



Petitions Process, Procedure and Guidance for Staff & Elected Members

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1 Introduction

The Moray Council has developed a system for receiving and handling petitions submitted by the public. This guidance details the criteria for the submission of petitions and provides further information about the process which allows a petition to be accepted and heard by The Moray Council.

This guidance is intended for staff and elected members. An abridged version of this guidance is available for the public at www.moray.gov.uk/petitions.

2 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.

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.

3 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.

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

A petition cannot replace the work of other procedures i.e.

- Matters that have been submitted as part of a formal complaint to the Council
- Matters whose outcome would be determined by another external body, such as insurance claims and legal matters or where a statutory right of appeal exists, i.e. planning refusal, exclusion of pupils from school, valuation appeals.
(These examples are illustrative and should not be considered exhaustive).

In such cases the appropriate procedure must be followed and cannot be considered as a petition. Petitioners would be advised accordingly when their petition was acknowledged.

4 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.

Councillors may not submit petitions as they may use other methods to progress issues on behalf of constituents such as enrolling a 'Notice of Motion' or asking a question at 'Question Time' at the relevant committee meeting. In addition, in supporting a petition a Councillor may create a conflict of interest for themselves if they sit on the council committee which will hear the petition.

5 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. This discretion may be exercised by the relevant committee chairperson.

6 What should a Petition contain?

- Title or subject of the petition
- A clear and concise statement 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 of that action
- 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.
- Name, address and signatures of 50 people supporting the petition

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

7 Criteria for submission of a petition

The petition needs to meet the following conditions:

7.1 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 Chairman 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 register is in force.)
- Has the form been signed by the Principal petitioner, giving all other necessary details?

7.2 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 been submitted in this format or another format 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, intemperate, 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 from which 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 to 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.

7.3 Restrictions

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

- matters that are within the remit of one 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 framed only after extensive public consideration and which are subject to programmed periodic review of 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 have been handled previously through The Moray Council's complaints process including those raised with the Scottish Public Services Ombudsman;
- a decision the council or any board, committee or joint committee has made within the past 6 months;
- employees' terms and conditions of employment;

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.

- people or organisations breaking the law or codes of practice;
- material which is confidential;
- issues for which a petition is not the appropriate channel, for example, correspondence about a personal issue or in response to a matter already open to public consultation;
- 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 or by contacting The Moray Council Customer Services contact centre on 01343 543451 or by emailing info@moray.gov.uk.

8 Petition Procedure

The detailed procedure below is for staff and internal use. The process for considering the petition is shown in the flowchart document in Appendix 1. There is a separate public document which gives high level and simplified guidance to the public on submitting a petition (www.moray.gov.uk/petitions).

8.1 Petitions Receipt

- 8.1.1 Petition is submitted by the principal petitioner either by hard copy to the Council correspondence address or by emailing a scanned readable copy of the petition to the petitions email address. Petitions will be accepted in any written format as long as it contains the relevant detail required, but petitioners will be encouraged to use the petition template form available on the website.
- 8.1.2 When the petition is received in hard copy it is date stamped and then scanned and filed to the 'petitions folder' within the Committee Services server including the date of receipt in the name of the folder. If the petition is received by email it is checked that the file can be opened and it of suitable quality to be read and then filed as noted above.

8.2 Validation Process

- 8.2.1 During validation the petition is checked for:
- completeness
 - number of signatories and their residence/electoral registration qualification
 - against the criteria laid out in Section 7
- 8.2.2 At this point the Democratic Services Manager (DSM) will consult the Convener or Chairperson of the Service Committee to which the petition relates, intimating receipt of the petition to the Head of Legal & Democratic Services and the

Corporate Management Team to clarify any issues as to validity. The DSM will note the initial decision on validity and reasons for rejection, if this applies.

- 8.2.3 Receipt of the petition is acknowledged by the DSM or nominated substitute **within 3 days** either by hard copy letter or emailed correspondence to the principal petitioner using the template acknowledgment letter. If there are any issues arising from the validation then this is advised.
- 8.2.4 **If the petition is valid** then the next steps in the process are outlined in the correspondence, including request for attendance at the preliminary hearing (first hearing).
- 8.2.5 **If the petition is rejected** due to one of the reasons noted below the DSM will outline the reasons for this rejection and return the petition to the principal petitioner.
- 8.2.6 The petition whether accepted as valid or rejected will be added to the Petitions Register with its status marked as submitted for preliminary hearing and this is updated to the website. It is also added to the 8 weekly bulletins for members to be circulated at the next scheduled circulation date.

8.3 Preliminary Hearing Preparation

- 8.3.1 If the petition is valid this will go forward for a preliminary hearing at the next applicable service committee meeting. A copy of the petition statement and topic is made available to
- the relevant Committee chairperson
 - the relevant Corporate Director
 - the relevant Head of Service.
 - the relevant Committee Services Officer who is clerking the service committee.
- 8.3.2 If the petition is received within 3 weeks of the next appropriate committee meeting it will be deferred to the next available meeting date after that.
- 8.3.3 As soon as the petition is accepted and a date of meeting is known for the preliminary hearing, the relevant Committee Services Officer will invite the principal petitioner to the committee meeting to introduce their petition, using a template letter including information about the petition process, attending the meeting of the committee where the petition will be heard, format of the meeting and other relevant information about access to the meeting.
- 8.3.4 The relevant Head of Service will prepare a briefing report for the Committee outlining the issues raised in the petition and the preliminary service response to

these issues and this report is submitted to Committee Services under the normal deadlines for committee meeting reports.

8.3.4.1 It is appreciated that in some cases this will afford officers as little as four working days in which to prepare the report. The “briefing report” is intended only as a means of flagging up the main considerations for members. In many cases the issues will be simple and so the briefing report will be sufficiently comprehensive.

8.3.4.2 Where more complicated issues are involved, the briefing report should detail whether for example further investigation or consultation with officers or third parties will be required in order to provide members with all the information which they will need to make a decision on the petition.

8.3.4.3 If members are supportive of the petition at the preliminary hearing, they will call for a full report to be submitted to the next meeting of the Committee and will specify any particular issues which they wish to see covered in the report (see para 8.5.2 below).

8.3.4.4 By following this two stage process of briefing report followed by a full report only where necessary, it is hoped to avoid the need for officers to prepare detailed reports on issues which are unlikely to be supported by members.

8.3.5 The relevant Committee Services Officer will add the briefing report and the petition to the committee meeting agenda. An update of the petition register on the website will note that the status of the petition as submitted and note the committee and meeting date that the petition is to be first heard.

8.3.6 When the committee papers are issued, the briefing report prepared in response to the petition is issued to the principal petitioner along with a copy of the agenda.

8.4 Preliminary Hearing

8.4.1 Petitions will appear on a committee meeting’s order of business, after written questions although the chairperson will retain discretion to hear the item at any other point of the agenda in order to facilitate the efficient business of the meeting.

8.4.2 During the committee meeting the chairperson, at the appropriate item, will ask the petitioner to come forward to introduce their petition with a time limit of 5 minutes, extendable at the discretion of the chairperson. If the principal petitioner is not present, or does not wish to introduce their petition, then the chairperson will briefly introduce the topic based on the information before them.

- 8.4.3 Once the principal petitioner has spoken, the appropriate officer will be invited to respond, based on the briefing report, with a time limit of 5 minutes extendable at the discretion of the chairperson.
- 8.4.4 The committee will discuss, as appropriate, the merit of the petition and decide as follows:
- direct that the petition(whether in whole or in part) proceed to a full hearing, at the next available date of that service committee, another service appropriate committee or at a full meeting of The Moray Council, at which a further report will be presented by officers detailing the full background to the petition and addressing any issues of particular interest to members
 - Reject the petition(in whole or in part), stating reason,
 - For simple issues, instruct immediate action by the council without any further hearing or report,
 - pass the petition to the relevant director and chairperson to look into, with or without any specific direction as to action.
- 8.4.5 After the preliminary hearing is completed Committee Services will write to the principal petitioner with a formal written statement of the outcome within 10 days.
- 8.4.6 The status of the petition on the petitioner register will then be amended to note the outcome as appropriate and also noted for the next 8 weekly members' bulletin.

8.5 Full Hearing Preparation

- 8.5.1 Petitions will appear on a committee meeting's order of business, after written questions although the chairperson will retain discretion to hear the item at any other point of the agenda in order to facilitate the efficient business of the meeting.
- 8.5.2 On committee instruction under step para 8.4.4 a comprehensive report is produced by the relevant service in relation to the petition. This report must be submitted to Committee Services *no less than 3 weeks* prior to the next service committee meeting date.
- 8.5.3 Once the report is received it will be added to the draft agenda being compiled in advance of the meeting. An update of the petition register on the website will note that the status of the petition submitted for full hearing and note the committee and meeting date on which the petition is to be heard.
- 8.5.4 The report is forwarded to the principal petitioner by Committee Services, alongside additional information about attendance at, and format of, the full hearing. The principal petitioner may submit written comments in response to the officer's report.

Written comments must be submitted by the principal petitioner 3 clear working days prior to the meeting being held.

- 8.5.5 Written comments are received the by appropriate Committee Services Officer. If they are received within the 3 day deadline then a copy of the written comments are copied and provided to the committee chairperson and members of the committee, the Corporate Director and the relevant Head of Service.
- 8.5.6 If written comments are not received within the 3 day timescale then the Committee must decide whether to accept the comments although late as detailed in para 8.6.1 below.

8.6 Full Hearing

- 8.6.1 If written comments have not been submitted within time, at the appropriate item during the committee meeting the chairperson, will ask the committee whether they are minded to accept late comments to the meeting.
- 8.6.2 If the committee is minded to accept late comments, the meeting may be adjourned until later that day or until another day, to allow appropriate consideration of the comments.
- 8.6.3 During the committee meeting the chairperson, at the appropriate item, will ask the petitioner to come forward to speak to their petition with a time limit of 10 minutes, extendable at the discretion of the chairperson. If the principal petitioner is not present or does not wish to speak to their petition then the chairperson will briefly introduce the topic based on the information before them.
- 8.6.4 Once the principal petitioner has spoken, the appropriate officer will be invited to respond, based on the officer's report, with a time limit of 10 minutes extendable at the discretion of the chairperson.
- 8.6.5 The committee will discuss, as appropriate, the merit of the petition and decide as follows:
- Reject the petition (in whole or in part), stating reason,
 - For simple issues, instruct immediate action by the council without any further hearing or report,
 - Pass the petition to the relevant director and chairperson to look into, with or without any specific direction as to action.
- 8.6.6 After the full hearing is completed Committee Services will write to the principal petitioner with a formal written statement of the outcome within 10 days.
- 8.6.7 The status of the petition on the petitioner register will be amended to note the outcome, as appropriate and also noted for the next 8 weekly members' bulletin.

9 Scrutiny and Review of Petitions Handling

Elected Members are able to scrutinise the gate-keeping and validation process of petitions via the 8 weekly member bulletin produced by Committee Services. Where no new petitions are received within an 8 weekly period, the bulletin will not be produced.

A petitions register noting the status and content of any particular petition will be available for public scrutiny on The Moray Council website at www.moray.gov.uk/petitions.

Acknowledgement, correspondence and responses to petitions and the receipt of petitions will be within the timeframes noted in the procedure and in any other step within normal customer service standards.

All aspects will be subject to periodic review.

10 Contact for Further Information

Democratic Services Manager

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

Telephone: 01343 563334

Email: petitions@moray.gov.uk

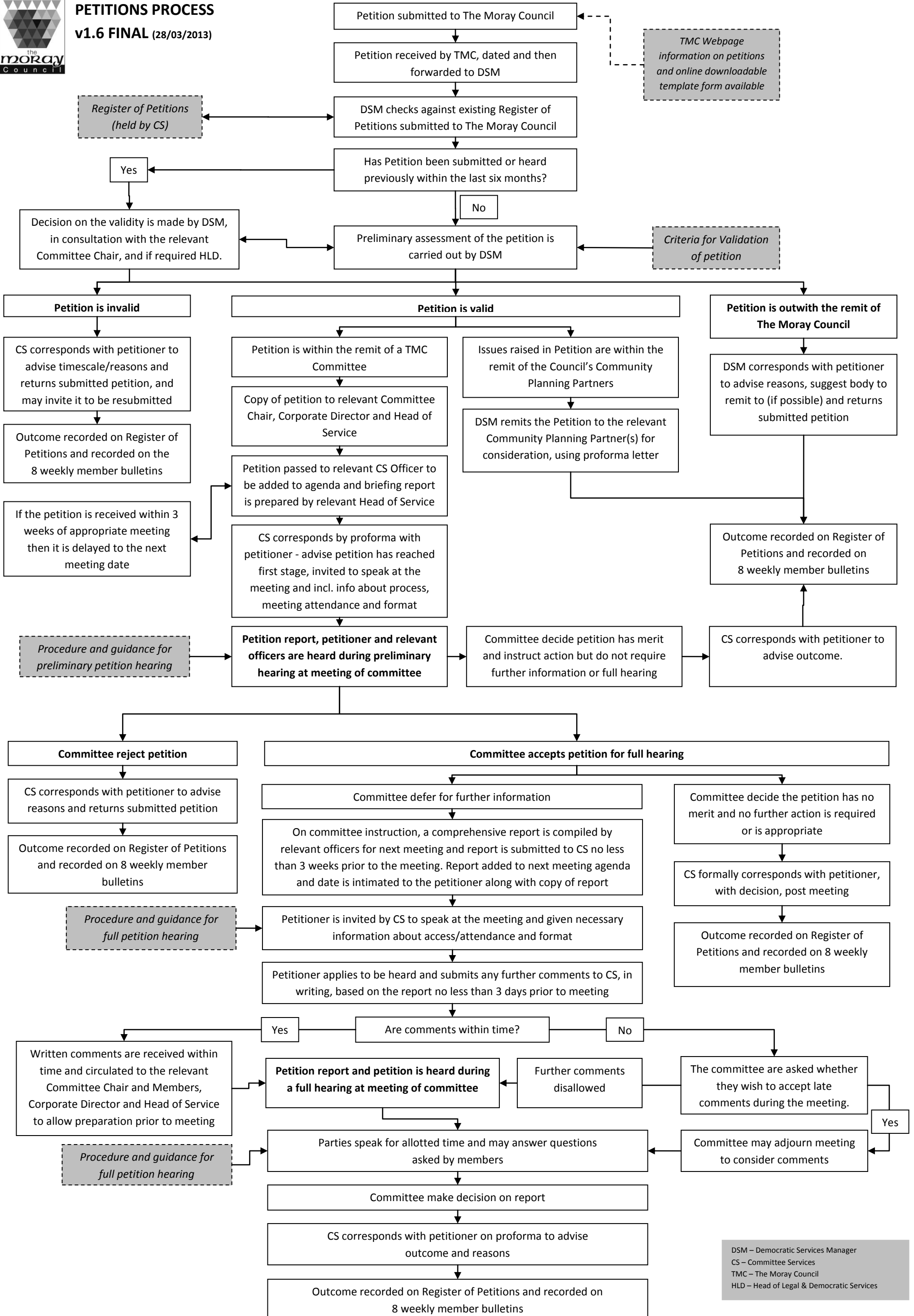
Web: www.moray.gov.uk/petitions

11 Appendix 1 – Petition Process Flowchart

On following page



PETITIONS PROCESS
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DSM – Democratic Services Manager
CS – Committee Services
TMC – The Moray Council
HLD – Head of Legal & Democratic Services