (paid) open source coders.
- 4.7 The Council views their solution as fit for purpose, cost effective with a relatively quick time to market, embracing the councils IT Strategy for zero infrastructure and Software as a Service.

5. Financial Implications

- 5.1 The previous Government estimated that the national cost to the public sector of responding to local petitions will be approximately £4.7 million per year, decreasing over time. These costs arise from increased work for council officers, time at council meetings and scrutiny committees, and set up costs for e-petitions. Local authorities will each receive a grant for 2010/11 in October within the area based grants. This amount will vary by local authority dependent on the local population. It is expected that funding for future years will be incorporated into the revenue support grant.
- 5.2 The cost of developing and implementing the e-petition element is in the region of £2,000. Ongoing provider support is estimated to be the same annually and it is expected that these will be met from future budgets.

6. Legal Implications

- 6.1 The City Council is required to introduce an e-petition element to its Petition Scheme in accordance with the Local Democracy, Economic Development and Construction Act 2009.
- 6.2 Whilst the statutory guidance has been withdrawn it remains a requirement of the Act that the e-petition element of the scheme be approved by a meeting of the full council before it comes into force, ie 15th December 2010. The General Purposes Committee is therefore asked to recommend that the Council adopt the revised scheme which includes the e-petition element at its meeting on 3 November 2010.
- 6.3 The Council's Petition Scheme can be revised at any time but the revisions must be approved as detailed above.

7. Staffing Implications

- 7.1 The e-petition element of the scheme will result in increased work for those council officers directly responsible for developing and implementing it. However, it is anticipated that this can be managed within existing resources.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact:

Reuben Segal, Council, Cabinet and Committee Secretariat, on
email: rsegal@westminster.gov.uk, telephone: 020 7641 3160

BACKGROUND PAPERS

1. Local Democracy, Economic Development and Construction Act 2009
2. Listening to communities: Statutory guidance on the duty to respond to petitions
3. Letter of 24 September 2010 from DCLG

Appendices

- A. Proposed revised City of Westminster Petition Scheme

THE WESTMINSTER CITY COUNCIL PETITION SCHEME

Petitions

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

The Head of Legal and Democratic Services
Westminster City Council
City Hall,
64 Victoria Street
London SW1E 6QP

Or can be created, signed and submitted online by following this link [insert link]

Petitions can also be presented to an ordinary meeting of the council by a councillor on petitioners' behalf. It is the convention that petitions relating to a local ward matter are presented by one of the relevant ward councillors. Ordinary Council Meetings take place at least 4 times a year, dates and times can be found here [\[insert link\]](#). If you would like your Councillor to present your petition on your behalf, please contact the Council, Cabinet and Committee Secretariat on 020 7641 3160 or email: petition@westminster.gov.uk and they will talk you through the process. Alternatively please contact your Ward Councillor

The Councillor will provide a copy of your petition to the Head of Legal and Democratic Services 14 days prior to the Council meeting for inclusion on the agenda of that meeting or give notice of their intention to submit the petition in person and of its contents by no later than 5pm on the day before the Council meeting. If your petition has received 10,000 signatures or more it will be scheduled for a council debate (see below) and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council. Otherwise petitions submitted to ordinary Council Meetings shall, without debate, be referred to the relevant Chief Officer for reporting to the relevant Cabinet Member or Committee within 3 months of the date the petition was presented.

Councillors are encouraged to inform the Head of Legal and Democratic Services of their intention to submit a petition so that he can advise the relevant Chief Officer of its likely receipt and therefore allowing that Chief Officer the opportunity to commence preliminary work on the Council's response.

What are the Guidelines for Submitting a Petition?

Anyone who lives, works or studies in the local authority area, including under 18's can sign or organise a petition and trigger a response.

Petitions submitted to the council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take.
- The name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. If the petition does not identify a petition organiser, we will take reasonable steps to identify who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

The Head of Legal and Democratic Services has the discretion to verify the name and Westminster address/ postcode and signature of any person supporting the petition should he consider it necessary for any reason and also to decide that a petition should not be considered further as he considers it to be vexatious, abusive or otherwise inappropriate.

What will the Council do when it receives my Petition?

An acknowledgement by the Head of Legal and Democratic Services will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a Senior Officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected Mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here [\[insert links\]](#).

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the subject details of all the petitions submitted to us will be published on our website, except in cases where this is considered to be inappropriate.

It should be noted that petitions presented to the Council are public documents and any member of the public can ask to see a hard copy petition. However, the contact details of the petition organiser and any signatories will not be placed on the website but will be available on the copy available for inspection and copying at the Council's offices.

How will the Council respond to Petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- Taking the action requested in the petition.
- Considering the petition at a council meeting.
- Holding an inquiry into the matter.
- Undertaking research into the matter.
- Holding a public meeting.
- Holding a consultation.
- Holding a meeting with petitioners.
- Referring the petition for consideration by one of the Council's Policy and Scrutiny Committees *
- Calling a referendum.
- Writing to the petition organiser setting out our views about the request in the petition.
- In all cases where a petition has been presented by a Councillor to an ordinary Council meeting the relevant Chief Officer shall, within 3 months of the date of the meeting, (sooner if possible) report to the relevant Cabinet Member or Committee setting out proposals for the formal response to the petition and also advise the petition organiser.

- Petitions, which do not trigger a debate at a full Council meeting or have not been presented by a Councillor to an ordinary Council meeting, shall be acknowledged by the Head of Legal and Democratic Services and referred to the relevant Chief Officer who shall advise the petition organiser, within 3 months, but sooner if possible, of the Council's response, including the relevant Cabinet Member(s) and Ward Members. The Head of Legal Services will inform the relevant Cabinet Member(s) Ward Members that the petition has been received.

* Policy and Scrutiny committees are committees of Councillors who are responsible for scrutinising the work of the council – in other words, the policy and scrutiny committee has the power to hold the council's decision makers to account.

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example, if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full Council Debates

If a petition contains more than 10,000 signatures it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. It will be placed on the agenda of the next available ordinary council meeting so long as the meeting is not due to fall in less than 21 days time. Following receipt of such a petition the Head of Legal and Democratic Services shall prepare a report to full council setting out details of the petition and outlining the process to be followed, which includes that the petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes or such longer period as the Council shall determine. The relevant chief officer may also be asked to prepare a briefing on the subject of the petition which shall be circulated with the agenda of the council meeting, together with a copy of the petition.

The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will

receive written confirmation of this decision. This confirmation will also be published on our website.

Any petition which triggers a full council debate but does not provide at least 14 days notice will be placed on the agenda of next ordinary Council meeting.

Officer Evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected Members to enable them to make a particular decision.

If your petition contains at least 5,000 signatures, the relevant senior officer will give evidence at a public meeting of the relevant Policy and Scrutiny committee. A list of the senior staff that can be called to give evidence can be found at **Appendix 1 to this scheme**. You should be aware that the Policy and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting but you will be able to suggest questions to the chair of the committee by contacting the Council, Cabinet and Committee Secretariat on 020 7641 3160 up to five working days before the meeting.

E-Petitions

The Council welcomes e-petitions which are created and submitted through our website [\[insert link\]](#). E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address and indicate whether they live, work or study in Westminster.

E-petitions can run for a maximum of 3 months but you can choose a shorter timeframe if desired.

You can run an online petition at the same time as a paper petition, combining the two before submitting them to the Council, although repeat names should be omitted by the petition organiser. Some people prefer this option as they find it easier to have one they can hand around to friends and family.

Two versions of the same e-petitions will not be publicised by the council within the same six months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain why. You will be able to change and resubmit your petition if you wish (if you do not do this within the allocated time a summary of the petition and the reasons why it has not been accepted will be published under the rejected 'petitions section' of the Website).

When an e-petition has closed for signature, in the same way as a paper petition, we will write to you within ten working days to let you know what we plan to do with it. If you would like a Councillor to present your e-petition to a meeting of the Council please contact the Cabinet, Committee and Scrutiny Secretariat, via the contact details above, five working days before the petition closes.

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here [insert link]

When you sign an e-petition you will be asked to provide your name, your Westminster relevant postcode and a valid email address and indicate whether you live, work or study in Westminster. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. 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 in the list of those who have signed it but your contact details will not be visible. The Council reserves the right to verify your Westminster connection.

The personal details you provide either as a petition organiser or a signatory will only be used by the Council and solely in connection to the petition such as updating you on the Council's response.

What can I do if I feel my Petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's relevant Policy and Scrutiny committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review, if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

Officers who may be called to account

- Chief Executive
- SEB members (insert link)
- Head of Legal and Democratic Services
- Any other Chief Officers as defined by Section 2 of the Local Government and Housing Act 1989 (insert link)