

**“Keep all Midlothian Public Toilets Open” – Petition from Mr Kenny Young, 2 Ancrum Bank, Dalkeith****Report by Hillary Kelly, Head of Customer Services****1 Purpose of Report**

To highlight issues in relation to the above petition and to seek the Committee’s instructions.

**2 Petition**

- 2.1** The attached petition (**Appendix 1**) has been received from Mr Kenny Young, 2 Ancrum Bank, Dalkeith, concerning keeping all Midlothian Public toilets open.

**3 Petitions – Rules and Procedures**

- 3.1** In accordance with the decision of the Council on 25 September 2012 when the Petitions Committee was established, it was agreed that:-

- (a) the Head of Customer Services would have responsibility for validating petitions; and
- (b) that the Petitions Committee would have the final decision on those which were deemed by the Head of Customer Services to be invalid, etc.

- 3.2** The procedures for the Midlothian Council Petitions Committee are modelled on those in use at Renfrewshire Council. The adopted Midlothian procedures identify 11 categories for which petitions cannot be made. This includes:-

- Petitions which support any political parties.

- 3.3** Documentation on the Council’s website (Petitions Q&A) also states:-

“We will also not accept petitions which are:

- designed to gain or reduce support for one or more political parties”

- 3.4** It is also stated on the Petitions page on the Council’s website that “Councillors can’t submit petitions but everyone else is free to do so.”

- 3.5** The petition signature sheet (**Appendix 2**) states at the top:-

**“PUBLIC TOILETS - PETITION**

“We, the undersigned, call on the SNP/Independent controlled Council to keep all Midlothian public toilets open.”

**Please return petitions to Cllr Alex Bennett, Midlothian House, Buccleuch Street, Dalkeith EH22 1DJ”**

**3.6** The petition signature sheet also states at the bottom:-

"Printed and promoted by Midlothian North & Musselburgh Labour Party, c/o 28 Cowden Park, Dalkeith, EH22 2HF"

- 3.7** The petition was hand delivered to Midlothian House and the Clerk who received it advised Mr Young about the rules around petitions. Following this Mr Young crossed out part of the text in the Petition Statement box and initialled the change. As a consequence, the text of the Petition Statement is now dissimilar from that at the top of the petition signature sheet.
- 3.8** Within the parameters laid down by the Council for me to validate petitions, I have concern that this particular petition could be construed by some members of the public (particularly from the text referred to at paragraphs 3.5 and 3.6 above) as one which may be seen to some extent as affecting support for a political party.
- 3.9** On the other hand, the petition itself is large, containing a total of 1,589 signatures, which clearly suggests that the issue is one of relevance and importance to many members of the public.
- 3.10** In light of the circumstances stated in this report, the Committee is asked to confirm that it is agreeable to hearing the petition.
- 3.11** The Committee may also wish to consider whether any recommendations should be made to the Council to help provide greater clarity in the validation process in the future.

## **4 Report Implications**

### **4.1 Resource**

There are no resource implications arising from this report.

### **4.2 Risk**

There are no risk implications arising from this report.

### **4.3 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

### **4.4 Impact on Performance and Outcomes**

Not applicable.

### **4.5 Adopting a Preventative Approach**

Not applicable.

**4.6 Involving Communities and Other Stakeholders**

The availability of a Petitions Committee allows stakeholders to raise issues for consideration by the Council.

**4.7 Ensuring Equalities**

Not applicable.

**4.8 Supporting Sustainable Development**

Not applicable.

**4.9 IT Issues**

Not applicable.

**5 Recommendation**

The Committee is invited:-

- (a) to confirm that it is agreeable to hearing the petition; and
- (b) to consider whether any recommendations should be made to the Council to help provide greater clarity in the validation process in the future.

**13 March 2013**

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