

Review of Petitions Committee**Report by John Blair, Director, Resources****1 Purpose of Report**

This report invites the Council to consider the operation of its petitions procedures and the need for any adjustments.

2 Background

- 2.1** The Council, on 26 June 2012, agreed that the officials should investigate and report back on a mechanism for hearing petitions based on the model in operation in Renfrewshire Council.
- 2.2** The availability of a Petitions Committee strengthens the Council's governance arrangements by improving openness, transparency and accountability.
- 2.3** A report was brought back to the Council on 25 September 2012, when it was agreed:-
- (a) To note the terms of the report;
 - (b) To establish a stand-alone Petitions Committee for the period to the end of 2013 and to review the process thereafter;
 - (c) To approve a Midlothian Council procedure for dealing with petitions in terms of Appendix 1 of the report, as amended, to reflect:-
 - (i) a stand-alone Petitions Committee having responsibility for hearing petitions;
 - (ii) the Head of Customer Services having responsibility for validating petitions;
 - (iii) the Petitions Committee having the final decision on those which were deemed by the Head of Customer Services to be invalid, etc;
 - (d) To approve the necessary changes to the Scheme of Administration, to establish the Petitions Committee with a membership of six, comprising 2 SNP, 2 Labour, 1 Independent and 1 Green;
 - (e) To appoint Councillor Rosie as Chair of the Petitions Committee and that the other members be Councillors Coventry, Baxter and de Vink with 2 other Members to be appointed by the Labour Group;

- (f) To agree that the Committee meet at 10.00am on Council days;
- (g) To authorise the officials to produce a Midlothian (i) petition application form; and (ii) question and answer leaflet;
- (h) To authorise the officials to give appropriate publicity to the petitions procedure; and
- (i) To agree to introduce the new arrangements as soon as practicable.

2.4 It was subsequently reported to Council on 6 November 2012, that the Labour Group's representatives on the Petitions Committee would be Councillor Muirhead and Councillor Russell.

3 Midlothian Council Petitions Documentation

3.1 There is a dedicated Petitions page on the Midlothian Council website showing the following information which is appended to this report:-

Appendix 1 The information which can be found on the website merged into a single document.

Appendix 2 The Midlothian Council procedure for dealing with Petitions, including the form to be used to lodge a petition.

Appendix 3 The document entitled "Putting forward a petition to the Council's Petitions Committee – What you need to know."

4 Petitions Received

4.1 Despite publicity, the Committee got off to a slow start and its first meeting was not held until 19 March 2013, shortly after receipt of the first petitions. The Committee subsequently met on two further occasions, namely on 14 May and 25 June 2013, but the meetings scheduled for 13 August and 24 September 2013 were cancelled for want of business. No business has yet been received for the meeting scheduled for 5 November 2013.

4.2 In total 11 petitions have been received since the Committee was first established and details of these and their outcomes are shown at **Appendix 4**.

5 Validation of Petitions

5.1 In accordance with the procedures, the Head of Customer Services has responsibility for validating petitions. However, the Petitions Committee itself has the final decision on any which the Head of Customer Services deems invalid.

5.2 To provide greater flexibility, it is suggested that the Legal & Secretariat Manager should be authorised to act as the "whom failing" validator for petitions in the absence of the Head of Customer Services.

- 5.3** In the period since its inception, only one petition has not been heard by the Committee. This was at the meeting on 14 May 2013, when the Committee agreed not to hear a petition concerning coaching and instructing services provided in Council Leisure Centres. This was on the basis that it related to a matter considered by the Council within the previous six months and inconsistency between the text contained in the Petition Statement box and that shown on the accompanying signature sheets.
- 5.4** The Head of Customer Services reports that during the process of validating petitions it is sometimes found that the wording can be a little ambiguous in some aspects e.g. interpretation of the invalid reasons of “normal procedures” and “same or similar”.
- 5.5** As referred to at paragraph 5.3 above, the issue has also arisen where the text contained within the Petition Statement box (i.e. within the form used by the Principal Petitioner to lodge a petition) differs from the text shown on the accompanying signature sheets. In other words the petition signatories are signing for one thing but the Principal Petitioner has stated something different on the form.

6 Political Administration Proposals for Amending the Scheme

- 6.1** Following discussion with officials, the Political Administration have suggested that the following adjustments be made to the petitions procedures and that the criteria be updated accordingly:-
- (a) Firstly, in order to deal with the situation described at paragraph 5.4 above, that the Petition Statement box be amended to make it clear that petitions will be rejected and returned to the Principal Petitioner in cases where the wording contained within the Petition Statement box differs from that on any accompanying petition signature sheets;
 - (b) Secondly, that petitions will not be accepted where the subject matter is currently; has recently been; or will shortly be the subject of public consultation. In these circumstances it is considered that the consultation process should be the mechanism to allow all parties to express their views;
 - (c) Thirdly, only petitions that are fully valid be accepted. Petitions that are partly valid should be rejected and returned to the Principal Petitioner with an explanation why and asking them to re-submit a fully valid petition; and
 - (d) Fourthly, that the Head of Customer Services, be made the sole arbiter as to whether a petition is valid and petitions which are deemed not to be valid no longer be reported to the Petitions Committee for final decision.

7 Report Implications

7.1/

7.1 Resource

Improved petitions procedures may result in better use of both officer and member time and therefore resources.

7.2 Risk

There are no risk issues arising from this report.

7.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☒ None of the above

7.4 Impact on Performance and Outcomes

There may be an impact on Council performance and outcomes depending on the particular issues considered by the Petitions Committee.

7.5 Adopting a Preventative Approach

Not applicable.

7.6 Involving Communities and Other Stakeholders

Not applicable.

7.7 Ensuring Equalities

An EqlA is not required.

7.8 Supporting Sustainable Development

Not applicable.

7.9 IT Issues

Not applicable.

8 Recommendations

The Council is invited to consider the operation of the petitions procedures and the need for any adjustments, including those suggested by the Political Administration.

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