

The Highland Council

27 June 2013

Agenda Item	
Report No	

Procedure for Consideration of Public Petitions

Report by the Assistant Chief Executive

Summary

This report invites Members to adopt a procedure which will allow for consideration of public petitions by the Council or Strategic Committees, and to agree the required amendments to Standing Orders to allow the procedure to be implemented.

1. Background

- 1.1 Highland Council seeks to ensure that the Council is as accessible as possible and to deliver best value by providing high quality services that meet the needs of communities. The public petition process will play an important role in these aims by encouraging our communities to participate and influence the decision making process. Commitment Four of the Council's Programme to Work Together to Empower our Communities is that 'the Council will allow public petitions to be considered by the Council and relevant strategic committees.'
- 1.2 The remit of the Community Safety, Public Engagement and Equalities (CPE) Committee includes, "Designing the process for handling petitions to be heard in Strategic Committees and monitoring their outcomes annually".
- 1.3 The CPE Committee, at its meeting on 5 December 2012, approved an initial report which set out proposed principles for a procedure to allow consideration of public petitions either by Council or by Strategic Committees. The Committee also agreed that further work be carried out on the proposals, and that a finalised procedure brought to the full Council for approval.
- 1.4 Following further consideration and consultation this report presents a finalised procedure and identifies the changes that will be required to Standing Orders should the proposed procedure be approved. It is proposed that the Council adopt this procedure to consider petitions with effect from 1st August 2013.

2. Proposed Procedures

- 2.1 The detailed procedure is circulated as Appendix 1 to the report; a petitions template is circulated at Appendix 2. Both documents will be made available for download on the Council's website.
- 2.2 It is also proposed that the Assistant Chief Executive and/or Head of Legal & Democratic Services will be responsible for verifying and accepting the petition, and that initial consideration of the petition, whether it meets the terms of the procedure and how it should be dealt with, will be delegated to the Chief

Executive in consultation with the Convener, Leader, Depute Leader, appropriate Committee Chair, Leader of the Opposition, Assistant Chief Executive and Service Director.

- 2.3 A report on the outcomes of petitions received will be submitted annually to the CPE Committee, for scrutiny and monitoring purposes.

3. Standing Orders

- 3.1 It is proposed that the following paragraph is added to the Council's Standing Orders for the Conduct of meetings, to allow petitions to be heard by the Council or Strategic Committees:

Standing Order 18 – Order of Business/Adjournment

The business of a meeting of the Council shall be conducted in the order set out on the Agenda for the meeting, provided that any item of business may, with the consent of the meeting, be taken out of its place. The Convener may with the consent of the meeting also adjourn the meeting to any other day, time and place.

For the avoidance of doubt, if a Petition has been received for consideration by the full Council or a Committee of the Council, it will be included on the relevant agenda as the first substantive item of business (following apologies for absence and declarations of interest).

4. Implications

- 4.1 There are no budgetary implications arising from the adoption of this procedure. There are potential risks that in adopting the procedure there could be a delay in decision making. The procedure will result in the creation of additional items of Committee business and if petitions are not administered appropriately there is a risk of reputational damage to the Council.
- 4.2 There are no legal implications arising from the adoption of this procedure.
- 4.3 There are no equality or climate change implications arising from the adoption of this procedure.

4. Recommendations

- 4.1 Members are invited to :-

- i. agree the procedure to be adopted with effect from 1st August 2013 to allow for consideration of public petitions as set out in paragraph 2 of the report and in Appendices 1 and 2;
- ii. agree the changes to Standing Orders as set out in paragraph 3; and
- iii. note that the monitoring of petitions/outcomes will be carried out on an annual basis by the CPE Committee.

Designation: Assistant Chief Executive

Date: 10 June 2013

Report Author: Stewart Fraser, Head of Legal and Democratic Services

Procedure for Submission of Petitions

The Purpose of a Petition

Taking part in a petition is one way that a community, individuals or groups can be involved in what the Council does. When a petition is submitted to the Council it can have positive outcomes by creating informed debate which may result in the Council taking further action to address concerns raised in the petition.

Pre-Petition Actions

Petitioners may wish to consider raising their issue using other forums before a petition is submitted, including:

- raising the issue with the local Community Council
- raising the issue with the appropriate local councillor(s), Member of Parliament or Member of the Scottish Parliament.
- pursuing a complaint through the Council's complaints process

If these routes have been explored, this information and copies of any correspondence should be included in the petition as background information.

1. The petition must not contain offensive, inflammatory or inappropriate language.
2. The petition must not contain false or defamatory statements or material that is commercially sensitive.
3. petitions may be submitted by:
 - a. Citizens - a petition from citizens with at least 50 signatures from people living within the Council area.
 - b. Businesses – a petition from at least ten local businesses, voluntary organisations or social enterprise companies with a business address within the Highland Council area.
4. Petitions may be lodged in relation to:
 - a. matters concerning the Council's activities or responsibilities, including where other organisations deliver services on behalf of the Council
 - b. matters of concern to the interests and welfare of residents, voluntary organisations or businesses in the Council area.
5. Petitions will not be accepted in respect of the following matters:
 - a. regulatory matters including the determination of planning, licensing and other matters with their own procedures for objections and appeals e.g. Education Transport Appeals
 - b. matters that are sub-judice or have the potential to involve the Council in litigation
 - c. matters that have been referred to, and dealt with, either under the Council's Complaints procedures or by the Scottish Public Services Ombudsman
 - d. matters concerning individual elected Members or Council employees, including salaries, terms and conditions
 - e. housing allocations, in respect of a specific individual or individual(s)
 - f. a decision made by the Council or any of its Committees or Boards within the previous six months
 - g. matters designed to gain or reduce support for one or more political parties or groups
 - h. matters that could damage a person's reputation or discriminate against them
 - i. content that is intended to be solely frivolous or humorous.
6. Petitions may be submitted electronically by email to legal.hq@highland.gov.uk or to the Chief Executive at the following address:

The Chief Executive
Highland Council
Glenurquhart Road

Inverness
IV3 5NX

7. You will receive a written acknowledgement within 5 working days. Upon receipt the petition will be verified by the Assistant Chief Executive and/or Head of Legal & Democratic Services as having been correctly completed and submitted and that it meets the criteria for the petitions procedure. Once verified, the petition and its subject matter will be considered by the Chief Executive in consultation with the Convener, Leader, Depute Leader, appropriate Committee Chair and Leader of the Opposition, Assistant Chief Executive and relevant Service Director. The purpose of this consideration is to determine the future direction of the petition not to assess the merits of the matters being raised. Petitions may, at this stage, be referred to another organisation for their consideration. You will be advised how the Council will deal with your petition and, if appropriate, when your petition will be considered by Council/Committee. Normally, petitions will need to be received at least 4 weeks prior to the date of the appropriate Council/Committee meeting, to allow time for officers to consider the petition and to issue it along with the agenda and papers for the meeting. Petitions to be heard at a Committee/Council will be the subject of an accompanying report from officers.

8. After considering your petition, the Council/Strategic Committee may:
 - a. decide to take no action – if this happens you will be given the reason; or

 - b. agree that the matter be the subject of a report to a future meeting of the Council/Strategic Committee which may result in the Council making a decision to take a particular action as a result of your petition; or

 - c. decide to refer the petition to another organisation

9. New petitions are welcome however once a petition has been presented, a further petition on the same or substantially similar matters will not be heard for a period of one year.

Action taken prior to the Petition – Before a Petition is submitted, petitioners are expected to have taken reasonable steps in attempting to resolve the issues.

Please enter below details of any individuals or organisations approached. Copies of correspondence should also be appended.

This information will be made available to the Council or Committee in consideration of the Petition.

Signature - When you are satisfied that the Petition meets all the criteria outlined in the Guidance to Submission of Petitions, the Principal Petitioner should sign and date the form.

Any additional sheets of signatures should be appended to the form.

Signature:

Date:

Name in block capitals:

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FORM A**Petition Submitted by Citizens**

A petition must be supported by at least 50 signatories living in the Highland Council area.

	Name	Address	Signature
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

(through to 50 – additional sheets if required)

Submission – Please submit this form and attachments to:

Chief Executive
Highland Council (Headquarters)
Glenurquhart Road
INVERNESS
IV3 5NX

FORM B**Petition Submitted by Local Business(s)**

A petition must be supported by at least 10 other businesses, voluntary organisations or social enterprise companies with an address in the Highland Council area.

	Name/ Position held	Address of Business	Signature
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Submission – Please submit this form and attachments to:

Chief Executive
Highland Council (Headquarters)
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