
Report to Clackmannanshire Council

Date of Meeting: 20 December 2018

Subject: Petitions Policy

Report by: Monitoring Officer Partnership & Performance

1.0 Purpose

- 1.1. This report addresses the Council's motion to review the petitions policy which was agreed in October 2018.

2.0 Recommendations

- 2.1. It is recommended that Council
- 2.1.1. agrees that the petitions policy is revised in accordance with this report and as set out in appendix 1.
- 2.1.2. notes that work is ongoing to identify an online solution to accommodate petitions

3.0 Considerations

3.1. *Clackmannanshire Council current approach*

- 3.2. So far in 2018 there have been six petitions received. These have concerned parking charges, Sauchie Hall, Sauchie Active 8, Cochrane Hall, speed calming measures and the Alva hub. Each petition is required to meet the criteria in the current petitions policy which is set out in appendix 1.

Of those petitions received only two have met the criteria in the current policy. Some of them failed for multiple reasons. The issues have been:-

- The petitions requested the reversal of a decision approved by Council in the last 6 months
- The identity of the main petitioner was not clear. The main address and postcode was also not provided
- The petition failed to describes action taken to date.

- It was not possible to establish how many of the signatories lived in Clackmannanshire – this was the case for both online petitions using petition website such as change.org.
- The sheets of the petition submitted were not properly titled so it was not clear that signatories knew what they were signing.
- The number of petitioners was too small (27 signatories for a matter which required the support of 10% of the local ward)

Where petitions did not meet the criteria as a result of information which had been missed, the Senior Manager Legal and Democracy contacted the petitioners and invited them to provide the information so that the petition would be considered. Even where the petition could not be assessed as competent, for example if the decision which was the subject of the petition was a Council decision within the last 6 months, the petitioners were advised of the reason that their petition was not accepted. Three of the petitions (including one which did not meet the criteria but had substantial support) were made available to members as part of the budget consultation response.

It is also worth noting that the larger paper petitions are quite resource intensive, given the requirement to manually review and count the signatories.

Residents of Clackmannanshire who would like to raise a petition are able to access guidance and petition template which complies with the criteria on the Council website <https://www.clacks.gov.uk/council/publicpetitions/>

3.3. Other local authorities

3.4. Some research has been carried out on the petition process for the smallest local authorities and neighbouring authorities. Of the 16 local authorities considered it appears that eight of them do not have a formal petition process or at least do not have a process which is easily accessible to members of the public on their website. One of these authorities is Falkirk Council who is in the process of considering their approach following a recent Council decision to develop this area.

3.5. A number of the local authorities have incorporated their petitions process into standing orders but this approach is not recommended. The petition process should be user friendly and a stand alone document is considered to be more accessible.

3.6. Only one of the smaller local authorities appears to have an online process – Inverclyde Council, although it is understood that some of the larger local authorities also have an online system, as does the Scottish Parliament. The others all appear to rely on paper petitions.

3.7. Proposed way forward

3.8. It is proposed that the current policy is revised to reflect the experience to date, by clearly expressing what are absolute requirements for a petition to be valid and what is good practice. It is recommended that the distinction between individual and business petitions is maintained. Finally it is also proposed that the petitions are no longer required to be on paper to allow for

the development of an online system and that the number of petitioners required for each petition is substantially reduced.

- 3.9. The draft policy proposes that the following elements of the current policy are retained as absolute requirements:-

3.9.1. Individual petitions

3.9.1.1. Full name of petitioner and an address in Clackmannanshire

3.9.1.2. All individual signatories must live in Clackmannanshire

3.9.2. Business petitions

3.9.2.1. Business address registered in Clackmannanshire

3.9.2.2. Five other supporting businesses, with a registered address in Clackmannanshire

3.9.3. All petitions

3.9.3.1. Clear statement of the action required which appears on the top of every page of any paper petition

3.9.3.2. Must have some interest or issue in Clackmannanshire

3.9.3.3. All current exclusions (as set out in the current policy)

- 3.10. It also proposed that the following elements of the policy are removed or amended

3.10.1. Any requirement which refers only to the option of submission of petitions in paper form

3.10.2. The current signatory requirements are 1000 signatories for Clackmannanshire wide issues and 10% of registered electors in a geographical area.

The research has indicated that Clackmannanshire Council's requirements are significantly higher than other areas, therefore it is recommended that the number of signatories required is reduced to 250 and that the percentage approach is discarded. The percentage approach currently introduces some unfairness as our smallest polling district is 142 people whereas the largest one has 3974.

3.11. New process

- 3.12. The current process requires that petitions be addressed to the Deputy Chief Executive with the Monitoring Officer then carrying out the assessment of validity and the committee team carrying out the required administration. It is proposed that this is amended so that petitions should be directed to a single specific email address giving managed by the committee team in the same way that Education Appeals and the Local Review Body processes are managed. In streamlining the process it would give members of the public a single point

of contact for petitions, and committee officers would then be able to ensure that each petition was brought to the attention of the Senior Leadership Group's agenda. It is also recommended that if a petition is received covering a particular ward that all members of that ward are informed on receipt of the petition.

3.13. Systems

3.14. We currently use the Citizen Space system for our consultations. Work is underway to establish whether this could be used for local people to lodge petitions. We currently have a limited number of licences for the use of this system and any development of the system could not incur any additional licence or development costs as these are currently unbudgeted. If there was a move to an online system of petitions we would need to develop an appropriate privacy notice for signatories and ensure that retention of data is properly addressed.

3.15. Benefits

3.16. Many of the local authorities who operate petitions processes recognise the benefit of the petition process in terms furthering involvement of local people in decision making, increasing transparency, broadening debate and facilitating positive change for communities.

4.0 Sustainability Implications

4.1. TBC

5.0 Resource Implications

5.1. Financial Details

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes ☐

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes ☐

5.4. Staffing

6.0 Exempt Reports

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

7.0 Declarations

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

(1) **Our Priorities** (Please double click on the check box ☒)

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all ☐
- Our families; children and young people will have the best possible start in life ☐
- Women and girls will be confident and aspirational, and achieve their full potential ☐
- Our communities will be resilient and empowered so that they can thrive and flourish ☐

(2) **Council Policies** (Please detail)

8.0 Equalities Impact

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?
Yes ☐ No ☐

9.0 Legality

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☐

10.0 Appendices

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

Appendix 1: Current Petitions Policy

11.0 Background Papers

- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)
Yes ☐ (please list the documents below) No ☐

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
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Appendix 1 – Current petitions policy

Matters 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 you must follow the guidance set out below.

Submitting a Petition as an Individual or Organisation

- Petitions must include details of the person or organisation (eg a company, partnership, unincorporated association or group, if applicable) raising the petition.
- Details should include the full name of the principal petitioner, address and contact details (email and phone number).
- An individual raising a 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 or service address in Clackmannanshire.
- A template (Form A) for completion by individuals or organisations is available on the Council's website. It is advisable to use the template as it covers all of the matters covered in this guidance.

Submitting a Petition as a Business

- Petitions must include details of the business (e.g. company, partnership, sole trader) raising the petition.
- Details should include full name of the principal petitioner, business name, address and contact details (e-mail and phone number).
- The business must have a registered or service address in Clackmannanshire.
- There must be at least 5 other registered Clackmannanshire businesses or businesses having a place of business in Clackmannanshire supporting the petition.

- A template (Form B) for completion by business(es) is available on the Council's website. It is advisable to use the template as it covers all of the matters covered in this guidance.

Signatories

- Individual signatories to a petition must live in the Clackmannanshire Council area.
- For issues relating to Clackmannanshire as a whole, petitions will require at least 1000 individual signatories before they will be considered by the Committee.
- For issues relating to individual geographic areas within Clackmannanshire or which do not impact on the whole of Clackmannanshire, a smaller number of signatories will be required. The number of signatories required will be 10% of registered electors in the geographical area to which the petition relates.

Content

- 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.
- The top of every page of signatories must have the title of the petition and the petition statement which people are supporting.
- Only petitions regarding some interest or issue within Clackmannanshire will be considered by the appropriate Committee.
- 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.

Exclusions

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 objections to Planning applications as these will be considered through separate guidelines governed by the appropriate legislation.
- 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.

