
Report to Clackmannanshire Council

Date: 29th September, 2011

Subject: Changes to Standing Orders (Petitions and Amendments)

Report by: Chief Executive

1.0 Purpose

- 1.1 The purpose of this report is for Council to consider proposed changes to Standing Orders in relation to the treatment of petitions and amendments

2.0 Recommendations

- 2.1 It is recommended that Council agrees:

- a) to establish a Petitions Committee
- b) the role of the Petitions Committee as set out in paragraph 4.2 of this report
- c) to amend Standing Orders to reflect the establishment of the new Committee
- d) to amend the Scheme of Delegation to reflect the establishment of the new Committee
- e) the petitions guidance as set out in Appendix 1 of this report
- f) to nominate six members to sit on the Committee, three from the Administration, two from the SNP opposition group and one from the non-SNP opposition
- g) either to:
 - (i) confirm the status quo per Council's current Standing Orders in respect of the procedure for dealing with multiple amendments, OR
 - (ii) agree to adopt one of the two options set out in Paragraph 4.5 b) i) or ii) below.

3.0 Background

- 3.1 At its meeting on 30 June 2011, Council:

- i) approved a number of amendments to Standing Orders;

ii) noted that further information on how other local authorities deal with petitions and multiple amendments would be sourced and brought to the Council for consideration.

- 3.2 A review of how other authorities deal with these two matters has highlighted the existence of alternative approaches to the treatment of petitions and amendments and these were discussed at a briefing for elected members on 6 September, 2011. Further to that briefing, comments were also provided by individual elected members.

4.0 Proposed Changes to Standing Orders & Scheme of Delegation

Petitions

- 4.1 At the briefing for members on 6 September, there was consensus that a separate committee should be established to hear petitions. It was considered that this would allow greater discussion of petitions and a more suitable forum for interacting with petitioners.
- 4.2 The broad remit of the Committee was discussed at the briefing, as were proposed criteria for accepting and hearing petitions. A proposed remit is set out below which, if approved by Council, will be inserted into the Scheme of Delegation at section 5.0 (Committee Roles):

Petitions Committee

Hearing representations on petitions which have been accepted by the Petitions Committee as valid in accordance with the following criteria :

(a) the petition must relate to either

(i) a matter on which the Council or a Council Committee has made a decision (excluding decisions which have been made within 6 months of the date on which the petition is lodged with the Council) or intends to or may make a decision and which raises a matter of concern to, and which significantly affects the interests or welfare of, residents of Clackmannanshire or a voluntary organisation operating in Clackmannanshire or a business with a place of business within Clackmannanshire or;

(ii) a matter of concern to, and which significantly affects the interests and welfare of, residents of Clackmannanshire or a voluntary organisation operating in Clackmannanshire or a business with a place of business within Clackmannanshire in respect of which the petitioner proposes an action on the part of the Council which is within the statutory competence of the Council or in respect of which the Council has a statutory duty;

(b) all petitioners must be resident within Clackmannanshire or have a place of business or operation within Clackmannanshire and the petition must bear a minimum number of signatures and accompanying addresses within Clackmannanshire or in the case of a business petitioner bear signatures on behalf of at least 5 supporting businesses which have places of business

within Clackmannanshire in accordance with the criteria set out in the petitions guidance;

(c) must bear a title and clearly specify the matter referred to and the action the petitioners wish the Council to take;

(d) subject to compliance with (b) and (c), and provided it is a matter of concern to and which significantly affects the interests and welfare of residents of Clackmannanshire or a voluntary organisation operating in Clackmannanshire or a business with a place of business in Clackmannanshire, the Petitions Committee may hear representations relating to the conduct or functions of any other body or organisation as it thinks fit and may remit a petition to that other body or organisation for further investigation and make recommendations; alternatively, the Petitions Committee may decline to hear the petitioner and advise them to contact such other body or organisation directly;

(e) must not relate to a matter where there is:

i) a legal remedy before a court or a tribunal;

ii) recourse to the Council's complaints procedure or the Scottish Public Services Ombudsman;

iii) litigation involving the Council in prospect; or

iv) where the Petitions Committee has considered a petition on the same or similar subject matter within the previous 12 months.

The Petitions Committee shall report on every petition in respect of which it has heard representations to Council with its recommendations on how the petition should be disposed of, which may include a recommendation that no action be taken.

4.3 In addition, if Council agrees to establish the Petitions Committee, this will be reflected in Standing Orders at sections 3.4 and 3.5. It is proposed that there be six members on the Committee and that the quorum should be three.

4.4 More detailed guidance for petitions is included at the Appendix to this report.

Amendments

4.5 Four alternative methods of treating amendments were discussed at the member briefing on 6 September. Two were rejected while there was an even split of views on the merits of the other two methods, which were:

a) the status quo within the Council

b) a variation of this Council's current practice whereby amendments are considered one at a time but in reverse order rather than the order in which they are notified. There are two versions of this:

i) where amendments are put against each other, with the successful amendment then being put against the motion

ii) where each amendment is put against the motion (or motion as amended).

4.6 There were deemed to be pros and cons of each of these approaches, with no agreed single preference being expressed at the members' briefing. Accordingly, the Council is invited to take a view on the matter in terms of one of the following options:

a) retain the status quo

b) vary the status quo by dealing with amendments in reverse order and putting amendments against the motion in turn

c) vary the status quo by putting amendments against each other in reverse order, with the successful amendment then being put against the motion.

4.7 If Council decides to take an amended approach to handling amendments, consequent changes to Standing Orders will be made to reflect that decision.

5.0 Sustainability Implications

5.1 N/A

6.0 Resource Implications

6.1 *Financial Details*

6.2 There are no financial implications directly from this report.

6.3 *Staffing*

6.4 There are no staffing implications directly from this report.

7.0 Exempt Reports

7.1 Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

8.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities 2008 - 2011** (Please tick ☒)

The area has a positive image and attracts people and businesses ☐

Our communities are more cohesive and inclusive ☐

People are better skilled, trained and ready for learning and employment ☐

Our communities are safer ☐

Vulnerable people and families are supported ☐

Substance misuse and its effects are reduced ☐

Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input checked="" type="checkbox"/>

(2) Council Policies (Please detail)

9.0 Equalities Impact

9.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? N/A

10.0 Legality

10.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers. YES

11.0 Appendices

11.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 Petitions Guidance

12.0 Background Papers

12.1 Have you used other documents to compile your report?

Clackmannanshire Council Standing Orders, 30 June, 2011

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Elaine McPherson	Chief Executive	01259 452001

Approved by

NAME	DESIGNATION	SIGNATURE
Elaine McPherson	Chief Executive	Elaine McPherson (signed)

Petitions Guidance

APPENDIX 1

The Council's Petitions Committee will be convened as required to consider admissible petitions. Membership of the Committee broadly reflects the balance of the various political groupings of the Council. Committee meetings are held in public.

Things To Consider Before Submitting A Petition

There are various ways you can put your views to the Council before taking the step of submitting a petition.

For instance, you can:

- Contact the relevant Council service to discuss your concern or request
- Make a comment or complaint via the Council's comments and complaints procedure
- Contact one of your local ward Councillors to bring the matter to their attention.

Drawing Up Your Petition

If you have used these routes and feel that you still want to submit a petition please follow this guidance:

- petitions must include details of the person (or organisation if applicable) raising the petition. Details should include the name, address and contact details (email or phone number). A template is available on Clacksweb or from the Committee Administrator in Greenfield, Alloa. Telephone number 01259 452106. email enquiries @clacks.gov.uk. Please also note:-
 - the person raising the petition must live in the Clackmannanshire Council area.
 - if the petition is raised by an organisation or group, that organisation or group must have a registered address in Clackmannanshire

- individual signatories to a petition should live in the Clackmannanshire Council area; for issues relating to Clackmannanshire as a whole, petitions will generally require at least 1000 individual signatories before they will be considered by the Committee; for issues relating to individual geographic areas or which do not impact county-wide, a smaller number of signatories will be required. This will vary depending on the issue concerned and the Chair of the Committee, in consultation with the Committee Clerk, will determine whether or not a submitted petition has sufficient support for it to go forward for consideration by the Committee
- if the petition is raised by a business, the business should have a registered address in Clackmannanshire and there should be at least 5 other registered Clackmannanshire businesses supporting the petition.
- the petition should be titled and include a short, clear and concise statement (no more than 250 words) which covers the main subject of the petition and details of action which the petitioner wishes the Council to take. Please note:-
 - only petitions regarding some interest or issue within Clackmannanshire will be considered by the Petitions Committee
 - planning objections will be considered through separate guidelines governed by legislation.
 - The top of every page of signatories should have the statement which people are supporting.
 - petitions must not contain language which is offensive, for example swear words, inflammatory, sarcastic or provocative language or other terms that could reasonably be considered as offensive by the reader.
 - petitioners must ensure that information is submitted in good faith and does not include:-
 - false or defamatory statements
 - information which is protected by an interdict or court order
 - material which is commercially sensitive, confidential or which may cause personal distress or loss

- reference in the petition statement to the names of individuals.
- petitions should not be submitted (and will not be accepted by the Council) where they:
 - challenge a decision if there is recourse to a legal remedy (such as the right of appeal to the Sheriff, recourse to the Lands Tribunal)
 - relate to decisions which could result in court action
 - refer to an issue where there is recourse to the complaints procedure or to the Ombudsman available
 - relate to any situation where litigation may be involved
 - request the direct reversal of a decision/action approved by Council in the last six months.
 - are related to a subject that is the same or similar to a petition considered within the last 12 months.

Submitting Your Petition

Once you have drawn up your petition and checked it meets the criteria set out in this guidance, you should:

- mark your petition for the attention of the Committee Administrator, Business Support Services and send the hard copy to Clackmannanshire Council Greenfield, Alloa, FK10 2AD. Alternatively, you may submit a scanned copy of the full petition (including signatures) by email to enquiries@clacks.gov.uk.

Please note that council officers cannot participate in any photo call relating to the submission/receipt of a petition.

Once Your Petition Is Received

Your petition will be acknowledged within three working days of receipt. Relevant elected members, the Chief Executive and Service Directors will be notified that your petition has been received so you do not need to send in multiple copies.

Petitions which do not follow the guidelines will be considered inadmissible and you will be informed in writing of the reasons.

Once your petition has been verified as being correctly completed and meeting the criteria set out in this guidance, it will be considered at the next available meeting of the Council's Petitions Committee. The Committee Administrator will invite petitioners to attend the meeting to speak in support of their petitions. If petitions have been submitted on similar issues they may be considered at the same meeting.

The Petitions Committee has no decision making powers. The Committee will listen to the views of the petitioners and ask questions to help decide on the most appropriate course of action, which could include:

- (a) agreeing that the issue raised does not merit further action.
- (b) instructing a Service Director to complete an investigation and submit a report to a future Council meeting.
- (c) submitting recommendations for consideration at the next Council meeting.

Within 7 working days of the Committee meeting, the Clerk to the Committee will write to the Principal Petitioner advising of the Committee's decision. The decision will also be published on Clacksweb

Further information - for further information on this procedure, please contact the Team Leader, Business Support, Greenfield, Alloa FK10 2AD or email enquiries@clacks.gov.uk.