



HANSARD
SOCIETY

Evidence from the Hansard Society to the Inquiry by the Procedure Committee into Public Petitions

1. Introduction: The Hansard Society, an independent, non-partisan organisation, works to promote effective parliamentary democracy and provides a forum for views and discussion on parliamentary reform. We welcome the Procedure Committee's decision to conduct an inquiry into the arrangements concerning Public Petitions to the House of Commons. The Hansard Society has long identified the need for a greater role of the use of petitions and we are very pleased to be able to contribute to the inquiry.

2. The current system of Petitions; The case for change: Public petitions are one method by which the House of Commons can engage more systematically with the public. However, at present the methods for presenting petitions to Parliament, and their subsequent consideration by Parliament, are not satisfactory. The subject of public petitions was considered by the Hansard Society Commission on Parliamentary Scrutiny, chaired by Lord Newton of Braintree (2001) which noted that petitions should be a more significant feature of the work of Parliament, but argued that 'At present they are governed by strict rules about wording and there is little sense that petitions to Parliament result in any concrete action on the part of MPs.' The Commission recommended that a Petitions Committee should be established in the House of Commons to assess issues of public concern and, if appropriate, to make referrals for debate or committee inquiry.¹

¹ *The Challenge for Parliament: Making Government Accountable*, Report of the Hansard Society Commission on Parliamentary Scrutiny, chaired by Lord Newton of Braintree, (2001), (Para 7.45)

A Hansard Society survey carried out in 2003 found that a mere three per cent of MPs believed that Petitions were currently a 'very effective' way of influencing the government. The absence of any real mechanism by which the House of Commons considers and acts upon Petitions has a number of consequences. As the Committee Chairman, Rt Hon Greg Knight MP accurately pointed out in his comments launching this inquiry:

'People often take a great deal of time and trouble preparing their petition to the House of Commons. It is unacceptable that at Westminster, unlike other Parliaments, this does not even guarantee them a response to their concerns, let alone any action. This means that many petitioners are left with a profound feeling of disappointment regarding the outcome of their efforts.'

Any parliamentary practice that has the usual effect of disappointing or confusing the public should be changed. Such action becomes even more imperative at a time when the level of public disconnection and alienation from Parliament is widely acknowledged. On a more practical level, the public should know that there is an established and effective mechanism to allow them to make a case for their concerns to influence the parliamentary agenda.

3. The Petitions system in Scotland: The situation at Westminster where Petitions have very little impact stands in marked contrast to the Scottish Parliament. At Holyrood the Public Petitions Committee plays a pivotal role in connecting the public and the Executive. All Petitions go to the Committee which then assesses the merits of each submission by consulting with the Executive, MPs and, if necessary, taking evidence from the petitioners, other individuals and organisations. (Petitions are able to be received electronically as well as through more traditional methods – see paragraph 6). The Commission filters out petitions where action is already being taken or where the case is weak.

Following this stage, there are multiple options including:

- The committee can agree that a more detailed investigation is required and the Petition can be referred to the relevant Subject Committee;

- If there is a particular point within a Petition that's noteworthy, the Petitions Committee may set up an inquiry. Its findings can be reported in the Parliament, and followed by a debate or Executive response;
- Points within the Petition can be Included into the scrutiny of relevant legislation
- Petitions can be sent directly to the Executive for consultation but the Public Petitions Committee retains ownership

Even where the Petitions Committee, or the relevant subject committee, or the Executive decides no action should be taken, the fact that it was discussed in Parliament is significant. Parliament has at least addressed the issue and this action can provide an avenue for publicity and media coverage or may represent one part of a continuing campaign. The system also offers a valuable means for MSPs to remain in touch with issues of public concern.

4. The Operation of a Petitions Committee: The Hansard Society has argued that a Petitions Committee for Westminster, along the lines of the Scottish model, represents the most straightforward and effective way of dealing with Petitions. Such a Committee if established in the Commons would assess the merits of the petitions and the issues arising and if appropriate to make referrals for the further consideration. This might happen in a number of ways:

- through a short debate (in the main Chamber or Westminster Hall);
- by referral to a select committee for an inquiry or evidence session;
- by enabling individual Members to speak on behalf of the Petition in the chamber;
- through a referral to a Government department for a formal response.

It is vital that expectations of petitioners are managed realistically and that Parliament has sufficient capacity and mechanisms to deal with petitions. It is also important to avoid overburdening select committees by binding them to certain work as well as avoiding taking up too much parliamentary time.

To address these concerns there may be scope for some consequential changes to parliamentary procedures to allow more scope for MPs to raise public concerns. For example, if an MP, or groups of MPs, were prepared to respond to a petition there

should be more opportunities for short debates. We would argue that, in general, MPs should have more opportunities for short debates on substantive issues. A common feature of many European legislatures (for example, Germany, Sweden) is the 'interpellation' or 'short debate' where an opposition party (or an equivalent number of MPs) can call a debate on a topical issue or a matter of public concern. The system obliges a government minister to attend and provide an official statement. This model might be appropriate to argue the case on behalf of a petition.

In Australia certain sitting days are reserved for non-governmental Private Members' Business. This includes Private Members' Motions, which are vehicles for debating issues of concern, which do not result in a vote and Members Statements where backbenchers can make a short statement of up to 90 seconds (or three minutes on certain other days).

Mechanisms such as these are well suited to raising the concerns of the public in an accessible manner and are able to highlight topical matters in a way that will attract media attention. Crucially, short debates or time for short statements would not take up too much parliamentary time. Such innovations could be made part of procedures in both the main Chamber and Westminster Hall.

5. Creating the appropriate culture: Procedural changes and new mechanisms will not be sufficient on their own to create a successful Petitions system. The introduction of a successful Petitions system would require some cultural change.

It is vital that Parliament should raise awareness that the Petitions system has been changed and that Petitions are positively welcomed. Efforts should be made to make the public realise that their concerns will be taken seriously even if it cannot be promised that Parliament will necessarily agree or take action. As a first step, advertising in various forms of media, and most obviously on Parliament's own website, should be used. Once a Petition has been received by Parliament, petitioners should be able to receive feedback on its progress and find out about the action being taken.

It has been put to us by officials at the Scottish Parliament that the culture underpinning the system is a key factor in determining its success. They pointed to the importance of a culture that is seen to be open, welcoming and accessible and believe that the

founding principles of the Scottish Parliament – openness, accountability, the sharing of power and equal opportunities - have made a positive contribution to creating that culture.

However, even though openness and a welcoming approach are important, any Petitions Committee should still have discretion over how or whether it considers Petitions. In short, the Committee should have a clear filtering role and have the discretion to throw out malicious, nonsensical or offensive petitions or the system would quickly fall into disrepute.

6. E-Petitioning: The Hansard Society has run a successful programme of research and development into e-democracy over many years and we have demonstrated the potential of new technologies to enhance the work of Parliament and make innovative connections with the public. If the House were to decide not to make use of electronic petitioning, this would in itself send a signal that it was rejecting the advantages that new technologies can bring. On-line technologies are increasingly the favoured methods of communication of many members of the public, in particular young people (by which we mean those in the 18-34 age groups), among whom disconnection from politics and Parliament is well documented.

We refer the Committee to a 2002 study, *Digital Democracy through Electronic Petitioning*, by Ann Macintosh and Anna Malina, International Teldemocracy Centre, Napier University and Steve Farrell, Scottish Parliament, which looked at the use of electronic petitioning in Scotland. Their findings included these concluding points:

'Findings from this indicate considerable support for the e-petitioning system, with signatories applauding various advantages, in particular the opportunity to be included in what was viewed as more democratic interaction. There was, however, some marked concern that security and confidentiality may yet be problematic ... E-petition sponsors indicated that they viewed e-petitioner as a useful tool in influencing politicians about issues they considered important. They generally felt e-petitioner was a useful tool complimenting more traditional methods of petitioning. Indeed the ability to access at a convenient time and reach wider sections of society alongside the slower more deliberative processes made possible by e-petitioner were considered inherently more democratic.'²

² *Digital Democracy through Electronic Petitioning*, Macintosh, A and Malina A , International Teldemocracy Centre, Napier University and Steve Farrell, The Scottish Parliament, (2002). .

Given the positive aspects of e-petitioning that the study has identified (although recognising concerns about confidentiality, security and verification need to be addressed), we endorse its introduction at Westminster and we are happy to help in any way with practical plans and assessments. Any system adopted should be piloted and monitored to evaluate its effectiveness as well as its compatibility with other parliamentary mechanisms and procedures.

Indeed, there is a case for considering the establishment of a Public Engagement Committee, to undertake consultations and debates, surveying and opinion polling (including on-line versions of these examples). These specific models are outside the direct remit of the Committee's current inquiry but it could be argued that Petitions are simply one of a number of ways of connecting with the public and providing an opportunity to influence the agenda. Broader methods could be introduced. A Public Engagement Committee would liaise closely with other committees and with support bodies such as the Scrutiny Unit.

7. Conclusion: The Hansard Society very much welcomes the Procedure Committee's inquiry into the Petitions system. We have recommended on a number of occasions that Parliament should reform the system of Petitions, most notably by establishing a Petitions Committee of the House of Commons. Such a Committee would provide a clear mechanism by which the public would be able to make a case to influence the Parliamentary agenda as well as a means of mediating connection between the public and government. The Committee itself would play a mediating role between issues of concern raised by the public and other parts of the parliamentary process, such as select committees. The most obvious model, and parallel, is the Public Petitions Committee in the Scottish Parliament.

One of the themes of our recent work is that Parliament should make greater use of pilots in order to monitor and evaluate the effectiveness of innovations. The establishment of a Petitions Committee would be an ideal candidate for such an approach and the Hansard Society would be happy to assist with this work.

Hansard Society

5 October 2006