
Report To:	Petitions Committee	Date:	15 June 2017
Report By:	Head of Legal & Property Services	Report No:	LP/052/17
Contact Officer:	Peter MacDonald	Contact No:	01475 712618
Subject:	Overview Report and Oral Representations Procedure		

1.0 PURPOSE

- 1.1 The purpose of this report is to update the Committee on the position regarding various petitions received through the petitions system and to seek the Committee's approval of the Rules of Procedure for Oral Representations.

2.0 SUMMARY

- 2.1 Officers wish to update the Committee on the various petitions that have been received through the petitions system and how these have been dealt with.
- 2.2 As a petition is now to come before the Committee for consideration and as part of that consideration oral representations will be heard, it is appropriate that the Committee approve Rules of Procedure for Oral Representations.

3.0 RECOMMENDATIONS

It is recommended that the Committee:

- 3.1 notes the position on the various petitions received through the petitions system since the establishment of the Committee, as detailed in Appendix 1; and
- 3.2 approves the Rules of Procedure for Oral Representations, detailed in Appendix 2, which, if approved, will apply during the consideration of any petition submitted as an item of business at all meetings of the Committee.

Gerard Malone
Head of Legal & Property Services

4.0 BACKGROUND - OVERVIEW

- 4.1 There have been a number of petitions submitted to Legal & Property Services through the Council's petitions system since its launch. The details of these petitions and how they have been dealt with are shown in Appendix 1.
- 4.2 The Committee will note from Appendix 1 that the petition submitted by Mr John B Houston has achieved the level of support necessary for it to be brought before this committee. This petition is the subject of a separate report to the Committee.
- 4.3 The Committee will note from Appendix 1 that the petition submitted by Lynn Simpson has achieved the level of support necessary for it to be brought to this committee, however with the agreement of the petitioner, colleagues in Environmental and Commercial Services are progressing investigation of the position in the area to ascertain if, in their view, traffic calming measures are appropriate. Once they have provided their proposals, these will be passed to the petitioner for consideration. If she is not satisfied with them, matters will be brought before this Committee for formal consideration.
- 4.4 The position on Miss Simpson's petition at present is that Environmental and Commercial Services have completed at this location. There have been a number of such surveys carried out at various locations across Inverclyde and they therefore form part of an ongoing discussion within the service on the prioritisation of sites for traffic calming measures across the area, in the context of the current Traffic Calming Policy. Confirmation is awaited from the Service as to when these internal discussions are complete, but when they are, the Service proposals will be passed on to the petitioner. The petitioner has been advised of this.

5.0 BACKGROUND - RULES OF PROCEDURE FOR ORAL REPRESENTATIONS.

- 5.1 In the consideration of a petition as an Item of Business at a meeting of this Committee, the following will be given an opportunity to make oral representations on the subject matter of the petition:
 - council officer(s);
 - the party initiating the petition; and
 - where the petition relates to a specific area of Inverclyde, any Elected Member whose Ward includes all or part of that area.
- 5.2 As there is a petition now coming before this Committee for consideration, it is appropriate that the Committee approve the Rules of Procedure that will apply in relation to such oral representations. This will ensure openness and transparency in the conduct of business by the Committee and that all those making such representations on a given petition are have a fair hearing in relation to the same.

6.0 IMPLICATIONS

Finance

- 6.1 None.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

Legal

- 6.2 In the interests of openness and transparency, and to ensure a fair hearing for all concerned, it is appropriate that the Committee approve Rules of Procedure for Oral Representations, in relation to petitions coming before it.

Human Resources

- 6.3 None.

Equalities

- 6.4 None.

Repopulation

- 6.5 None.

7.0 CONSULTATIONS

- 7.1 None.

Appendix 1 – Overview of petitions to date.

<u>Petitioner</u> (where petition published)	<u>Title</u>	<u>Submitted</u>	<u>Start Date</u>	<u>Progress to date</u> (Signatures not submitted through our online system are classed as unconfirmed)	<u>Next Steps</u>
Miss Allana Lindsay	Double Yellow Lines for the Corner on the Lower Side of Lynedoch Street Joining Onto Regent Street Beside the Wellpark.	18/01/2016	05/02/2016	Failed due to attracting only 3 signatures.	Closed - no further update/report to this Committee.
	Zebra crossing at the crossing of Kishorn Road in Wemyss Bay and Greenock Road.	13/04/2016	n/a	Rejected due to not being within the Council's powers and remit.	Closed - no further update/report to this Committee.
Miss Lynn Simpson	Traffic Calming Measures on Kilmacolm Road, Greenock.	23/05/2016	25/05/2016	Progressed to next stage after achieving 210 signatures (of which 63 are unconfirmed). The petitioner has agreed to await proposals from Environmental and Commercial Services prior to progressing the petition further. The Service has completed surveys and is discussing internally traffic calming measures throughout Inverclyde, from which they will provide the petitioner with comment and any proposals.	There will be a further update on this matter to a future meeting of the Committee.
	Open parklea grass pitches.	23/06/2016	23/06/2016	Rejected due to not being within the Council's powers and remit.	Closed - no further update/report to this Committee.
John B Houston	The creation of crawl spaces, opening the Inverclyde Academy AstroTurf pitches for use by local youngsters out of hours.	n/a	07/04/2017	Progressed to next stage after achieving 593 unconfirmed signatures.	Matter being brought before the Committee for consideration.
Mr Martin Seeds	Demolish Cumberland Walk and clean up the surrounding area.	24/04/2017	24/04/2017	Rejected due to being considered or scheduled to be considered by the Council or one of its Committees.	Closed - no further update/report to this Committee.

Appendix 2 – Rules of Procedure for Oral Representations

INVERCLYDE COUNCIL

PETITIONS COMMITTEE

RULES OF PROCEDURE FOR THE ORAL REPRESENTATIONS AT THE PETITIONS COMMITTEE.

During the consideration of a petition as an item of business (“**the Petition**”) at the Petitions Committee, the person responsible for the submission of the Petition (“**the Petitioner**”) will be given an opportunity to make oral representations in relation to the subject matter of the Petition. Council Officers (“**the Council Officer(s)**”) from affected Council Services will also be given the opportunity to make such representations, as will any Ward Members (see g) below). Below are the rules of procedure under which such representations will be heard at meetings of the Petitions Committee (“**the Rules of Procedure**”), and they have been designed to:

- create the right atmosphere for discussion;
- eliminate or reduce formalities; and
- give everybody a fair hearing.

The Rules of Procedure are as follows:

- a) The Convener will conduct the consideration of the Petition.
- b) At commencement of consideration of the Petition, the Convener will identify those intending to make oral representation on the merit of the Petition, namely : the Council Officer(s) present; the Petitioner (if present, or any person who, with the approval of the Convener, the Petitioner wishes to speak on his or her behalf); and any Ward Member in terms of g) below.
- c) The Convener will outline the procedure, explaining that it will take the form of a discussion which he will lead based on the Report to the Petitions Committee issued in relation to the Petition (“**the Report**”). The Report will have been circulated to the Members of the Committee, the Council Officer(s) and the Petitioner prior to the meeting. Copies will also be made available at the meeting.
- d) The Convener will ask the Petitioner whether or not he/she is content with the synopsis of the Petition contained in the Report. If the Petitioner disagrees with the summary he/she will be invited to clarify. This allows the Petitioner to ensure that the members of the Committee have a good understanding of the Petition.
- e) The Council Officer(s) will be invited to present the view of the affected Council Services on the merit or otherwise of and implications of the Petition, with their recommendation as to whether or not it should be supported, to set the scene for the discussion, with a time limit of 5 minutes.
- f) The Petitioner will be invited to speak to his/her Petition and comment on the representations made by the Council Officer(s), with a time limit of 5 minutes.

Appendix 2 – Rules of Procedure for Oral Representations

- g) Where the Petition relates to a specific part of the Inverclyde Council area, any Member of the Inverclyde Council whose ward includes all or some of that part (“**Ward Member**”) may make representation in support of or against the Petition. Any such Ward Member present will be invited to do so, with a time limit of 5 minutes.
- h) Where a Ward Member makes representation in terms of g) above and is also a Member of the Committee, he or she will not be entitled to participate in the decision of the Committee on the Petition. Similarly, any Member of the Committee who has prior to the consideration of the Petition at the meeting made it clear that he or she is either for or against the Petition will also not be entitled to participate in the decision of the Committee on the Petition. This is essential to ensure that the Petition is given a fair and proper hearing and will avoid any impression of bias in relation to the Committee’s decision-making processes.
- i) The Council Officer(s) will be invited to reply to the representations of the Petitioner or any Ward Member (introducing no new material), restricted to a time limit of 5 minutes.
- j) The Convener will allow the Petitioner the final word (introducing no new material), if he/she wishes it, by way of summary and in relation to any comments by a Ward Member, or the Council Officer(s), restricted again to a time limit of 5 minutes. The Convener will discourage repetitive or superfluous comments. At no time will cross examination be permitted. The Convener will indicate when he or she considers that sufficient clarification of the Petition has been achieved, and the discussion will then move on in terms of these rules, the oral representations element being at an end.
- k) The Committee will then proceed with consideration of the Petition as an item of business in terms of the Standing Orders.