

Utilization of it achievements by local self-government units as a way to increase public participation in governance

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Abstract :

Aim: This paper presents an analysis of the benefits to be gained by using the achievements of modern technologies by local self-government bodies, which is crucial considering that the number of public tasks has kept on increasing with ever newer areas needing to be managed. The aim of the paper is to outline the tools of civil (public) participation, in particular those which use electronic media as an avenue for individuals to participate in local public affairs, to reduce administration costs, as well as to show risks relating to the exclusion of some social groups from the decision-making process thus organized.

Design/research method: The paper was developed using the method of dogmatic legal analysis, also including the elements of comparative approach which would allow for making references to how these mechanisms operate in other countries.

Conclusions/ findings: The use of the tools for e-public participation activates some social groups, allowing for reaching a wide circle of recipients, reducing the costs of administration while raising its quality. However, it should be complemented by traditional consultations, ensuring comprehensive gathering of information from people interested in the issues pertinent to a particular community.

Originality/value of the paper: The subject of the paper, given a relatively short history of public participation drawing on electronic media, has so far failed to be described extensively by the doctrine of law and administration. In the author's view, the paper can trigger further academic exploration focusing on the tools of effective administration.

Implications of the research: The paper may have an impact on the practice of local self-government units, heightening interests in the tools of public participation and the scope of their application.

Key words: *public administration, public participation, local community, public consultations, electronic media.*

Jel: H72, D72.

1. Introduction

Public administration is responsible for the implementation of tasks covering ever wider scope of community life. The increase in the number of public duties to be performed by the government and their assignment onto local self-government units make it essential for local authorities to see and consider the interests of social groups, as well as the particularist aims of specific entities, including legal and natural persons, such as, inter alia, entrepreneurs running a production facility in a given location who expect infrastructure investments. Considering the essential nature inherent to the functioning of local self-government which is to fulfill the collective needs of the local community, local government bodies ought to implement diverse forms of social dialogue, actively pursuing its citizens' involvement in carrying out public tasks. (Chlipała, 2013: 81). The measures designed to this end are referred to as social participation (civil participation, public participation).

2. Public participation

While discussing public (civil) participation, one is compelled to share the view that in literature this issue is often perceived in a way that is either too wide or too narrow. In the former case, the mistake is that public participation is associated with democracy in general, while its too-narrow perception occurs when it is seen merely as other institutionalized forms of participation of citizens in the country's democratic political system and its governance (election, public consultations provided under law, local and nation-wide referenda). Civil participation in public decisions is the manifestation of a democratic system in its late development stage (well-developed democracy, civic society) characterized by strong public presence of its members not only during the implementation of measures that are institutionalized and provided under law, but also during the periods in-between them (Siemiński, 2007: 37–38, in a similar vein Kikosicka, 2014: 101). Prevalent among Polish citizens is certain reluctance, which is determined historically, to cooperate with authorities, rendering the citizens on the whole uninterested in the issues surrounding public participation, as they believe that their opinion will have no bearing on the decisions that are being made. Consequently, our country is currently in the early stages of development of a civic society

and the building of public participation (Kikosicka, 2014: 102). Moreover, the “public participation” concept should be understood as citizens’ direct involvement in social, public and political life – their willingness to act for the benefit of their community, a self-organizing collective initiative (Wiktorska – Świącka, Kozak, 2014: 57). In literature, three levels of this participation have been identified. It can be seen as participation in governing a community using the institution of direct democracy (referenda), indirect democracy (general election of candidates for public offices) and citizens’ co-participation in the decision-making process concerned with the implementation of public initiatives (Laurisz, 2013: 34).¹ This is direct and indirect, both formalized and informalized, individual and collective participation not only in making but also in implementing decisions pertaining to common good (Niżnik – Dobosz, 2014: 28). Civil participation is a tool for building a civil society, i.e. a society that is active, self-organized, focused not only on its own particularist interests but also on the issues of concern to the entire community. Civil participation encompasses the already mentioned institutionalized measures such as general elections, referenda (provided they are not meant to decide on a dismissal of public authorities), social consultations, a public hearing, as well as informal initiatives such as mass meetings, marches and protests, roadblocks, happenings, recurring cycling tours (to give an example, increasingly more widespread are the campaigns referred to as “Critical Mass”), purchasing advertising space on billboards or in the press; in other words, it covers everything that may draw attention to the proposals advocated by a particular individual or an organized group (Niżnik 2014: 17). The key premise of the modern administration procedures is to ensure that entities of various status, including representatives of a community and social groups are involved in the shaping and implementing of specific administrative policies (Kmieciak, 2017: 26). The implementation of participatory practices allows the quality of the decision-making process to be improved. This is attributable to the administration gaining access to the citizens’ attitudes, comments and views, which frequently allows for a different perception of the issues relating to the functioning of a local community (Kucharski, 2014: 97).

In spite of embodying the ideas of democratic governance of local community which can be traced as far back as Greek poleis and meetings in the city’s agoras, the public participation as

¹ See: Niżnik – Dobosz, *Partycypacja jako pojęcie i instytucja demokratycznego państwa i prawa administracyjnego* (Participation as a concept and institution of a democratic state and administrative law) [in:] Dolnicki (ed.).(2014). *Partycypacja społeczna w samorządzie terytorialnym*, Warszawa, pp. 28.

outlined above is a relatively new phenomenon. What played an important role in its development was the US American initiative carried out in 1960' to fight poverty. It was believed that what might bring a positive outcome to the initiative was to ensure the greatest possible involvement of poor people in the mechanisms intended for designing and managing programs for the poor. Despite failing to be successful, owing to the then political reasons, those initiatives revealed that public participation was a vital political and public issue (Kaźmierczak, 2013: 12). Over the recent years, the considerable dissemination of the idea of public participation in local governance (units of local self-government) should be associated with the development of the so called participatory (civil) budget. This method of engaging citizens in the management of public funds was applied for the first time in Brazilian Porto Alegre, gradually being also appreciated in other cities across Brazil and South America, while the twenty first century has seen this method adopted in such European countries as, inter alia, the UK, France, Germany, Italy, Spain.² The idea of participatory budget has been activating local communities also in Poland since 2012. The first town in Poland to use this mechanism was Sopot, while current examples include such cities as Łódź, Wrocław, Gdańsk, Cracow, with smaller urban centers, for instance, Częstochowa and Toruń, and relatively small communes such as Trzebnica, Kargowa, Bojanowo also applying this measure. The idea of participatory budget is that the democratic influence (as a result of a discussion and direct participation in the decision-making process) on the execution of a specific part of the budget, is left in the hands of the citizens of a given local self-government unit, in particular through selecting tasks to be carried out out of this budget. This practice leads to higher satisfaction with public services as they are delivered with stronger concern for the recipients' needs. Furthermore, leaving some of the power in the hands of citizens and respecting their democratic will engender higher confidence in local government bodies (public authorities) in the inhabitants' eyes.

3. Normative foundations of civil participation

Analyzing the normative regulation of this issue, one should note that although the constitutional norm providing directly for public participation is lacking, the Basic Law contains a variety of provisions from which one can infer the need for conducting social consultations on the issues of key importance for local communities. Given in order, these are the following principles:

² More on the participatory budget see, e.g. A. Gałecki, *Budżet obywatelski w mieście Łódź (Civil budget in the city of Łódź)* [in:] M. Ćwiklicki (red.), M. Frączek (red.), *Partycypacja społeczna...*, pp. 57 – 58; A. Wiktorska – Święcka, Kozak K., *Partycypacja publiczna*, pp. 114 – 117.

democratic state ruled by law (Article 2 of the Constitution³), unitary state principle (Article 3), supreme power of the Nation (Article 4), civil society (Articles 11, 12, 14, 17, 25 (2)), decentralization of public power (Article 15), territorial self-government units (Article 16), the provisions on the representative nature of exercising power in those units (Article 169) and the use of an institution of direct democracy–local referendum (Article 170).⁴ The Constitutional principles which offer or allow citizens to participate in the mechanisms of exercising public power provide the political foundation for the public participation (Bożek, 2012: 90). No provision exists of a constitutional rank which requires that legal acts be consulted with stakeholders, with this imperative being derived from the provisions of a statutory rank (Przywora, 2012: 231). Among the provisions providing for participatory measures at the level of a local self-government, the crucial ones encompass the following: the Act on Commune Self-Government⁵, the Act on District Self-Government⁶, the Act on Voivodship Self-Government⁷, the Act on the Principles of the Development Policy,⁸ the Act on Local Referendum,⁹ the Act on Public Benefit Activity and Volunteerism,¹⁰ the Act on Petitions.¹¹ The principle of public consultations constitutes one of the democratic forms of the exercise of public power, thus creating the foundations for a democratic state ruled by law (Bandarzewski et al., 2005: 99). The role of consultations is also highlighted in

³ The Constitution of the Republic of Poland of 2 April 1997, No 78, item 483 as amended.

⁴ See: Bożek, *Konstytucyjne podstawy partycypacji społecznej i formy jej realizacji w samorządzie terytorialnym*, ((Constitutional basis for public participation and forms of its implementation in local self-government)), *Przegląd Sejmowy (Parliamentary Review)* 2012, No 5, pp. 90; W. Federczyk, *Konstytucyjne podstawy partycypacji społecznej w samorządzie terytorialnym – perspektywa aksjologiczna ((Constitutional basis of public participation in local self-government – axiological approach))* [in:] Głąbicka (scient. ed.), Śwital (scient. ed.), *Partycypacja społeczna w samorządzie terytorialnym – aspekty prawne, ekonomiczne, społeczne (Public participation in local self-government – legal, economic and social aspects)*, Radom 2016, pp. 13 – 14; Toszek [in:] Zychowicz (ed.) *Konsultacje społeczne w samorządzie terytorialnym (Public consultation in local self-government)*, Szczecin 2011, pp. 17 – 18.

⁵ Act of 8 March 1990 on Commune Self-Government, consolidated text, J.L. item 1875, as amended, hereinafter referred to as “u.s.g.”. See footnotes 24-28.

⁶ Act of 5 June 1998 on District Self-Government, consolidated text, J.L. 2017, item 1868. Article 3a, paragraphs 1 and 2, Article 3b (1) points 1 and 2, Article 3c, Article 3d refer to the consultations.

⁷ Act of 5 June 1998 r. on Voivodship Self-Government, consolidated text, J.L. 2017 item 2096. In Article . 10a(1), the act allows for conducting consultations with the voivodship inhabitants in matters provided for by the statute and other matters important for the voivodship.

⁸ Act of 6 December 2006 on the Principles of the Development policy, consolidated text, J.L. 2017, item 1376, as amended. Among its provisions, crucial is the content of Article 6(1) according to which the development strategy projects are subject to consultations with local self-government units, social and economic partners and the Joint Commission of Government and, Local Self-Government.

⁹ Act of 15 September 2000 r. on Local Referendum consolidated text, J.L. 2016 item 400, as amended.

¹⁰ Act of 24 April 2003 on Public Benefit Activity and Volunteerism, consolidated text, J.L. 2016, item 1817 as amended.. In Article 5a(1), the act provides for consultation by the decision-making body of the local self-government unit a program for the cooperation with NGOs and entities listed in the act.

¹¹ Act of 11 July 2014 on Petitions, consolidated text J.L. 2017 item 1123.

the acts of international law, including the Treaty on European Union, according to which the Union institutions give the opportunity to citizens and representative associations to make known and publicly exchange their views in all areas of the EU action, as well as maintain an open, transparent, regular dialogue with representative associations and civil society (Article 11 paragraphs 1 and 2 of the Treaty). An important role is also played by the European Charter of Local Self-Government, ratified in its entirety by the Republic of Poland.¹² The Charter requires from the countries which have adopted it to consult local authorities in the planning and decision-making processes for all matters which concern them directly, matters on any changes of territorial borders, as well as the manner in which redistributed resources are to be allocated to communities (Article 9(6) of the Charter). In the preamble of the European Charter of Local Self-Government, its creators stress that local communities are one of the main foundations of any democratic regime and that their functioning allows for an administration to be both effective and close to the citizen.

4. **Participation in communes**

Taking into consideration the shape of the country's territorial division system, the quality of daily life and the level of public services provided to Poland's citizens depend largely on the decisions made at the level of commune authorities. In the statutory regulation pertaining to the functioning of local self-government, one should emphasize the role of Article 5a u.s.g. which provides for the possibility of conducting consultations with community citizens in the cases referred to in the statute and in other matters important for the community. This provision indicates the obligatory cases where this procedure is to be applied (if this is required normatively) and situations when this is optional. The obligatory public consultations are conducted for setting the commune's (poviats) border and for establishing, joining and dividing, as well as abolishing communes (poviats).¹³ Public consultations are also required in the case of granting the commune a city status and setting its borders,¹⁴ determining and changing the commune's (poviat's) name

¹² European Charter of Local Self-Government passed on 15 October 1985 in Strasbourg by the Standing Conference of Towns and Municipalities at the European Council, ratified by Poland on 26 April 1993, J.L. 1994, No 124, item 607.

¹³ Article 4a (1) in conjunction with Article 4(1) point 1 u.s.g., Article 3a(1) in conjunction with Article 3(1) point 1 u.o.s.p.. The subject of consultations thus conducted has been recently brought closer to the public's attention in the context of the media publications as regards the plans of expanding the administrative borders of the capitol city of Warsaw.

¹⁴ Article 4a(1) in conjunction with Article 4(1) point 2 of u.s.g.

and the seat of the authorities of this local self-government unit,¹⁵ establishing and defining the organizational structure and scope of operation of a sub-commune unit.¹⁶ Optional consultations are conducted in matters which the commune council considers important, in matters for which getting to know the local community's opinion will allow for specifying the community's differentiated needs in a greater detail. In the situation when the commune council indicates cases for which consultations should be carried out, the self-government body "self-confines itself," in that it recognizes that making decisions pertaining to specific matters will require prior consultations with the public (Chlipała, 2013: 84 – 85). It should be noted that although the outcome of both consultation types– obligatory and optional – is not binding on the local self-government units, since the commune authorities' mandate is given to them in local elections, they may find the consultation's outcome of importance. Ignoring continually the will of the community's citizens, in terms of carrying out optional consultations as well as their outcome, may prove to be not viable politically for their representatives in the long run; not unlike a one-off act implemented by local authorities in a matter of particular relevance to the local community despite the citizens' clear opposition to it (in a similar vein Niewiadomski 2011: 68). By failing to take into consideration the community's will, the elected representatives of the local self-governing community may lose their electorate, and ultimately – the chance of being reelected. Public consultations are therefore a valid instrument for building positive relationships between those in power and those governed across the local self-government units (Toszek, 2011: 21). The rules and mode according to which consultations are conducted with the commune's citizens are regulated by the commune council's resolution (Article 5 (2) u.s.g.), which can proceed under the statutory regulation as well as under a separate resolution (Ofiarska, 2014: 276). In the situation when the legislator chose to entrust commune councils (and based on the other acts of self-government, also poviats councils and voivodship sejmik [a regional assembly]) with such key issues as the rules on conducting consultations with the citizens of local self-government units, then these local government bodies should proceed by issuing an act of the highest rank in the hierarchy of local

¹⁵ Article 4a(1) in conjunction with Article 4(1) point 3 of u.s.g., Article 3a(1) in conjunction with Article 3(1) point 2 u.o.s.p

¹⁶ Article 5(2) of u.s.g., Article 35 (1) of u.s.g.

legal acts – a universally binding legal act containing general and abstract norms (Bożek 2012: 106; Olejniczak – Szałowska, 1997: 103).¹⁷

5. Participation in urban communes

One should note that social ties in urban areas are considerably less developed than in rural areas. This is due to historical and social determinants. In rural areas all inhabitants basically know one another, with the influx of new members of the community being only marginal, or, what is also the case, new inhabitants are nearly immediately recognized by the rest of the community just like its present members. In rural communities the rules governing participation are traditional in their nature, being rooted in the type of relationship existing in those communities, with informal ties being interlinked with the formal ones. Therefore, voicing one's opinion on how local self-government units exercise their power may be brought about quite naturally (Każmierczak 2013: 16). One encounters a different situation in the cities, where there are no strong ties between their inhabitants. The urban fabric evinces a considerable laxity in social ties. Considering a strong flow between subsequent places of residence (internal migration within the city), external inflow (external migration), as well as the fact that inhabitants leave a particular facility, taking up a job and other activities outside one's immediate area of residence, those ties are weak or nonexistent. In this context building and maintaining them by local authorities appear even more crucial. If local authorities want to be able to play a leading role in creating the local network using special resources owned by a particular community (smart specialization), they should use technological innovations and integrate their activities (Wiktorska – Świącka, Kozak, 2014: 81). Given the intensive technological development which has been seen over the recent years, utilizing its achievements seems very helpful – especially the communication channel – the global Internet network. The Internet can strengthen the public sphere, providing people with the tools designed

¹⁷ Bożek, *Konstytucyjne podstawy...*, p. 106; E. Olejniczak-Szałowska, *Konsultacje we wspólnocie samorządowe (Consultations in self-governing community)*, Samorząd Terytorialny 1997, No 1–2, p. 103. What is important, in its resolution laying down the rules and mode for conducting consultations, a local self-government unit cannot restrict the participation in that only those who are eligible to vote in commune elections may participate in consultations. The consultations are conducted with the inhabitants, and in order to be granted a resident status, one does not need to be eligible to vote or to have legal capacity. As stated by the Voivodship Administrative Court of Opole in its decision of 12 June 2006, II SA/Op 207/06, Legalis No 1079969. See: Kotecka, *Konsultacje społeczne i referendum jako formy partycypacji społecznej w sprawowaniu władzy samorządowej ((Public consultations and referenda as forms of public participation in the exercise of local government power))*, Białostockie Studia Prawnicze 2013, No 13, pp. 203-204.

for its animation. Employing online tools in social relationships leads to the development of so called weak ties which play a crucial role in building the infrastructure that is suitable for the participation process (Peisert, Stachura, 2011: 54). The authorities of urban communes, taking into account the conditions prevalent in their communities (the presence of those medias) refer the explanation of their decisions to the local media, much more frequently organizing press conferences and briefings than is the case for rural and mixed communes. Moreover, they are considerably more likely to appear on TV and in radio programs; they send letters stating their position to stakeholders and post relevant clarifications on the web sites they run (Olech, 2012: 39). In this type of communes, the authorities much more frequently use such forms of consultations as deliberation, survey, public hearing, organizing consultation desks and on-time-call of their representatives (Olech, 2012: 41). In this respect they are significantly more active than the authorities in rural communes, where, owing to stronger community ties, decisions tend to be explained in meetings with the representatives of sub-commune units (village head) and to use message boards located in front of the commune offices and in other especially designated places (Dzieniszewska – Naroska, 2012b: 9; Kowalik, 2010: 104; Olech, 2012: 39). For the public participation, the method of imparting information which is essentially based on this information being further disseminated is considerably less effective (it fails to take into account feedback which, if given, is received by the local government through other channels of communication). As aptly observed, asking the commune councilors personally has numerous drawbacks, including, in particular, the risk of distorting the information ((Dzieniszewska –Naroska, 2012a: 128).

6. E-participation

Using the Internet for exchanging information with people brings about a variety of advantages. Not only does the Web make it possible to inform about present initiatives, but it also allows for collecting feedback, an element that is crucial for the participatory activities, and which most often takes place as web-based discussion forums, as a “chat” mode, online questionnaires, interactive forms, online opinion poll, etc. (Olech, 2012: 41). Taking advantage of the IT achievements is of particular importance for small communes where the traditional media do not operate.¹⁸ Learning about peoples’ views through those IT venues allows conflicts to be avoided

¹⁸ K. Dzieniszewska-Naroska, *Infrastruktura...*, pp. 131 stresses the role of the Internet. The concept of information technology (infotechnology) is defined by the electronic sources themselves as „all issues, methods, means and actions relating to information processing”, according to the Internet Encyclopedia. In this paper, this concept will be

while accelerating the decision-making process (Durka, 2011: 13). Information can be transferred to the citizens in a comprehensive way and in principle one can read it at any location that has an Internet access; it can then be recorded, copied (e.g. printed, sent via Internet communicators, e-mail, posted on a private blog), as well as it can be played multiple times after the information has been stored. This in turn enables people to make well-thought out decisions and to advocate a carefully chosen option or to submit a well-tailored commentary or proposal. The use of new technologies allows for conducting the participatory practices while applying various technologies – ranging from referenda, to opinion polls, to e-petitions,¹⁹ discussion groups, to foras and social networking sites, with the choice of the appropriate strategy (technology) being dependent on the scale and nature of the project (Peisert, Stachura, 2011: 55). What may prove useful is the Internet maps with especially marked spaces which are in need of local authorities' intervention, e.g. through notifying the authorities about road traffic risks, illegal landfill, places in need of revitalization.²⁰ The application of maps allows for more efficient, also more cost-effective, management of the local self-government unit. Among the advantages involved in using electronic forms of consultations, one should also single out direct economic benefits relating to the reduced costs of conducting those consultations. Setting aside the possibility of creating optional sophisticated multimedia forms for presenting public issues, the costs needed to prepare surveys or using an already built e-platform are relatively low. They basically consists of service maintenance costs (paying for space on a server, for an employee operating the service – administrator), possibly the license cost in the case of a more upgraded platform. The utilization of the online tools is consistent with the Community objective to reduce the costs of administration.²¹ Using www is

mainly limited to the tools operating under www –internet sites (portals) and services they provide, encompassing electronic data processing, playing/viewing and storing.

¹⁹ An interesting example here is „Zmieńmy to” [Let's change it"] www.zmienmy.to) which allows for drafting, managing and signing petitions submitted by other people, whatever their place of residence and the subject of the proposals to be submitted. The service operates based on a private initiative, currently being developed together with the Institute of Political Sciences of the University of Warsaw.

²⁰ One should distinguish NaprawmyTo.pl portal [Let's fix it] (www.naprawmyto.pl) inspired by such popular foreign services as FixMyStreet.com oraz SeeClickFix.com.. Established under the auspices of Batory Foundation, with coordination support provided by the Warsaw-based Unit for Social Innovation and Research “Stocznia” [Shipyard], the service enables people living across a dozen Polish communes (including Lower Silesian communes such as Stronie Śląskie and Wałbrzych) to communicate in a simplified form with their authorities, thus allowing the residents to report quickly about local actions that are needed, including even such small needs as cleaning up an ugly graffiti or refitting a torn-apart timetable of city transport.

²¹ For example, in the Commission Communication to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions The Role of E-Government for Europe's Future COM(2003)567 of 26 September 2003, the European Commission indicated that the principal role of eGovernment,

advantageous not only while informing people about initiatives to be undertaken, but it is also so for those in authority. It should be in the interest of local governments to have as many people as possible with an access to information on the commune's current activities, for, as empirical studies have shown, citizens who frequently use the Internet are more likely to consider the participatory-oriented initiatives of the local government to be sufficient (Dzieniszewska–Naroska, Grzeszczak, 2012: 188).

One should not lose sight of the risk involved in the deployment of the new technologies for the participatory initiatives. In the first place, attention should be given to their availability. According to the data of the Central Statistical Office, in 2016 80.4% of households in Poland had access to the Internet, with 75.7% of them being broadband subscribers.²² Thus, despite the fact that the data show a relatively high degree of digitalization, statistically nearly one in five households had no access to the Internet at all last year, with nearly one in four households having reduced web connection.²³ It is a commonly known fact that some social groups are more vulnerable to “digital exclusions,” which most frequently pertains to the poor, the elderly or disabled, e.g. blind people, who are incapable, unable or afraid of using advanced technologies. With respect to the former, it should be noted that an increase in searching for information on the government's decisions among particular groups of citizens is correlated with an increase in income per capita in a household and the extent of using online communication (Sobiesiak – Penszko, Kotnarowski, 2012: 58). With respect to the latter issue, it should be stressed that the problem of aging population implies an urgency for including the needs of this social group, and ultimately for its greater integration into the participatory process.²⁴ What is also necessary is to

apart from meeting the expectations of third-party entities in relation to government, is to provide better services at lower costs, and in light of the aging societies – with the involvement of ever smaller number of officials. This direction was affirmed in a series of further Commission Communications, including the Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions COM(2016)017 of 19 April 2016 The EU eGovernment Action Plan 2016-2020. Acceleration the digital transformation of government.

²² Advanced copy of GUS [Central Statistical Office].

²³ For enterprises the percentage of entities having access to the Internet was 93.7%, whereby they are significantly more likely to use broadband connection (93.2%).

²⁴ The legislator appears to recognize this need, among others, in Article 5c u.s.g. emphasizing that the commune fosters the intergenerational solidarity and creates relevant conditions for stimulating civic activity among the elderly of the local community, for example, through establishing an optional consultation body – the council of senior citizens. For more on this subject, see: Krajewska, *Partycypacja publiczna seniorów w jednostkach samorządu terytorialnego: przegląd rozwiązań prawnych i wyników badań* (Public participation of the elderly in local self-government units – a review of legal solutions and research findings)[in:] Koziarek (ed.) (2014). *Prawo a partycypacja publiczna* (Law and public participation), Warszawa, pp. 11 – 19.

offer maximal facilitations for the disabled users of the Internet.²⁵ For those people, in particular citizens with reduced mobility, submitting comments, casting a vote using an electronic form, sending back an e-questionnaire will often be easier than having to go to an official in the community office or a place where collective consultations are being held or a post office. In the light of the above, it is not possible to abandon entirely the traditional techniques of participation, as they have to complement e-participation, allowing people who do not use the Internet to be able to co-decide on public matters. The sites through which participatory activities are undertaken should be available to all people (including the disabled ones), should be transparent, reliable and objective, while their contents should be updated on a daily basis. The sites also have to stay neutral when it comes to the software with which they can be opened (they should be universal in relation to web browsers). Considering the Internet coverage, the sites run by local self-government units should always inform about the consultations, even if they are not carried out using this medium (Wilk, 2014: 37). Another important issue, associated with anonymity in the Internet, is the mounting “brutalization of communication,” i.e. an increase in hate speech, which calls for the need to combat this phenomenon by site administrators (in particular of the online foras and of the profiles of local self-government units and offices in social media). What should also be counted among the risks involved in e-participation is random involvement of some people taking part in participatory practices, i.e. situation when somebody, while browsing the web, comes across the site on which views are being gathered, and basically being uninterested in the specific solution, he or she nonetheless supports it. This practices, as well as that of casting multiple votes for some idea in opinion polls, should be combated by appropriate verification when opening up an account, which, by definition, rejects the randomness of people involved in e-participation. This verification also plays a major role in eliminating voting based on somebody else’s personal information.²⁶ One should always bear in mind the risk of “information pollution” associated with the overload of information which ought to be transparent and imparted to the extent necessary for conducting a participatory activity (consultation) (Wilk, 2014: 37). Also crucial is to prevent, in the course of a

²⁵ It is very seldom in Polish practice to have websites with the possibility to listen to their content. For more on this subject see: A. Janikowski, *Trudny postęp (Difficult Progress)*, IT w administracji (IT in administration) 2012, No 6, pp. 25.

²⁶ This practice is difficult to combat as in fact there are no criminal regulations directly penalizing “identity theft” in such cases. A some sort of solution is to allow people who notified of their personal information being used by others and who verified properly their identity to cast their vote again.

consultation, online publication of false and distorted information and rumors disseminated in this way by online users (Zychowicz, 2011: 89).

7. The Wrocław model

Among good practices in terms of participation, initiated by the local administration one should single out the project *Wrocław rozmawia* [*Wrocław ready to talk*] implemented in the capital of Lower Silesia, available at the following web site www.wroclaw.pl/rozmawia. The portal, run by the Public Participation Bureau of the Wrocław City Hall Office, was launched in March 2013 gradually growing to an essential link for the city's participatory initiatives. Its operating confirms the thesis that basically everything can be consulted through the Internet sites (Kamiński, 2013: 33 – 35). Over the last dozen months, the city's authorities have conducted consultations on transport and communication projects addressing, among other things, the city's entire area or its considerable part (*Plan for Sustainable Development of Collective Public Transport of Wrocław*, also under a different name *Wrocław Transport Program*), the concept of expanding paid parking zone, a cultural activation program for the city's citizens (*Culture – Present!*), the establishment of the city-wide park regulations, as well as neighborhood projects, e.g. urban change plans (the concept involving changes to one of the city's squares – Piłsudski Square), development of different areas for recreational and sport purposes (a sports ground at Trawowa Street, a park in Gaj, a city district), parking in two districts, construction of a tram line (*A Tram line to Nowy Dwór*), reconstruction of two public transport stops (*Przystanek Świdnicka*). Within the framework of the same platform, the city's residents participate in the development of participatory budget – Wrocław Civil Budget - and subsequently in the evaluation of its implementation. Taking as an example the consultation regarding *Przystanek Świdnicka* (*Świdnicka Stop*), it should be noted that there is a considerably larger number of people using the electronic consultation tools – paper questionnaires were completed by 172 people, while 338 completed the electronic questionnaires.²⁷ 52 comments were submitted using the electronic forms, with 31 people participating in consultations. Using the Internet did not lead to vote randomness, since only 16% respondents reported using rarely or very rarely the urban space included in the

²⁷ This situation is further confirmed by people's engagement in Wrocław Civil Budget when during works conducted on the budget 54.453 electronic and 38.850 on-paper voices were cast in 2016. The data after <https://www.wroclaw.pl/budzet-obywatelski-wroclaw/wbo2016/statystyki-glosowania-wbo-2016>.

consultation, with the majority of participants (74%) seeing themselves as people who are likely or very likely to use this space.²⁸ With a view to avoiding the exclusion of some social groups, and to gaining comprehensively the inhabitants' opinions, Wrocław local government officials complement the online participatory activities with traditional consultation forms also informing about them. For instance, for *Wrocław Transport Program*, a wide informational campaign was run employing the electronic media (the city's service www.wroclaw.pl, social media – Facebook, Tweeter, Internet press), as well as the local press and information brochures of Wrocław non-governmental organizations and external advertising (displays on ticketing machines and LED advertising display on the vehicle fleet of the city's Public Transport Undertaking). During those consultations, apart from using the web site www.wroclaw.pl dedicated to them and posted on the portal site with numerous pieces of information including an electronic form for submitting commentaries, traditional consultation tools were employed, too – an office point was opened to review all the printed documents, and in the course of the overall ten meetings direct talks were initiated with the inhabitants across locations relating to transport (The Session Hall of Wrocław central Railway Station, a historic depot), as well as consultations with the council representatives of Wrocław housing estates. For these meetings, for example, a club&café located in the city's very center was used, where social animation and cultural events are held (information point Barbara), with the meetings taking place on weekdays in evening hours. What is also very important is that in their majority the meetings were broadcast via the Internet in real time, and given that they were made available on the web site, the inhabitants could play all the recordings on their own computers at any time. Also, the contact channel established through the Internet form was complemented by traditional and electronic mail.²⁹ The opinions and commentaries of all the participants of the consultations (residents, neighboring community offices, institutions, NGOs, housing estate councils) had a real impact on the final shape of the document "Transport Plan" submitted as a resolution draft to Wrocław City Council.³⁰

²⁸ The report from the consultations available at: https://www.wroclaw.pl/rozmawia/files/dokumenty/5106/PRZYS-TANEK%20%C5%9Awidnicka_RAPORT.pdf.

²⁹ The information on the development of the consultations based on the web site <http://komunikacja.wroclaw.pl/> and of the report from these consultations available at <http://www.wroclaw.pl/strategia-rozwoju-wroclawia-2030/files/plan-transportowy/RAPORT-PT-dwie-tury-zakonczoney.pdf>.

³⁰ 69% of commentaries were taken into consideration in whatever form (directly through the impact on the Plan, the explanation on how the particular subject was perceived, submitted to further procedure by specialized units), with 31% being rejected. The plan under consultation was finally passed as Resolution No XXIV/713/16 of the

The intention of improving continuously the portal is manifested by the work carried out by the city's officials who seek to expand the functionality with which the commentaries and projects are submitted within the framework of public consultations and the civil budget. Further development of the portal is aimed at improving the availability of e-public services and citizens' participation in the public consultation processes by launching and making available to Wrocław citizens new tools under the umbrella of electronic services.³¹ This development and the extent to which the e-participation tools offered by the authorities of Wrocław are used suggest that the implementation of the portal "Wrocław rozmawia" should be recognized as a model of good practices of local self-government units, seeking to increase the level of people's participation in governers and its effectiveness.

8. Summary

The decentralization of public tasks to ever lower levels implies an increase in the duties of local self-government units, their greater responsibility as well as control of their activities. Having to manage a large number of areas requires that interests of numerous entities be considered. What is frequently appropriate for the decision-making process, and sometimes required by law, is to conduct public consultations. They provide, even if only theoretically, an opportunity to listen to public voices, allowing for taking into consideration the views of potential voters, which is important from the point of view of public authorities who are elected and who are going to be evaluated subsequently based on their work by these very voters. For the local self-government units to achieve greater responsiveness means reaching the highest number of stakeholders; this has been made possible by modern communication channels operating on the Internet, which are being employed ever more frequently by all kinds of institutions and administration bodies. In order to reach also those citizens who do not use these venues of communication, it is essential to complement them by traditional tools of participation. This issue is particularly important across the urban areas, where traditionally fewer entities take interests in local matters than is the case for

Wrocław City Council on 22 December 2016 on "The Plan for sustainable development of collective public transport for the city of Wrocław, 2016-2022," Official Bulletin of the Wrocław City Council, 3016, item 342.

³¹ For this purpose, Wrocław City Council received funding from the EU funds, Regional Program. Priority Axis No 2 Information and Communication Technologies. Action 2.1 "E-public services" under which Project RPDS 02.01.02-02-0022/16-00 of 10 April 2017 was implemented. See more at: <https://www.wroclaw.pl/rozmawia/rozwijamy-portal-partycypacyjny-wroclaw-rozmawia>.

rural areas. In this respect, the portal “Wrocław Rozmawia” provides an interesting example of the initiatives launched by the city’s authorities.

References

Bandarzewski K., Chmielnicki P., Dąbek D., Dobosz P., Kisiel W., Kotulski M., Kryczko P., Mączyński M., Płażek S., Skrzydło – Niznik I. (2005). Komentarz do ustawy o samorządzie województwa, Warszawa.

Bożek M. (2012). Konstytucyjne podstawy partycypacji społecznej i formy jej realizacji w samorządzie terytorialnym, *Przegląd Sejmowy* 2012, nr 5.

Chlipała M. [in:] M. Rudnicki (ed.), M. Jabłoński (ed.), K. Sobieraj (ed.) (2013). *Nowoczesna administracja publiczna. Zadania i działalność - uwarunkowania prawne*, Lublin.

Dziesięwska-Naroska K. (2012). Infrastruktura komunikacji społecznej w gminach a partycypacja [in:] A. Olech (ed.) *Dyktat czy uczestnictwo? Diagnoza partycypacji publicznej w Polsce*, t.1, Warszawa.

Dziesięwska-Naroska K. (2012a). Skuteczna komunikacja między władzą lokalną a mieszkańcami za pośrednictwem Internetu, *Instytut Spraw Publicznych: Warszawa*.

Dziesięwska-Naroska K., Grzeszczak J. (2012b). Formy zarządzania gminą w opiniach mieszkańców i przedstawicieli władzy lokalnej [in:] A. Olech (ed.), *Dyktat czy uczestnictwo? Diagnoza partycypacji publicznej w Polsce*, t.1, Warszawa.

Federczyk W. (2016). Konstytucyjne podstawy partycypacji społecznej w samorządzie terytorialnym – perspektywa aksjologiczna [in:] K. Głębicka (scient. ed.), P. Śwital (scient. ed.), *Partycypacja społeczna w samorządzie terytorialnym – aspekty prawne, ekonomiczne, społeczne*, Radom.

Gałecki A. (2014). Budżet obywatelski w mieście Łodzi (Participatory budget in the city of Łódź) [in:] M. Cwiklicki (ed.), M. Frączek (ed.), *Partycypacja społeczna w Polsce. Atlas dobrych praktyk*, Kraków.

Janikowski A. (2012). Trudny postęp, *IT w Administracji*, No 6/2016, Wrocław.

Kaźmierczak T. (2013). O czynnikach warunkujących partycypację publiczną i strategiach jej podnoszenia [in:] A. Olech, *Partycypacja publiczna w praktyce. Dwa modele zwiększania uczestnictwa mieszkańców w podejmowaniu decyzji*, Instytut Spraw Publicznych: Warszawa.

Kikosicka K. (2014). Partycypacja społeczności lokalnej w planowaniu przestrzennym (przykład gminy Dąbrowice), *Acta Universitatis Lodziensis. Folia Geographica Socio-Oeconomica*, t. 16, Łódź.

Kmieciak Z. (2017). Problemy i wyzwania partycypacji w postępowaniu administracyjnym, [in:] Z. Kmiecik, *Partycypacja w postępowaniu administracyjnym*, Wolters Kluwer Polska: Warszawa.

Kotecka E. (2013). Konsultacje społeczne i referendum jako formy partycypacji społecznej w sprawowaniu władzy samorządowej, *Białostockie Studia Prawnicze*, No 13.

Kowalik J. (2010). Aktywność obywateli w samorządzie gminnym z perspektywy władz lokalnych (Citizens’ activity in commune self-government from the perspective of local government), *Annales Universitatis Mariae Curie-Skłodowska*, vol. XVII, 1 sectio k, Lublin.

Krajewska A. (2014). Partycypacja publiczna seniorów w jednostkach samorządu terytorialnego: przegląd rozwiązań prawnych i wyników badań, [in:] M. Koziarek (ed.), *Prawo a partycypacja publiczna*, Warszawa.

Kucharski W. (2014). Konsultacje społeczne – forma współpracy organizacji pozarządowych z samorządem województwa na przykładzie Małopolski, *Przegląd Prawa Publicznego* 2014, No 11;N. Laurisz, Wprowadzenie do partycypacji w Polsce [in:] M Ćwiklicki (ed.), M. Frączek (ed.), *Partycypacja społeczna w Polsce. Atlas dobrych praktyk*, Kraków.

Niewiadomski Z. [in:] R. Hauser Z. Niewiadomski (2011). *Ustawa o samorządzie gminnym. Komentarz z odniesieniami do ustaw o samorządzie powiatowym i samorządzie województwa*, Wydawnictwo CH Beck: Warszawa.

Niżnik – Dobosz I. (2014). *Partycypacja jako pojęcie i instytucja demokratycznego państwa i prawa administracyjnego* [in:] B. Dolnicki (ed.) *Partycypacja społeczna w samorządzie terytorialnym*, Warszawa.

Niżnik B.(2014). *Konsultacje społeczne w samorządzie (Public Consultations in self-governing community)*, Szczecin.

Ofiarska M.(2014). *Zasady i tryb przeprowadzania konsultacji z mieszkańcami (Rules on conducting consultations with citizens)* [in:] B. Dolnicki (ed.) *Partycypacja społeczna w samorządzie terytorialnym*, Warszawa.

Olech A.(2012). *Modele partycypacji publicznej w Polsce (Public participation models in Poland)* [in:] A. Olech (ed.), *Dyktat czy uczestnictwo? Diagnoza partycypacji publicznej w Polsce*, Warszawa.

Olejniczak-Szałowska E., *Konsultacje we wspólnocie samorządowej, Samorząd Terytorialny* 1997, No 1–2.

Peisert A., Stachura K. (2011). *Partycypacja jako wynik rozwoju technik komunikowania i zmian charakteru sfery publicznej (Participation as a result of communications technique development and changes of the public sphere character)* [in:] Olech A. (ed.), *Partycypacja społeczna. O uczestnictwie obywateli w życiu wspólnoty*, Warszawa.

Przywora B.(2012). *Negocjacje społeczne jako forma partycypacji społeczeństwa obywatelskiego w wykonywaniu władzy publicznej na przykładzie procesu aktualizacji strategii rozwoju województwa małopolskiego* [in:] M. Stec (scient. ed.), M. Mączyński (scient. ed.), *Partycypacja obywateli i podmiotów obywatelskich w podejmowaniu rozstrzygnięć na poziomie lokalnym*, Warszawa.

Siemiński W., *Cele i zasady partycypacji społecznej w planowaniu przestrzennym - przegląd literatury, Człowiek i Środowisko* 2007, No 1-2.

Sobiesiak-Penszko P., Kotnarowski M. (2012). *Partycypacja publiczna w Polsce. Uwarunkowania indywidualne i kontekstowe*, [in:] A. Olech (ed.), *Dyktat czy uczestnictwo? Diagnoza partycypacji publicznej w Polsce*, t.1, Warszawa.

Spółczeństwo informacyjne w Polsce w 2016 r. (Information society in Poland in 2016) – opracowanie sygnałne, access: stat.gov.pl/download/gfx/portalinformacyjny/pl/defaultaktualnosci/5497/2/6/1/si__sygnalna_2016.pdf.

Toszek B. [in:] Z. Zychowicz (ed.) (2011). *Konsultacje społeczne w samorządzie terytorialnym*, Szczecin.

Wiktorska – Święcka A., Kozak K. (2014). *Partycypacja publiczna w zarządzaniu rozwojem lokalnym (Public participation in the local development management)*, Warszawa, https://www.academia.edu/23481450/Partycypacja_publiczna_w_zarz%C4%85dzaniu_rozwojem_lokalnym.

Wilk M., *Nowe technologie angażują obywateli, IT w administracji* No 3/2014.

Zychowicz Z.[in:] Zychowicz (ed.) (2011). *Konsultacje społeczne w samorządzie terytorialnym*, Instytut Rozwoju Regionalnego: Szczecin.