

REPORT TO PROCEDURES COMMITTEE – 24th MAY 2019

GUIDANCE ON PETITIONS

1 Recommendations

The Committee is recommended to:

- 1.1 Consider and comment on the draft Guidance on Petitions at Appendix 1; and
- 1.2 Consider whether to recommend the guidance to Full Council for inclusion in Part 4 – Guidance and Procedures of the Scheme of Governance

2 Background / Discussion

- 2.1 Standing Orders permits any member of the public to submit a petition for an item not on the agenda of a Council meeting. In terms of Standing Order 6.2, a petition will be put before a meeting if the Chair agrees it is competent and relevant in terms of the Committee remit, or in the case of Full Council, it is a matter of general interest to the Council.
- 2.2 A petition must be submitted to the Director of Business Services who maintains a register of petitions received. Since the new provisions for petitions were introduced under the Scheme of Governance in January 2017, eleven petitions have been received. Ten were considered across a variety of Committees and one was rejected by the Chair on the grounds of relevancy. A summary of the petitions received is attached at Appendix 1. Members will note that petitions have been submitted on a wide range of matters.
- 2.3 Feedback on the petitions received to date has indicated that there is a lack of awareness from members of the public on what to expect from the petitions process which can result in raised expectations around outcomes. There is also a lack of clarity in terms of what constitutes a petition and what will be accepted in terms of content, signees and number of signatures.
- 2.4 Legal and Governance are frequently asked to provide advice and guidance to officers and services when Petitions are received. Given that there is little provision for how Petitions should be dealt with in the current Standing Orders, draft guidance has been developed, and forms Appendix 2 to this report. The guidance is aimed at providing clarity to members of the public, Council officers and Elected Members on how petitions will be dealt with.
- 2.5 It is important to note that the Council has discretion over many aspects of the petitions process. Given that the petitions procedure is founded in the Council's Standing Orders this Committee is considered to be an appropriate forum for discussion on the draft guidance. In particular Members are asked to discuss the following key elements:-

- 2.5.1 It sets out criteria for what will be accepted as a petition. This includes a requirement for signees to be resident in Aberdeenshire, or be able to show a connection. The minimum of signatories is set at 15, although there is a discretion afforded to the Chair if the particular circumstances justify a lower amount. Members may wish to discuss whether 15 is an appropriate figure. It should be noted that some authorities set thresholds depending on the type of Council meeting for which the petition is proposed. To give one example, the City of Bradford Council has a general threshold of 20 signatures with the exception of Full Council Meetings which require a minimum of 1500 for a petition to be debated in that forum.
- 2.5.2 The guidance permits submitting a scanned copy of the petition via email. It also allows for the submission of e-petitions, but only where the format meets the petition requirements. E-petitions will not be accepted where the Council cannot be satisfied that the signees are genuine. It should be noted that some other Councils in Scotland have a web facility for members of the public to create and submit e-petitions. It is suggested that a similar type of facility should be explored for Aberdeenshire Council in order to establish a single source for e-petitions, given the increase in popularity of this format. Officers from Legal and Governance will explore this with ICT and update the guidance as required.
- 2.5.3 The guidance sets out the procedure which will be followed following the submission of a petition and clearly outlines what the petitioner's role will be in the process. It also seeks to manage the expectations of members of the public by outlining what barriers there may be to achieving the outcome they are seeking.
- 2.6 Once the guidance is finalised, it will be published on the Council's website. Elected Members will be issued with a briefing note, highlighting the existence and location of the guidance so that they can direct constituents to it if need be. Members may wish to consider whether it would be appropriate to recommend incorporation of the guidance into Part 4 – Guidance and Procedures of the Scheme of Governance given that the guidance is founded in the Council's Standing Orders.
- 2.6 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

- 3.1 The Committee is able to consider this item in terms of Section R of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to matters arising from the Scheme of Governance.

4 Implications and Risk

- 4.1 An equality impact assessment is not required because the proposals do not have a differential impact on any of the protected characteristics.

- 4.2 There are no staffing and financial implications at this time.
- 4.3 The following Risks have been identified as relevant to this matter on a Corporate Level: ACORP004 Business and organisational change (including: ensuring governance structures support change; and, managing the pace of change). The Council needs to be assured that it has the best fit of decision making so as to make it an agile and efficient body and a governance structure that reflects and serves well the communities whose priorities it is here to deliver. The link is here to the [Directorate Risk Registers](#)

Ritchie Johnson, Director of Business Services

Report prepared by Ruth O'Hare, Principal Solicitor (Democratic Services) Legal and Governance
Date 14 May 2019

APPENDIX 1

Date Received	Petitioner	No. of Signatures	Subject Matter	Committee	Outcome
11.11.17	Residents and Friends of Newburgh	342	Support of 20mph Speed Limit in Main Street, Newburgh	Formartine	Committee instructed report from the service on implementation of 20mph speed limit.
14.12.17	The Hennigan Family	80	Winter Road Conditions in Banchory-Devenick	Kincardine and Mearns	Committee instructed a report from the service in respect of both petitions and subsequently made recs to ISC as part of overall review
04.01.18	Paul Chang	93	Priority of U63K Gritting	Kincardine and Mearns	
04.05.18	Portlethen Sports Club	993	Pitches at Portlethen	Kincardine and Mearns	Committee instructed a report from the service in respect of both petitions and subsequently noted the terms of the report.
09.05.18	Portlethen & District Community Council	22	Pitches at Portlethen	Kincardine and Mearns	
28.12.18	Stonehaven Business Association	40	Removal of 30 Minute free Parking in Stonehaven Square	Kincardine and Mearns	Petition rejected as not relevant as subject matter had been considered at Full Council where petitioner had spoken.
12.12.19	Shelagh Leask, 24 Forglan Crescent, Turriff, AB53 4NW	369	Reinstatement of Dial-A-Bus timetable in Turriff	Formartine	Petition noted – no further action.
05.03.19	Mr Gilbert Burnett (on behalf of Rediscover Peterhead), Buchan Aquatics, 38 Broad Street, Peterhead AB42 1BX	741	Installation of CCTV in Peterhead	Buchan	Committee instructed a report on the subject matter.
07.02.19	Braemar Residents, Businesses & Visitors	913	Delay Implementation of Proposed Axing of Sunday 201 bus service between Ballater and Braemar	Marr	TBC
21.03.19	Gardenstown Harbour Trustees	427	Saturday 273 Bus Service - Gardenstown	Banff and Buchan	Petition withdrawn as the action sought by the petition had been taken by the service
11.04.19	Mr Clive Smith	15	Apology for past governance failure by Aberdeenshire Council - Trump Planning Application	Full Council	Petition noted – no further action



Guidance on Petitions

Why petition?

A petition is a formal written request to Aberdeenshire Council in respect of a particular cause. Taking part in a petition is one way that members of the public can raise awareness of a particular issue that they want the Council to consider and it can have a positive outcome by creating informed and open debate on the matter.

Submitting a petition does not guarantee the action sought will be achieved but it is an important tool for communities to raise awareness of matters that are important to them.

Who can submit a petition?

You can submit a petition if you fall under either of the following categories:-

- You are a **resident or business within the local authority area**; or
- You are an individual or organisation who can demonstrate **a sufficient link to the area**.

Councillors are exempt from submitting a petition but could use the Member Promoted Issues mechanism in the Council's Scheme of Governance to raise any relevant matters.

Aberdeenshire Council possesses the ability to translate petitions received in a foreign language. There is also out-sourcing facilities for petitions received in Braille.

Who can sign a petition?

A petition can only be signed by **individuals who live in Aberdeenshire** or who can demonstrate **a sufficient link to the area**.

The minimum number of signatories is **15 individuals** with **separate postal addresses**.

Fewer signatories may be accepted where the issue concerns a small community which could not reasonably be expected to raise at least 15 signatories. The Director of Business Services in consultation with the appropriate Committee Chair will decide if this exception applies. If applicable, you will be informed of the decision on this issue in a letter acknowledging the petition.

What should a petition contain?

Your petition must include the following information:-

- **The title or subject matter of the petition.**
- **A short statement of no more than 250 words which details what action the petitioner wishes the Council to take.**
- **The principal petitioner's name, address, contact details including email address and telephone number and signature.**

- **Whether the petitioner also wishes to speak at a Meeting where the petition will be heard and discussed (Request to Speak).**

A template submission form and template petition are attached to this guidance at Appendix A and Appendix B. This template is also available online to download at www.aberdeenshire.gov.uk. We would encourage use of this template where at all possible.

In addition to the requirements stated above, the petition topic and statement must be about something the Council is responsible for or relate to something the Council does or a service it provides. The petition topic and statement must set out the action that you want the Council to take.

Petitions will not be accepted if:

- They contain false or defamatory statements or offensive or inappropriate language.
- They include information protected by or relating to a court order or interdict.
- They contain the names of individual officers of public bodies.
- Similar or identical petitions have been considered in the past 24 months.
- The issues raised do not fall within the Council's powers and remit.

You should take care not to include any information in the petition that you would not wish to be publicly available.

Where should I send my petition?

The completed petition and submission form should be sent to:-

**Director of Business Services
Aberdeenshire Council
Woodhill House
Aberdeen**

Please ensure that all material submitted with the petition is securely attached together. It is recommended that you retain a copy of the petition for your records.

Alternatively a legible, electronic copy of the petition can be emailed to petitions@aberdeenshire.gov.uk

You will be sent an acknowledgement when we have received your petition.

What happens after I've submitted my petition?

Your petition will be considered by the Director of Business Services and the Councillor who is the Chair of the relevant Committee. They will consider whether your petition complies with the requirements set out above and also whether it can be considered by the Committee as a competent and relevant matter.

Matters that will **not** be considered include the following:-

- Planning, licensing or other matters where representations from the public are dealt with by another process.
- A matter that is considered commercially sensitive or confidential.
- Employee terms and conditions of employment.
- Matters that are the subject of any current court proceedings
- Matters which would disclose exempt information under Part I of Schedule 7A of the Local Government (Scotland) Act 1973

If your petition is **not accepted**, you will be notified of the reasons why.

If your petition is **accepted**, you will be notified of the date and time of the Committee meeting at which it will be considered. Please note the Committee will still have to decide at the meeting whether to accept the petition for consideration and may decline to do so at the meeting, in which case you will be advised on the day of the reasons for this.

What happens at the meeting?

Prior to the meeting a written report will have been prepared by a Council Officer explaining that you have submitted the petition and setting out the procedure to be followed. This will have been published with the rest of the agenda for the meeting and will be available online at the Council's website.

On the day of the meeting the Council Officer will present the report to the Councillors present. If you have indicated on the submission form that you wish to speak at the meeting, the Councillors at the meeting will first decide whether or not to accept your request. If they allow it, you will have a period of up to five minutes to present your petition to the Councillors.

You can arrange for someone to represent you at the meeting provided you notify the Council in advance via petitions@aberdeenshire.gov.uk. Alternatively you can have a person accompany you at the meeting to assist you in addressing the Councillors.

Once you have spoken, the Councillors may ask you questions about your petition, the background to it and the action you want the Council to take.

The Councillors will have **two options**:-

1. They can simply **note the terms of your petition**, and **do nothing further**. This may be where the Councillors consider that no action can be taken in relation to the matter you have raised. In these circumstances, the process will be at an end and your petition will not be taken any further; or
2. If they consider the subject matter of your petition requires to be explored further, they can instruct a Council officer with remit for the matter to **provide a report to a later meeting**. The Councillors cannot take any formal decision on the matter until they have had the opportunity to consider that report.

The Councillors will make their decision at the meeting and it will be notified to you in writing, together with the reasons why the decision was made.

What happens next?

If the Councillors have instructed a report for a further meeting then you will be advised of the date and time of the next meeting.

The report on the subject matter of your petition will be presented to a future meeting of the Committee or Full Council. The Councillors present at the meeting will consider the matter and will determine what action to take. In doing so, the Councillors will consider the following factors:-

- Can the Committee take the requested **action**?

Each Committee of the Council has specific power in terms of what decisions it can take. If the Committee does not have the authority to do anything with the subject matter, it may decide to do nothing further or it may decide to make a recommendation to another Council Committee which does have the remit for the decision making. Alternatively the action required may have been delegated to Council officers to whom the Committee could make recommendations.

- Would the action requested in the petition **comply with the Council's Policy**?

Councillors make their decisions in line with law and their own policies. If the action requested is unlawful or contrary to policy, it is unlikely that the Councillors will be able to agree it.

- Is there **work already ongoing** elsewhere in the Council regarding the matter that could ultimately resolve the issue?

- Has a **decision previously been taken** by the Council that is contrary to the action sought?
- Is there **council budget** available?

Any decision made by the Councillors regarding your petition will be notified formally to you.

Where to seek advice?

If you require any further information about submitting a petition or any further Guidance about the process by which a petition may be heard, please use the contact details below:

**Director of Business Services
Aberdeenshire Council
Woodhill House
Aberdeen**

Email: petitions@aberdeenshire.gov.uk

PETITION SUBMISSION FORM-APPENDIX A

Details of the Principal Petitioner

Name:

Address:

Postcode:

Tel No:

Email:

Subject Matter/Title of the Petition

Petition Statement: (Maximum of 250 words detailing what action the petitioner wishes the council to take.)

What action (if any) has been taken to resolve the issue **before** submitting the petition?

Other Proceedings

Please indicate whether any of the following apply to the issue concerned.

Are the issue(s) raised in the petition currently being dealt with by Aberdeenshire Council? Yes/No

Have the issues raised been dealt by Aberdeenshire Council in the past? Yes/No

Are the issue(s) raised subject to any legal proceedings? Yes/No

Requests to Speak

An opportunity **may be** given to the petitioner to speak to their petition before the Committee. This decision will be made by the Chair of the Committee. Please indicate below whether you wish to have the opportunity to speak to your petition.

I DO wish to make a brief statement during the meeting.

I DO NOT wish to make a brief statement during the meeting.

Signature of Principal Petitioner

Print Name:

Signature:

Date:

Number of people who have signed the petition.

PETITION TEMPLATE

NAME	ADDRESS	SIGNATURE
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