
REPORT 3
(1215/52/IM)

IMPLEMENTATION OF E-DEMOCRACY INITIATIVES AND ASSOCIATED STANDING ORDERS CHANGES

1. Purpose of Report

To update the Committee on progress with various e-Democracy initiatives and present changes required to Standing Orders to implement those initiatives.

2. Executive Summary

The Standing Orders require amendment to implement the e-Democracy initiatives agreed to as part of the Information and Communications Technology (ICT) Policy and Long Term Council Community Plan (LTCCP). This report deals specifically with the e-public participation and e-petitions initiatives.

Officers recommend that Standing Orders 205 – 207 be amended to allow for e-public participation to be received at meetings. It is also recommended that standing orders 222-224 be amended to change the process through which petitions are handled. Standing Orders as they currently stand allow for e-petitions to be received, but a more transparent process for the way in which they are handled once presented is required. The amended Standing Orders, which apply to all petitions received by a meeting and not just e-petitions, would allow this.

3. Recommendations

It is recommended that the Committee:

- 1. Receive the information.*
- 2. Agree to recommend to Council that Standing Orders 205 - 207 be amended as attached at Appendix One to this report.*
- 3. Agree to recommend to Council that Standing Orders 222 – 224 be amended as attached at Appendix Two to this report.*

Note: for recommendations 2 and 3 to succeed, it will require a three quarters proportional majority vote of the Council meeting.

4. Background

In June 2006 the Council agreed to adopt the Information and Communications Technology (ICT) Policy after extensive consultation. Among other things, this policy examined the subject of e-Democracy and how it could be used to facilitate and encourage Wellingtonians to participate in local democracy. The policy stated that e-Democracy initiatives would be used to complement conventional forms of participation, rather than replace them.

The e-Democracy component of the ICT Policy, and these proposals, directly fit with the following strategic priorities:

- Priority 13 The Council will improve civic decision-making, transparency and public involvement
- Priority 15 The Council will improve communication with communities.

A targeted consultation process was undertaken on the draft ICT Policy concurrently with the draft 2006/07 – 2015/16 Long Term Council Community Plan (LTCCP) consultation, as the funding proposed to implement the policy was included in the draft LTCCP.

The majority of the feedback received supported the aims and objectives of both components of the policy, as well as the projects proposed to implement it.

Funding for e-Democracy initiatives was approved by Council as part of the LTCCP. Two initiatives earmarked to be completed in the 2006/07 financial year were e-public participation and e-petitions:

e-public participation – public participation submitted via an electronic form from the website for consideration at a Council, committee, or subcommittee meeting. Although it is currently possible for people to email and send comments and letters to Democratic Services for distribution to Councillors, under this initiative the participation would be received in the meeting and recorded in the minutes in the same way that other public participation is.

e-petitions – the internet provides the opportunity for petitions to be run online. Such petitions can be established online, have names collected electronically, and then be tracked to show the Council's receipt of it through to how it is responded to.

In the 2007/08 and 2008/09 years officers intend to carry out further work on a range of e-Democracy initiatives highlighted in the LTCCP, including e-panels and the civic network idea.

5. Discussion

To implement the e-public participation and e-petitions initiatives the Web Centre and Democratic Services have been working together to ensure that an easy to use and effective module is developed on the web and that robust processes are in place for the administration of the information.

One of the most important elements in the success of e-Democracy will be a transparent process and guaranteed outcomes for participants. It is therefore proposed that Standing Orders be amended to allow for electronic forms of both public participation and petitions to be received at meetings. It is also proposed to include changes that ensure there is a mechanism for a meeting to respond to the participation within the boundaries of the meeting process.

To ensure that e-petitions and e-public participation are handled in the most effective and efficient manner, some of the rules surrounding the administrative aspects will be monitored by Democratic Services and the Web Centre. The most important element, however, is where the information ends up and how it is dealt with once there.

The proposed changes reflect the desire for e-Democracy initiatives to mirror the “real thing” as closely as possible, as well as ensuring that there is a guarantee for participants that their participation will be presented to, and acknowledged by, the governing body within the meeting framework.

5.1 *E-public participation*

The aim of the e-public participation function is to replicate electronically the ability of people to come into a public meeting and make a statement. While some people may still prefer to address Council, committees and subcommittees in the traditional way, e-public participation recognises that some people may not wish to speak in front of a meeting, or that it is not possible for some people to attend meetings. E-public participation ensures that there is a mechanism through which these people are able to “have their say” and that this input is formally acknowledged and received by the meeting.

Currently Democratic Services will distribute material, such as a letter, to a Council, committee or subcommittee meeting on request by a member of the public. This sees material handed round the table for the information of elected and appointed members. It is proposed that statements and information submitted via e-public participation will now be distributed to the members of the Council, committee or subcommittee the night before the meeting to allow time for consideration of the material. At the meeting the Chair will move that the e-public participation information be received. The resolution to receive the information as well as a note on what information was received will be recorded in the minutes.

5.1.1 Proposed Standing Orders changes

In order for e-public participation to work effectively, changes are required to Standing Orders. The changes that are proposed to be made to the Standing Orders are highlighted in Appendix One of this report. They include:

S.O. 205.2 – Clarifying a previous standing order to distinguish between public participants appearing in person and e-public participants.

S.O. 205.3 – A new standing order to ensure that e-public participants are subject to the same restrictions regarding language as public participants appearing in person.

S.O. 207.1 – A new standing order which shows how e-public participation will be received and dealt with at the meeting.

S.O.207.2 – A new standing order which requires all e-public participation to be written on a form provided on the internet. This will ensure consistency in the manner in which e-public participation is presented, that the statement is legible and will restrict the amount that an e-public participant can write (in a similar manner to the time limit on a public participant appearing in person). By having e-public participants use a standard form on the internet, we can also ensure that they are aware of the conditions of submitting e-public participation.

207.3 -207.5 – A replication of the Standing Orders that apply to public participants appearing in person, and mainly concerning the authority to hear public participation, but rewritten to apply to e-public participation.

There are also minor numbering changes.

5.1.2 Implementation

The successful implementation of e-public participation requires the development of a series of process steps and rules, designed to ensure that the new initiative is easy to administer.

Deadline for receiving e-public participation

It is proposed that the deadline for receiving e-public participation will be 12noon on the working day before the meeting. Officers discussed several pressures relating to this, including the administration of the e-public participation statements, their distribution to Council, committee and subcommittee members and timing with respect to the distribution of agendas and reports. It was decided that despite these pressures, the deadline for the receipt of e-public participation statements could be no sooner than 12noon on the working day before the meeting (this is the same as the deadline to apply for public participants appearing in person) as the latest a report can go out is two working days before the meeting. This allows members of the public a minimum

of 36 hours to prepare and submit an electronic statement on an item on the agenda.

Officers do not recommend making the deadline any later than 12noon the working day before the meeting as this will limit the time available to distribute the information to members and the time members have to view the information prior to the meeting.

It is noted that at committee and subcommittee meetings, e-public participation does not need to be about an item on the agenda; it may be made on any matter for which that committee or subcommittee is responsible (this is the same for public participation made in person).

Restricting the number of participants

One of the options discussed was whether to put a limit on the number of people who could apply to have their e-public participation statement presented at a meeting. Concerns were raised about whether too many e-public participants would limit the ability of elected and appointed members to give due consideration to what participants were saying in their statements.

If a limit or restriction on e-public participants was to be imposed, one of the implications of this could be that participants may be discouraged from using the system if they had taken the time to prepare a statement and submit it via e-public participation, for it only to be rejected because the “quota” was already filled.

Given that Democratic Services intends to distribute the e-public participation statements after 12noon the working day before the meeting, members should have time to review the statements prior to the meeting and incorporate this feedback into their decision-making. Not restricting the number of people who can submit public participation also ensures that a greater number of people have an opportunity to inform council of their views.

The ICT Policy states that “e-Democracy will only be used to complement conventional forms of participation rather than replace them”. Therefore officers do not recommend any change to hearing public participants appearing in person at meetings.

The guidelines for e-public participants that will be available within the electronic submission process note that “where you have submitted e-public participation for a meeting, the chair is likely to refuse any application to appear in person and take part in public participation at the same meeting”. It is also unlikely that the chair will accept more than one e-public participation statement from the same person/organisation at any given meeting (although the electronic statement may address a number of issues).

Word Limit

It is proposed that the number of words that a participant can use in constructing their statement be limited to 1000 words (including any attachments). This is to ensure equity between those people making statements in person who have a time limit (usually between three and five minutes) and those making statements using e-public participation. This will also ensure that arguments are kept concise, making it easier for Council, committee and subcommittee members to consider them prior to the meeting (given the short timeframe in which they will have to review them).

Inappropriate or recurring e-public participation statements

Where an e-public participation statement is determined by the chair to be defamatory, relating to the private affairs of Councillors, tediously repetitious, offensive, or imputing improper motives to any person, it may be refused by the Chair of the meeting. This includes statements which are submitted by the same participant repetitively or which breach Standing Orders.

Where an e-public participation statement is refused by the Chair, that participant will be sent an email outlining why their statement was refused by the Chair.

5.2 *E-petitions*

The purpose of e-petitions is to provide a space where people can run online petitions, relevant to the Council's business. This means that the petition can potentially be made available to a much wider audience.

The e-petitioning system also allows the principal petitioner the opportunity to provide background information, including links to other websites or photographs, before the petition is presented to Council in the normal way.

Paper and electronic versions of a petition can be run at the same time by a petitioner, but signatories can only sign one version. Multiple signatures will be deleted and subtracted from the total of signatories. E-petitions will be printed off and presented to the allocated Council, committee or subcommittee meeting in the same way as traditional petitions.

Currently Standing Orders do not stipulate how petitions should be handled by a meeting. Rather, they advise as to what the content of a petition can be and how it is to be presented. As discussed above, where we implement an e-Democracy initiative it is important that the public know what to expect in terms of process and in this case, where their petition will "end up".

To create a suitable process, officers have researched how other government organisations running e-petitions operate, as well as New Zealand parliamentary practice for receiving petitions. We have also consulted with

other local authorities in New Zealand. The proposed Standing Order change combines findings from all these sources. The proposed change allows the meeting to which the petition is being presented to direct what they would like done with that petition. This will not only give officers some direction in how to proceed with the information in the petition, but also give some assurance to the public as to what is happening with their petition. It is proposed that this change apply to all petitions – written and electronic.

5.2.1 Proposed Standing Orders changes

The changes that are proposed to be made to the Standing Orders are highlighted in Appendix Two of this report. They include:

S.O. 222.1 – Correcting a previous omission. Petitions may be presented to the Council, a committee or subcommittee providing that the petition is within the council’s jurisdiction and that meeting’s delegation.

S.O. 224 – A new standing order to ensure that after a petition is received, the meeting is directed to make a resolution as to any further action to be taken. The resolution may differ, depending on the content of the petition and the will of the meeting.

There are also minor numbering changes.

5.2.2 Implementation

Receipt of the petition

As discussed above, it is proposed that once a petition is presented to a Council, committee or subcommittee meeting that the meeting will resolve any further action they would like taken. This may take a number of forms – for example:

1. *Receive the petition*

OR

1. *Receive the petition and request feed back from officers on the issues raised [this would normally be through a memo to elected members].*

OR

1. *Receive the petition and refer it to officers to inform their work.*

OR

1. *Receive the petition and request that a report be added to the forward programme of the [appropriate meeting], examining the issues raised.*

Number of signatures

Officers have discussed the possibility of requiring a minimum number of signatures before the petition could be presented, as is practice with some other e-petition systems. It was decided that this was unfair in that it created different requirements for e-petitions than it did for traditional petitions. While a Standing Order could be written that would create this requirement for both, from a local democracy perspective, it makes more sense for the meeting to be presented with all petitions and then to judge each of them on its merits (including the number of supporting signatures) before directing officers on how to proceed.

Administration of e-petitions

Because of the nature of e-petitions there will be some additional requirements for the administration and hosting of the petitions on the Wellington City Council website that do not apply to traditional petitions.

Primary petitioners will be requested to nominate a timeframe for the petition to run. There will be rules regarding the content of the statement so that no petitions will be defamatory, relate to the private affairs of Councillors, be tediously repetitious, be offensive, or impute improper motives to any person. Currently there are no rules in Standing Orders that prevent such a petition being presented to a meeting of the Council or its committees and subcommittees. However as the Wellington City Council is hosting e-petitions it will need to reserve the right to restrict the publication of such content on its website.

Where e-petitions are removed from the website an explanation of the offending petition and the reason why it was removed will be published within the e-petitions module to ensure consistency, transparency and fairness. Where a traditional petition that breaches the rules above is presented to a meeting it would be expected that the meeting would either resolve to simply receive the information, or refuse to make a resolution, depending on the content of the petition.

One obvious difference between a traditional and an electronic petition will be the ability of people to “sign” in support of the petition. To successfully implement an e-petitions function, officers interpret a ‘signature’ to be the representation of an individual person in support of the petition. This means that e-petitions will not require a scanned handwritten signature or similar. Signatories will be required to give their name, their residential address, and an email address. Signatories will have only their suburb and city published on the web as part of the petition but full details will be presented to the meeting.

Where a petition is requesting a poll (e.g. to create Maori Wards) the primary petitioner will be contacted by officers and advised how to proceed, as such petitions have specific obligations required under legislation and will not be compatible with the e-petitions system.

Officers will prepare guidance on the best way in which to use e-petitions and post it on the website for all e-petitioners.

6. Conclusion

The Council adopted the ICT Policy in June 2006 and agreed to funding e-Democracy initiatives in the 2006-2016 LTTCP. Work is proceeding to implement these. The above Standing Orders changes are required to allow for e-public participation to be received and to change the process for dealing with petitions, including e-petitions, at Council, committee and subcommittee meetings.

Contact Officers: *Georgia McRae – Committee Advisor, Democratic Services, and Michael Webster, City Secretary.*

Supporting Information

1) Strategic Fit / Strategic Outcome

This project directly fits with the following strategic priorities in the Governance area:

- Priority 13 The Council will improve civic decision-making, transparency and public involvement
- Priority 15 The Council will improve communication with communities.

2) LTCCP/Annual Plan reference and long term financial impact

LTCCP Activity 7.1.1 – Consultation and Communication, project C668 e-Democracy initiatives.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications

4) Decision-Making

This is not a significant decision

5) Consultation

a) General Consultation

Consultation was undertaken as part of the LTCCP and ICT Policy in 2006. This paper proposes to implement the initiatives agreed to after that consultation.

b) Consultation with Maori

Not required

6) Legal Implications

The advice contained in this report has been discussed with the Council's legal advisors

7) Consistency with existing policy

This report is consistent with existing Wellington City Council policy

Appendix One

Appendix Two