

Service and Partnerships Performance Panel

Petitions Protocol

1. Introduction

1.1 This procedure note sets out the process to be followed by persons wishing to submit a petition to the Council.

1.2 A petition is a request by members of the public for a hearing by the Service and Partnerships Performance Panel in relation to a competent matter.

Petitions allow for meaningful dialogue between petitioners and a formal scrutiny panel of the Council. They are not complaints, or requests for information that can be dealt with under legislation such as the Freedom of Information (Scotland) Act 2002 or the Environment Information (Scotland) Regulations 2004.

It is an essential aspect of the petitions process that at least one of the petitioners attends to speak to the petition, and thereby allow meaningful dialogue and scrutiny.

1.3 Petitions shall be considered by the Service and Partnerships Performance Panel in accordance with this Petitions Protocol.

1.4 Following the hearing of the petition, the Service and Partnerships Performance Panel shall, in accordance with this protocol, determine the appropriate action to be taken including, where considered appropriate by the Panel, reporting to Cabinet with recommendations.

2. Procedure for Submission of a Petition

2.1 For every petition submitted, a single person or organisation must be identified and named as the lead petitioner and single point of contact for progressing the petition. There must also be provided a valid address, (which may be an email address) and, preferably, a telephone number, to allow the petition to be dealt with efficiently and timeously under this procedure.

2.2 Every application for the reception of a petition must be in writing, and delivered or e-mailed to the Chief Executive by no later than 12.00 noon on the day twenty clear days before the meeting of the Panel at which it may be considered. *The term 'Clear days' means weekday, excluding weekends, bank holidays, local or national holidays and public holidays of the Council, and also excludes the day the petition arrives at the Council and the day on which the meeting is held.*

2.3 The Chief Executive, in consultation with the Chair of the Service and Partnerships Performance Panel, may allow the late submission of a petition in cases of urgency.

2.4 Petitions will **only** be heard:

2.4.1 if they relate to the delivery of Council services or to services which are provided by the Council in conjunction with other partner organisations; or

2.4.2 if they relate to decisions that the Council has taken or is about to take.

At least one petitioner (being either the lead petitioner or a specified substitute – referred to below as the ‘lead petitioner’) must attend the meeting of the Service and Partnerships Performance Panel to speak to the petition, otherwise it will not be heard. In that case, the petition will lapse and will not be considered further, unless the Service and Partnerships Performance Panel decides to carry it forward to provide a further opportunity for the lead petitioner to attend where this appears to be merited in the circumstances.

2.5 The petition must contain a minimum of twenty signatures from different households within South Ayrshire, with a valid address provided for each. E-petitions may be lodged in support, but not in substitution for the twenty written signatures. The petition must provide details of the matter to be considered. The petitioner should be able to demonstrate that steps have been taken to attempt to resolve the issue of concern prior to submitting the petition. Details of the services or officers of the Council previously approached, together with copies or summaries of the responses received, should be submitted together with the petition.

2.6 There are cases where it will be inappropriate for the Panel to consider a petition, for example:

2.6.1 if the petition relates to matters that are or have been subject to legal or court proceedings, ombudsman complaints, employment tribunals, or any other appeals procedures;

2.6.2 if the petition requests the Council to do something outwith its powers or to consider a matter outwith the remit of the Council;

2.6.3 if the petition discloses information which is protected by an interdict or other court order;

2.6.4 if the petition reveals commercially sensitive or confidential information;

2.6.5 if the petition is considered to have potential to cause personal distress or loss;

2.6.6 if the petition relates to an individual’s circumstances or an individual’s grievance, including but not limited to any matter concerning the employment or terms of employment of any individual or group of staff, or contains information by which individuals can be identified;

2.6.7 planning, licensing and other matters with their own procedures;

2.6.8 a decision taken by the Council in the last 6 months;

2.6.9 a matter which is very similar to, or the same as, a petition which the Panel has heard in the 12 months prior to the date of submission of the petition;

2.6.10 matters designed to gain or reduce support for one or more political parties;

2.6.11 matters that could damage a person’s or an organisation’s reputation;

- 2.6.12 an allegation or matter which could be contain information that is not true or is defamatory, discriminate against someone or contain offensive language, or be of a humorous or frivolous nature;
 - 2.6.13 if the petition does not call on the Council to take any action – including, for example, petitions that call on the Council to ‘recognise’ or ‘acknowledge’ something; and
 - 2.6.14 if the petition is a complaint or a request for information that can be dealt with under legislation such as the Freedom of Information (Scotland) Act 2002 or the Environment Information (Scotland) Regulations 2004.
- 2.7 If twenty or more letters are received on one specific issue, these will be treated in the same way as petitions. If the individual leading the letter writing campaign can be identified, that person will be treated as the principal petitioner and the same procedures will apply as for petitions generally.
- 2.8 The Service and Partnerships Performance Panel will not normally hear more than two petitions at each meeting. Priority will be given to petitions by date of receipt by the Council.
- 2.9 All Elected Members will be notified upon receipt of an application for a petition, irrespective of whether or not the petition is deemed appropriate for consideration by the Service and Partnerships Performance Panel.

3. Procedure for Determination of Acceptance of Petition

- 3.1 When an application for a petition is received, the Head of Legal and Regulatory Services will consider the issues raised in light of the preceding provisions and, through discussion with the Chair of the Service and Partnerships Performance Panel, determine whether it is appropriate for the Panel to consider the petition. The Head of Legal and Regulatory Services will reach a decision and notify the lead petitioner, or contact the lead petitioner to seek clarification on the terms of the petition, within 20 working days of receipt of the petition. Within 20 working days following receipt of clarification, the Head of Legal and Regulatory Services will reach a decision and notify the lead petitioner. When the Head of Legal and Regulatory Services determines that it is so appropriate, the petition will normally be placed on the agenda for the *next or appropriate* meeting of the Panel. The petitioner will be advised of this.
- 3.2 If an application for a petition to be considered is refused, the reasons for this will be notified to the lead petitioner and reported to the next meeting of the Service and Partnerships Performance Panel.
- 3.3 If the application for a petition is approved, the lead petitioner will be invited in writing to attend the appropriate meeting of the Service and Partnerships Performance Panel. Reasonable efforts will be made by officers of the Council to ensure this invitation is received by the lead petitioner. This invitation must be accepted in writing, or by email, by the lead petitioner within a reasonable stated timescale normally not exceeding 10 days. If there is no response to the invitation or it is declined, the petition will not be heard and will lapse. Up to ten (or more on prior request and provided the Chief Executive determines that space permits) members of the petitioner’s group may attend the meeting, but the number of

persons allowed to address the Panel meeting as representatives of the petitioner group will be limited to a maximum of three. The petitioner will also be asked to identify the principal spokesperson beforehand.

- 3.4 At the point of acceptance of a petition for consideration by the Panel, the relevant Council officer or officers will normally be asked to prepare a report for the Panel relating to the issues raised in the petition, including details of what steps (if any) have been taken prior to submission of the petition to resolve or respond to the issues raised. This report will be issued as part of the formal agenda for the meeting (subject always to any restrictions on publication in terms of the Local Government (Scotland) Act 1973 – see Standing Orders paras 8 and 10) and copied to the petitioner.
- 3.5 If during a pandemic or public health emergency, the public are to be excluded from a meeting of a local authority where it is likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination, and in these circumstances, the lead petitioner is unable to proceed via a remote meeting platform, then paragraphs 4.1, 4.2, 4.3, 4.4 and 4.5 will not apply and the lead petitioner will not be invited to attend the appropriate Service and Partnerships Performance Panel in person, but will be invited to submit written submissions for consideration of the Panel. The Panel will consider the written submissions of the lead petitioner and officers of the Council, including the report referred to at paragraph 3.4. Thereafter the Panel will decide what further action it considers appropriate in terms of paragraph 4.6.
- 3.6 Where an application for a petition is deemed appropriate for consideration by the Service and Partnerships Performance Panel, the petition shall fall if it has not been heard by the Panel within a period of six months from the date of receipt of the application, provided there has not been unreasonable delay on the part of the Council.

4. Procedure at the Panel Meeting

- 4.1 The representatives of the petitioner group should remain seated at all times during the meeting, until the nominated spokesperson(s) is/ are invited to speak by the Chair.
- 4.2 The representatives (up to three as stated above) who address the meeting will be limited to **ten minutes in total** to present their case to the meeting (including any Summing Up as referred to below but subject to paragraph 4.5). Once the representatives have addressed the meeting, the Councillors sitting on the Panel will be invited to put questions to the petitioner representatives.
- 4.3 Appropriate Councillors (who will include the relevant Portfolio Holder and/ or relevant local Members) and/ or officers of the Council (including the officer presenting the report) will then have the opportunity to address the Panel and may be asked questions by members of the Panel. Each officer or Member so addressing the Panel will be limited to five minutes, (subject to paragraph 4.5).
- 4.4 Finally, the lead representative for the petitioners will be invited to sum up but may only speak for the balance remaining (if any) of the ten minutes allocated as per paragraph 4.2 above. Following conclusion of their presentation, the petitioners will

be asked to return to the public seating area of the meeting room and may not take any further part in the meeting and the Panel's considerations.

4.5 The Panel may exercise discretion to agree to extend the time available to any person or persons addressing the Panel if it considers it appropriate to do so.

4.6 Following consideration of the matter before it, the Panel shall decide what further action it considers appropriate. This may be:

4.6.1 to request officers to undertake further investigations and report back to a future meeting of the Panel; or

4.6.2 to make recommendations to the Cabinet based on the consideration of the matters before it at the meeting; or

4.6.3 to decide that no further action is appropriate in relation to the matters raised in the petition.

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