
Report To:	Inverclyde Council	Date:	8 October 2015
Report By:	Head of Legal & Property Services	Report No:	GM/LP/139/15
Contact Officer:	Gerard Malone	Contact No:	01475 712710
Subject:	Petitions Committee		

1.0 INTRODUCTION

1.1 This report requests the Council to (a) establish a Petitions Committee; (b) make consequent changes to its Scheme of Administration; and (c) approve a petitions procedure.

2.0 SUMMARY

2.1 The Policy & Resources Committee at its August 2015 meeting recommended that a Petitions Committee be established and that a report be considered by the Council in respect of implementation.

2.2 A Petitions Committee can support and enhance community involvement and awareness of local government issues within Inverclyde. Individuals, businesses and community groups can become involved and informed in debates and topics of interest within the local community.

2.3 This report seeks to establish the membership of the Petitions Committee and formalise its remit with regard to the Scheme of Administration and also to introduce suitable petitions procedures for public use.

2.4 It is within the Council's discretion to decide on the implementation arrangements. It is recommended that the Petitions Committee be a Standing Committee of the Council and be convened on the regular, approved cycle of meetings subject to there being business to consider. The arrangements will be reviewed after one year's operation and in the meantime the Head of Legal & Property Services will be delegated powers to make any consequent and practical arrangements for public accessibility and any Petitions Committee processes.

3.0 RECOMMENDATIONS

It is recommended that:

- 3.1 the Council considers the terms of this report;
- 3.2 the Council establishes a Petitions Committee with 6 Members with nominations and appointments being made at the meeting;
- 3.3 a Convener and Vice-Convener be nominated and appointed;
- 3.4 in the first year of operation, the Petitions Committee will meet on dates within the agreed cycle of meetings commencing in 2016 as follows: 28 January, 17 March, 12 May at 3pm subject to there being business to consider;
- 3.5 the Scheme of Administration be altered to include the terms of paragraph 5.4 and that the petitions procedures set out in Appendix 1 be approved; and

3.6 powers be delegated to the Head of Legal & Property Services to make such necessary and practical alterations as may be necessary within the first year of operation to ensure public accessibility and effective and efficient Petitions Committee processes and that a report be then submitted for Council consideration and review.

Gerard Malone
Head of Legal & Property Services

4.0 BACKGROUND

4.1 The Policy & Resources Committee at its meeting in August 2015 recommended that a Petitions Committee be established and that a report be submitted to the Council to determine implementation arrangements. The promoting of or the taking part in a petition can support and enhance involvement in local decision-making. A petition procedure that is supported through Council resources could stimulate informed local debate on issues of topicality and areas of interest and change. A successful petitions procedure could stimulate the involvement of individuals, businesses and community groups and organisations in a range of local issues and thus assist local government engagement within the community.

5.0 PETITIONS COMMITTEE – SCHEME OF ADMINISTRATION

5.1 The Council's Committees have 11 Members but if membership based on the Council's sub-committee model is preferred, it is suggested that the number of Members be 6 to reflect Council practice. If this route is wished, the Petitions Committee can, of course, be established with 6 Members without it being required to be a sub-committee of any other standing committee.

5.2 From comparisons with other Councils, there is a wide range of approaches in respect of membership and arrangements for Petitions Committees. Some Councils replicate their standing committee processes, some form sub-committees, some align the petitions remit with other committees, some have administration chairs and others have opposition chairs. The Council has its entire discretion to decide its preferences with two specific issues to take into account: (1) political balance, of course, requires to be reflected in membership; and (2) this Council already has a non-administration convener of its relevant scrutiny committee, the Audit Committee, and also has non-administration chairs of the Planning Board, the Human Resources Appeals Board, the Local Review Body and, separately, the Inverclyde Licensing Board.

5.3 In view of the existing roles of and with regard to pressures of business on Members, it is recommended that a Committee of six Members be established.

For a six person Committee the political balance is:

Labour	3 Members
SNP	2 Members
Other	1 Member

5.4 The Scheme of Administration will require amendment to take account of the remit of the Petitions Committee, it is recommended that the Head of Legal & Property Services be authorised to make the following amendments to the Council's Scheme of Administration:

- "5.2.1 Petitions Committee (6 Members) (or other such number as the Council determines at its October 2015 meeting)";
- "7.13 Petitions Committee
- 7.13.1 to consider petitions addressed to Inverclyde Council in accordance with the Council's approved petitions procedure and determine the appropriate action to be taken within the terms of the procedure;
- 7.13.2 the Petitions Committee is unable to consider petitions that relate 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.

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 “

5.4 In view of the introduction of this new procedure, delegated powers should be granted to the Head of Legal & Property Services to make such necessary and practical alterations to the Scheme of Administration as may be necessary within the first year of its operation to ensure public accessibility and an effective and efficient procedure.

6.0 CONVENER, VICE-CONVENER AND MEMBERS

6.1 The Council is requested to consider its preferences for the number of Members for the Petitions Committee and nominations and appointments are sought for membership and for determination of the Convener and Vice-Convener. Within the Council's approved scheme, there is no scope for any special responsibility allowances for this new Committee.

7.0 PETITIONS PROCEDURES

7.1 **Appendix 1** comprises the petitions criteria, guidance to the public on how to submit a petition and a procedure for attendance at the Committee.

7.2 The Council is requested to approve the petitions procedure.

8.0 GENERAL AND REVIEW

8.1 Any modifications of the procedures that assist the Committee in furtherance of its remit or help with effective and efficient public access will be dealt with through powers delegated in this report. The review after one year's operation of the Petitions Committee will be undertaken and reported to the Council for consideration.

9.0 WEBSITE MODULE

9.1 Arrangements are in hand for the availability and launch of the website module following upon any Council approval.

10.0 IMPLICATIONS

Finance

10.1 Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
Modernisation	Petitions Committee	2015/16	£3,000		

Annually Recurring Costs/(Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if Applicable)	Other Comments
ICT	Maintenance	2016/17	£1,000		To be contained by ER&R Directorate
Legal & Property	Committee Services	2015/16	£5,000		No budget – will be contained by the ER&R Directorate

Legal

- 10.2 The amendments to the Council's Scheme of Administration and the proposed procedures are considered practical and reasonable. The Council may determine its preferences in respect of standing committee numbers or other sub-committee provisions, all subject to appropriate political balance being maintained.

Human Resources

- 10.3 There are no direct HR implications arising from this report.

Equalities

- 10.4 The Petitions Committee promotes and assists community engagement throughout Inverclyde.

Repopulation

- 10.5 There are no direct repopulation implications arising from this report.

11.0 CONSULTATIONS

- 11.1 The CMT has been consulted on this report.

12.0 BACKGROUND PAPERS

- 12.1 None.

APPENDIX 1

INVERCLYDE COUNCIL

DRAFT 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 ## at telephone 01475 ## extension ##.

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 ## at telephone 01475 ## extension ## or by email at ##@inverclyde.gov.uk.

APPENDIX 2

INVERCLYDE COUNCIL

PETITIONS – HOW TO SUBMIT A PETITION

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 ## at telephone 01475 ## extension ##.

Submitting a petition

1. Submitting a petition gives you the opportunity to tell the Council what matters to you. Your petition could help make a difference to your community within Inverclyde. The petition procedure allows residents and businesses within Inverclyde to raise issues of local public concern and gives Councillors the opportunity to hear your views and to consider any need for change.

You can submit a petition if you are over the age of 16 years and you are a resident in Inverclyde or if you own a business that operates and employs people within Inverclyde.

What kind of petitions can be considered?

2. The Council will consider a broad range of subjects and themes for any petitions. The petitions must meet the petitions criteria and these are clearly displayed on the website. The Council can only get involved in areas of local or community concern which are within the powers and remit of the Council or within its functional areas of responsibility.

How many people will need to sign my petition?

3. Before your petition can be considered by the Council's Petitions Committee, it must be supported by the signatures of a number of people who are resident and on the electoral register in Inverclyde or from a business which you own or operate within Inverclyde.

Type of Petitions	Number of Signatures Required
Individual petitions involving a local issue	100
Petition submitted by a community of interest (i.e. a group of people in the community who share a common interest)	50
On behalf of businesses operated within Inverclyde	10 businesses

APPENDIX 3

INVERCLYDE COUNCIL

ATTENDANCE AT PETITIONS COMMITTEE

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 ## at telephone 01475 ## extension ##.

This note is to assist you in preparation for any attendance at the Petitions Committee in support of your petition.

Attending the Petitions Committee

1. As you are the responsible person taking the initiative with your petition, you will be invited to appear before the Petitions Committee to speak in support of your petition. It is entirely within the discretion of the Convener (the Chairman or Chairwoman of the Petitions Committee) to decide if you be heard in person at the Petitions Committee but it will ordinarily be the case that you will be requested to make a brief statement to explain your petition or to support your petition, and, subject to the above, you may speak for up to 10 minutes on this subject. If you wish to appoint a person to speak on your behalf, if necessary, this may be done with the permission of the Convener. The Petition's Committee might ask you questions in order to clarify the purpose or background to your petition.

You should state on your petition form whether or not you would like the opportunity to make such a statement before the Petitions Committee.

The Council will give you 10 days' notice of the date of the meeting at which your petition is likely to be considered. The Council will write to you with the meeting date and time. Please note that other petitions may be heard at the same meeting and for that reason the time that you are called to the meeting can only be indicative.

What to do when you arrive

2. Please report to the reception at the Customer Service Centre on the ground floor of the Municipal Buildings, Greenock PA15 1LX. Reception staff at the Customer Service Centre will take your name and petition details and will direct you to the meeting room.
3. Members of the Petitions Committee and Council staff will be in the meeting room. You will be given an agenda for the meeting. Everyone at the meeting will have a nameplate so that you know who is who.

Ward Councillor representation

4. Your petition may refer to a specific area of Inverclyde. If so, Councillors for this ward will be told of the petition meeting. Ward Councillors will have the opportunity to speak following your own comments to the Petitions Committee.
5. It may be that in terms of normal Committee representation your Ward Councillor is a member of the Petitions Committee, itself. If your Ward Councillor is already on the Petitions Committee, it is essential that you note that your Ward Councilor may not make a decision

on your petition if he or she has made it clear that he or she is either lending support for or is against any such petition that you have submitted. This is essential to ensure that your petition has a fair and proper hearing and will avoid any impression of bias in relation to the Council's decision-making processes.

6. Councillors are entirely entitled to discuss and debate matters affecting the subject of your petition but you must understand that they cannot participate in that process if they are identified as being for or against your petition and in those cases they may not speak as Ward Councillor if they are already a member of the Petitions Committee. These issues, if they arise, will be explained to you at the meeting.

Open public meetings

7. The Petitions Committee meetings are open to the public. If an item involves aspects of confidentiality or otherwise involves information that is exempt in terms of the Local Government Acts, you will be advised of this matter at the Petitions Committee meeting and members of the press and public may then be excluded. Again, this is a matter that will be explained to you if the occasion necessitates.

Outcomes

8. The Petitions Committee will decide what action may be taken. The Petitions Committee may decide that:
 - the issues raised merit further action and will refer the matter to the relevant decision-making body (which may be within the Council) and which may require further work, resolution or influence from the Council;
 - that issues raised do not merit any further action;
 - to take any other action, provided there is no financial impact for the Council's service committees, as may be decided as appropriate.

You will be advised of the decision of the Petitions Committee in writing within 10 working days after the meeting.