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| Report To: | Policy & Resources Committee | Date: | 25 March 2025 |
| Report By: | Head of Legal, Democratic, Digital & Customer Services | Report No: | LS/023/25 |
| Contact Officer: | Peter MacDonald | Contact No: | 01475 712618 |
| Subject: | Review of Petitions Criteria | | |

1.0 PURPOSE AND SUMMARY

- 1.1 For Decision For Information/Noting
- 1.2 Guidance on the requirements for submitting valid petitions to Inverclyde Council (“Petitions Criteria”) has formed part of Inverclyde Council’s Petitions process since its inception in 2015, and has been reported on to both this Committee and the Inverclyde Council in that time. The current Petitions Criteria are included in full at Appendix 1.
- 1.3 Officers undertook to review the Petitions Criteria following their inclusion in the Policy/Strategy Register approved at the 26 March 2024 meeting of this Committee.
- 1.4 Following such a review, officers do not recommend any changes to the current Petitions Criteria and this report seeks Committee approval of that position.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Policy and Resources Committee notes the outcome of the officer review of the Petitions Criteria set out in Appendix 2 of this report.
- 2.2 It is recommended that the Policy and Resources Committee approves the recommendation that no changes be made to the Petitions Criteria at this time.

Lynsey Brown
Head of Legal, Democratic,
Digital & Customer Services

3.0 BACKGROUND AND CONTEXT

- 3.1 In October 2015, the Council decided to establish a Petitions Committee, and a number of reports were taken to both the Inverclyde Council and this Committee on the implementation of the same. As part of that process, petitions criteria were approved, and changes to the Scheme of Administration were approved to incorporate these criteria in 2016. The criteria were last revisited in a report to Inverclyde Council reviewing the Petitions Committee in November 2017.
- 3.2 A report was considered by this Committee on 26 March 2024 on the review of the Council's Policy Framework. As part of that review, a Policy/Strategy Register was approved, with officers undertaking to carry out future reviews on the various items included thereon. The Petitions Criteria are included on the register, and this report and review are in implementation of that remit.
- 3.3 The terms of the Petitions Criteria currently applying are set out in full at Appendix 1, and can be seen in 3 parts, set out under A, B and C in paragraphs 3.4 to 3.6 below.
- 3.4 **A – Minimum Content.** The Petitions Criteria set out at paragraph 1 the basic information required in relation to a petition. This includes the petitioner's details, the subject of the petition and any discussion to date around the issue. It should be noted that where a petition is submitted for consideration and there are obvious omissions in this regard, officers will seek clarification to allow the petition to progress. In particular, officers will, as a matter of course, suggest that where a petitioner has not already done so, they raise the matter with the relevant council service for discussion, so that where it is supported by officers, it can be addressed at a service level without the need for a petition or involvement of the Petitions Committee.
- 3.5 **B – Level of Support.** The Petitions Criteria, also at paragraph 1, sets out the levels of support a petition meeting the other requirements of the Petitions Criteria would require to achieve before being brought to the Petitions Committee for consideration. The levels differ depending on whether the petitioner is: an individual; a community group; or a business.
- 3.6 **C – Conditions.** Paragraphs 2 and 3 of the Petitions Criteria set out various conditions that a petition will be assessed against, and any petition not meeting these tests will not be able to be taken forward to either publication and/or consideration by the Petitions Committee.
- 3.7 Since the inception of the Petitions Committee, officers have dealt with 13 petitions meeting the criteria, of which:
- 4 were published, but did attract enough signatures to proceed to committee; and
 - 9, having enough signatures, came before the Petitions Committee, with in all cases the Committee deciding some further action was merited.

4.0 PROPOSALS

- 4.1 Officers have conducted a review of the Petitions Criteria, with the benefit of experience in the operation of the Petitions process and focussing on the elements above. Officer comments and analysis from that review are included at Appendix 2. This analysis is thematically split along the same headings as set out in paragraphs 3.4, 3.5 and 3.6.
- 4.2 In summary, following this review, it is the view of officers that the Petitions Criteria that currently apply:
- set a reasonable requirement for a demonstration of support to justify a matter being brought before the Petitions Committee;
 - are reasonable and appropriate in the circumstances; and
 - include necessary safeguards to:
 - prevent conflict with existing processes or the Council's own governance documents; and
 - limit the Council's risk exposure to legal claims or reputational damage.
- Officers therefore do not propose any changes to the Petitions Criteria are made at this time.

- 4.3 The Committee should note that, as the Petitions Criteria form part of the Scheme of Administration, if the Committee is minded to recommend changes to the Petitions Criteria, it will be necessary remit the matter to the Inverclyde Council to deal with changes to the latter.
- 4.4 Operational guidance available to all petitioners has been updated to include relevant privacy and equalities information.

5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

| SUBJECT | YES | NO |
|---|-----|----|
| Financial | | X |
| Legal/Risk | X | |
| Human Resources | | X |
| Strategic (Partnership Plan/Council Plan) | | X |
| Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing | | X |
| Environmental & Sustainability | | X |
| Data Protection | | X |

5.2 Finance

There are no financial implications arising from this report.

5.3 Legal/Risk

The legal and risk implications are set out in the body of the report.

5.4 Human Resources

None.

5.5 Strategic

None

5.6 Equalities, Fairer Scotland Duty & Children/Young People

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

| | |
|---|--|
| | YES – Assessed as relevant and an EqIA is required. |
| X | NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. |

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

| | |
|---|--|
| | YES – A written statement showing how this report’s recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed. |
| X | NO – Assessed as not relevant under the Fairer Scotland Duty. |

(c) Children and Young People

Has a Children’s Rights and Wellbeing Impact Assessment been carried out?

| | |
|---|---|
| | YES – Assessed as relevant and a CRWIA is required. |
| X | NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children’s rights. |

5.7 Environmental/Sustainability

Summarise any environmental / climate change impacts which relate to this report.

Has a Strategic Environmental Assessment been carried out?

| | |
|---|---|
| | YES – assessed as relevant and a Strategic Environmental Assessment is required. |
| X | NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented. |

5.8 Data Protection

Has a Data Protection Impact Assessment been carried out?

| | |
|---|--|
| | YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals. |
| X | NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals. |

6.0 CONSULTATION

6.1 CMT have been consulted on the content of this report.

7.0 BACKGROUND PAPERS

7.1 None

INVERCLYDE COUNCIL

PETITIONS CRITERIA

Inverclyde Council welcomes the public's use of its petitions procedure for local issues. The Council can only deal with petitions that relate to the Council's powers and remit for its areas of functional responsibility.

This guidance sets out the basic requirements for you to submit a valid petition. If you have any doubt about the procedure or if you would like to ask any questions please contact the Petition Team at telephone 01475 712147 or by email on petitions@inverclyde.gov.uk.

Petitions

1. Petitions must be submitted by an individual or on behalf of a business.

You must include:

- (1) Your name, your address and confirmation that you are aged 16 or over. This is essential to ensure that you are identified as being the person promoting the petition and so that there is notice of a clear and understandable public process being undertaken at your initiative. Please also include, if possible, your telephone number and email address.
- (2) The issue you are concerned about and what you want the Council to do. Please state this as clearly as you can so that people can understand what you want to be done.
- (3) What you have already done to try to address your concern: have you contacted any other person or organisation in order to address your concerns?
- (4) The names of any other people who may already be involved with you in creating the petition.

You can provide any extra details you wish in order to support your petition. You should think about stating your petition as clearly as you can so that people understand what you want.

When you submit your petition, all members of the public will be able to view it on the Council's website. When the Council is sure that your petition meets the Council's rules on proper procedures, your petition will be made available in public for people to sign. You should take care not to include any details or signatures that you do not wish to be made publicly available and this is wholly your responsibility. Remember, the petitions procedure is entirely public.

A petition needs 100 signatures from members of the public for it to be considered by the Council's Petitions Committee. If you are a community group you need 50 signatures. Your petition needs 10 businesses to support it if it is a business petition. Publication on the Council's website will allow the petition to be viewed by the public and persons, if they wish, may choose to support the petition so that you may achieve the numbers of support from individuals or businesses in order that the petition be considered by the Petitions Committee.

2. The Council will not accept a petition that relates to:
 - a) Any planning, licensing or other such matters where objections and appeals against decisions are dealt with by another, existing process;
 - b) Matters already being considered or scheduled to be considered by the Council or one of its Committees;

- c) Decisions of the Council or one of its Committees during the previous six month period;
 - d) Matters that are commercially sensitive, confidential or which could cause personal distress or financial loss in any way;
 - e) Matters that are directed at a specific person or groups of persons with names or details that can be used to identify such persons;
 - f) The same or similar petitions considered within the past 24 months; and, not within the Council's power and remit or functional areas of responsibility.
3. The Council will not accept a petition that contains:
- (a) Any false or potentially defamatory statement as may be considered by the Council;
 - (b) Any details that might damage a person's reputation or which may discriminate against them in any way;
 - (c) Offensive or inappropriate language;
 - (d) Information protected by a court order or relating to an ongoing court or tribunal or quasi-judicial tribunal process or which would otherwise be considered sub-judice (i.e. being considered as part of another, separate legal process).

Guidance on all of the above can be obtained from the Council by contacting the Petition Team at telephone 01475 712147 or by email on petitions@inverclyde.gov.uk.

Appendix II – Review of Petitions Criteria

| Para | Detail | Comment and Analysis | Proposed Changes |
|------------------------------|---|--|------------------|
| A – Minimum Content. | | | |
| 1 | <p>“Petitions... ..must include:</p> <ul style="list-style-type: none"> a) Your name, your address and confirmation that you are aged 16 or over. This is essential to ensure that you are identified as being the person promoting the petition and so that there is notice of a clear and understandable public process being undertaken at your initiative. Please also include, if possible, your telephone number and email address. b) The issue you are concerned about and what you want the Council to do. Please state this as clearly as you can so that people can understand what you want to be done. c) What you have already done to try to address your concern: have you contacted any other person or organisation in order to address your concerns? d) The names of any other people who may already be involved with you in creating the petition.” | <p>It is the view of officers that the minimum content requirement is reasonable and no changes are recommended. Identifying the petitioner is important from the point of administration of the petitions system, and to allow communication with the petitioner. It is important that there is clarity around what the petition seeks so that those who may be signing in support know what they are supporting, and that the Petitions Committee has clarity on the question in front of it and what it may be asking of officers should they consider it to have merit. It is also considered important to ascertain what previous steps a petitioner has taken so that if it is possible to resolve by dialogue with the relevant service, that can be done. And as indicated above, where there are omissions in this regard in any particular petitions, officers will engage with a petitioner to address same and try to ensure this does not prevent a petition progressing.</p> | None |
| B – Level of Support. | | | |
| 1 | <p>“A petition needs 100 signatures from members of the public for it to be considered by the Council’s Petitions Committee. If you are a community group you need 50 signatures. Your petition needs 10 businesses to support it if it is a business petition.”</p> | <p>Since the inception of the Petitions Committee, petitions have been received from individuals and community groups.</p> <p>One received from an individual was a possible business petition, but the level of support received was such that the question did not arise. That aside, no business petitions have been received from businesses.</p> <p>Officer experience is that published petitions failing to reach the required level of support do so by a significant margin. The current levels are therefore considered appropriate</p> | None |

| Para | Detail | Comment and Analysis | Proposed Changes |
|------------------------|--|---|------------------|
| | | demonstrate reasonable support prior to Committee consideration. | |
| C – Conditions. | | | |
| 2 (a) | The Council will not accept a petition that relates to any planning, licensing or other such matters where objections and appeals against decisions are dealt with by another, existing process. | This condition is considered appropriate and reasonable. It prevents the Petitions Committee coming into conflict with existing processes. | None |
| 2 (b) | The Council will not accept a petition that relates to matters already being considered or scheduled to be considered by the Council or one of its Committees. | This ensures that there is no conflict between the Petitions Committee and the substantive Committees. It also avoids issues arising in terms of Standing Orders. | None |
| 2 (c) | The Council will not accept a petition that relates to decisions of the Council or one of its Committees during the previous six month period. | This is to conform to the Standing Orders. | None |
| 2 (d) | The Council will not accept a petition that relates to matters that are commercially sensitive, confidential or which could cause personal distress or financial loss in any way. | This condition is considered reasonable and appropriate to reduce risk of legal claim against the Council or reputational damage. | None |
| 2 (e) | The Council will not accept a petition that relates to matters that are directed at a specific person or groups of persons with names or details that can be used to identify such persons. | This condition is considered reasonable and appropriate to reduce risk of legal claim against the Council or reputational damage. | None |
| 2 (f) | The Council will not accept a petition that relates to the same or similar petitions considered within the past 24 months.; and, | This is considered reasonable and appropriate for the good administration of the Petitions process, and avoids repeated and possible vexatious petitions. | None |
| 2 (f) | The Council will not accept a petition that relates to matters not within the Council's power and remit or functional areas of responsibility. | This is also considered reasonable and appropriate for the good administration of the Petitions process. If the ask of the Petition is not within the Council's gift to give, it would not be appropriate to consider the matter. | None |
| 3 | The Council will not accept a petition that contains: a) Any false or potentially defamatory statement as may be considered by the Council; b) Any details that might damage a person's reputation or which may discriminate against them in any way; c) Offensive or inappropriate language; | The Conditions are considered self-explanatory and intended to reduce the risk to the Council of exposure to litigation and/or reputational damage. Officers therefore would not recommend any changes to them. | None |

Classification : Official

| Para | Detail | Comment and Analysis | Proposed Changes |
|-------------|--|-----------------------------|-------------------------|
| | d) Information protected by a court order or relating to an ongoing court or tribunal or quasi-judicial tribunal process or which would otherwise be considered sub-judice (i.e. being considered as part of another, separate legal process). | | |