



How to submit a Petition

A guide for the public
- *the petitions process in Moray*

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1 Introduction

Members of the public are able to submit petitions to The Moray Council for consideration.

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.

Petitioners may freely disagree with the Council or call for changes in policy. There will be no attempt to exclude views as long as they meet the criteria for submission.

This guidance assists you in explaining what information is required to allow you to submit your petition. There is also information about the process which allows a petition to be accepted and heard by The Moray Council.

2 Pre-petition actions

Petitioners may wish to consider raising their issue in other ways before a petition is submitted, including:-

- raising the issue with the local Community Council - details of your local community council can be found at www.moray.gov.uk/communitycouncils or by emailing the Community Council Liaison Officer at communitycouncil@moray.gov.uk.
- raising the issue with the appropriate local councillor(s), Member of Parliament or Member of the Scottish Parliament – details of your local elected members can be found at www.moray.gov.uk/elections and following the link to “[Councillor's, MSP, MP, MEPs](#)”

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

Issues that have been submitted as part of a formal complaint to the council and have since been closed, or are subject to an ongoing process within the Council's Complaints procedure **cannot be submitted as part of petition.**

More information on how to make a formal complaint to the Council can be found at www.moray.gov.uk/complaints.

3 Who can submit a Petition?

The person who submits the petition (*the principal petitioner*) must live in the Moray Council area and be on the [Register of Electors](#) for this area.

A councillor may not submit petitions.

Petitions that have already been submitted and their status can be seen on the Petitions Register available at www.moray.gov.uk/petitions.

4 Who can sign the Petition?

There must be at least 50 signatures on the petition from people living in the Moray Council area and on the [Register of Electors](#) for this area

Fewer signatories may be accepted where the issue concerns a small community which could not reasonably be expected to raise 50 signatories. The Chairperson of the relevant Council Committee will decide if this exception applies.

5 What should a Petition contain?

- Title or subject of the petition
- A brief and clear statement (250 words) covering the subject of the petition. This should state:-
 - What action the petitioner wishes the council to take;
 - Action taken before submitting the petition and the outcome.
- The principal petitioner's name and contact address.
This is the person who will be asked to speak in support of the petition and also the person we will contact to explain how the Council will respond to the petition once it has been submitted.
- Detail the name, address and signatures of 50 people supporting the petition.
- The petition must also meet the criteria noted in the following section.

A *template petition form* is available to download for use from www.moray.gov.uk/petitions or a hard copy can be obtained by calling Customer Services contact centre on 01343 563334 or emailing petitions@moray.gov.uk

6 Criteria for submission of a petition

The petition needs to meet the following conditions:

6.1 Completing the form

- Is the petition statement 250 words or less?
- Has the minimum signatory level of 50 signatures been met? If not, has the Chairperson exercised discretion to accept the petition as it concerns a small community?
- Of the signatures submitted are the signatories resident in Moray and registered on the electoral register (including attainers, being 16 and 17 year olds who will turn 18 during the period in which the electoral register is in force.)
- Has the form been signed by the Principal petitioner, giving all other necessary details?

6.2 About the petition topic

- Does the petition topic and statement cover something the Council is responsible for or does it relate to something the Council does, or a service it provides.
- Has the petition topic and statement in this format or another format been submitted in the last 6 months? (other petitions on the same subject may have already been submitted and will be available on the petitions register)
- Does the petition topic and statement note the action that the petitioner wants the council to take in relation to their issue?

The petition topic and statement **does not contain**:

- factually inaccurate information, defamatory or false statements or language which is offensive, extreme or provocative. This includes obvious swear words and insults, but also any language to which people reading it could reasonably take offence or view as discriminatory.
- information subject to interdict or court order or which names individuals, or contains information where they may be identified, in relation to criminal accusations.
- information that is commercially sensitive. e.g. relates to contractual matters
- information which may cause personal distress or loss.
- content which is malicious, solely intended to annoy or be humorous or is otherwise inappropriate;

- any commercial endorsement, advertisement or promotion of any product, service or publication.
- overtly party political material. This does not mean it is not permissible to petition on controversial issues. The focus should be on the issue and not the political support or otherwise that exists.

The petition topic and statement **does not name**:

- individual officers and staff of public offices, or any of their family members.
- other individuals or information whereby they may be easily identified
e.g. identities of children in family disputes

6.3 Restrictions

Petitions cannot be accepted if they are about any of the following:

- matters that are the responsibility of The Moray Council's Community Planning Partners
e.g. NHS Grampian, Third Sector Interface Moray, Grampian Fire & Rescue, Grampian Police, Moray College, HITRANS, HIE (for more information visit www.yourmoray.org.uk) – such petitions will be sent on to the relevant partner to address
- matters which are subject to individual planning, licensing or other similar processes designed to ensure justice is done including decisions the Council has already made where there are already procedures in place to consider objections and any appeal against decisions.
- matters involving policy, programme, strategy, plans or similar documents which were published only after extensive public consideration and are subject to programmed periodic review by the Council. For this reason petitions in respect of these types of matters will only be admitted at the discretion of the Committee chairperson¹.
- matters which are currently being handled or have been handled previously by The Moray Council's complaints process including those raised with the Scottish Public Services Ombudsman
- employees' terms and conditions of employment
- people or organisations breaking the law or codes of practice

¹ Where policies, programmes, strategies, plans or similar documents are already scheduled for periodic review including public consultation it may be more appropriate for petitioners' views to be considered through the public consultation process rather than through the petitions process to ensure that all relevant views are canvassed before any change is made.

- a decision the council or any board, committee or joint committee has made within the past 6 months.
- material which is confidential
- issues for which a petition is not the appropriate channel, for example, correspondence about a personal issue.
- Freedom of Information requests - information about the appropriate procedure for making these types of requests can be found at online at www.moray.gov.uk and clicking on 'Information management' or by contacting The Moray Council Customer Services contact centre on 01343 543451 or emailing info@moray.gov.uk

8 Submitting your Petition

When you have completed your petition, please send your petition as a hard copy to:

Democratic Services Manager
The Moray Council, Council Office, High Street, Elgin, IV30 1BX

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. No responsibility will be taken for items lost or delayed in the post.

Petitions **may not** be submitted by email.

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

9 Petition Procedure

When The Moray Council receives your petition it will go through a number of stages, in order that it can be considered during a committee of The Moray Council.

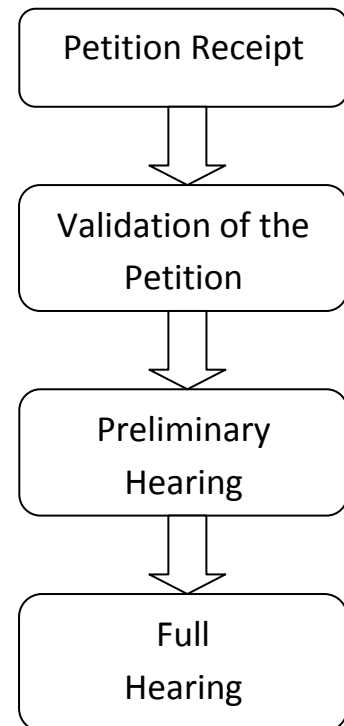
Receipt and Validation

When the petition is received we will acknowledge receipt of the document in writing to the principal petitioner.

The petition will then go through a validation process where the petition is checked for against the criteria laid out above and the number of signatories and whether they appear on the electoral register.

If the petition is valid we will write to the principal petitioner and advise the date of the preliminary hearing.

If the petition has been rejected, we will write to the principal petitioner and advise of the reason why it has been rejected. It may be that with additional information you could re-submit the petition.



Petitions Hearings

Preliminary Hearing (First Hearing)

If the petition is valid, it will be heard during a preliminary hearing at the next applicable committee meeting. Please note that if the petition is received within 3 weeks of the appropriate committee meeting it will be delayed to the next available meeting date after that, to allow officers to prepare background information relating to your petition.

Before the preliminary hearing the relevant Committee Services Officer, who helps administer the meeting, will contact the principal petitioner and invite them to the committee meeting. The principal petitioner will be able to introduce their petition to their meeting, subject to a 5 minute time limit and answer any questions.

If the principal petitioner is not present, or does not wish to introduce their petition, then the committee chairperson will briefly introduce the topic based on the information before them.

Information about attending the committee meeting, the format of the meeting and any other relevant information about access to the meeting will be provided to the principal petitioner in advance, so they know what to expect.

The committee will discuss, as appropriate, the merit of the petition and will then make a decision either to proceed to a full hearing, reject the petition or to instruct some further action.

We will write to the principal petitioner with a formal statement of the outcome of the hearing.

Full Hearing

The full hearing will take place at the next available date either at that service committee, another service committee or at a full meeting of The Moray Council, at which a further report prepared by the council will be presented detailing the full background to the petition

To prepare this, staff at the council may request some further information from you about your petition.

Before the full hearing the relevant Committee Services Officer will again contact the principal petitioner and invite them to the full hearing. We will also send them a copy of the report about the petition and invite them to submit further written comments based on this. Written comments must be submitted by the principal petitioner, **3 clear working days prior** to the meeting being held.

Information about attending the meeting of the committee, the format of the meeting and any other relevant information about access to the meeting will be provided to the principal petitioner in advance, so they know what to expect.

At the full hearing, the principal petitioner will be able to introduce their petition in more detail, subject to a time limit of 10 minutes, and answer any questions.

The committee will discuss, as appropriate, the merit of the petition, the report and written comments and decide as follows: either to instruct immediate action by the council, request action with further reports to the council or to reject the petition, stating a reason.

After the full hearing is completed, we will write to the Principal petitioner with a formal written statement of the outcome.

10 Contact for Further Information

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.

Democratic Services Manager

The Moray Council, Council Office, High Street, Elgin, IV30 1BX

Telephone: 01343 563334

Email: petitions@moray.gov.uk

Web: www.moray.gov.uk/petitions