
Report to: Clackmannanshire Council

Date of Meeting: 5 October 2023

Subject: Petitions

Report by: Chief Executive

1.0 Purpose

- 1.1. The purpose of this report is for Council to consider proposed changes to the governance arrangements for petitions received from members of the public and businesses within Clackmannanshire and to consider consequential changes to the Standing Orders and the Scheme of Delegation in relation to the treatment of petitions.

2.0 Recommendations

Council is asked:

- 2.1. To approve the establishment of a Petitions Committee for the purpose of hearing petitions submitted by members of the public and businesses within Clackmannanshire in line with the criteria set out in the Guidance (Appendix A);
- 2.2. To note that the Petitions Committee would report on every petition, in respect of which it had heard representations, to Council with its recommendation on how the petition should be disposed of;
- 2.3. Should 2.1 be approved, the Council:
- 2.3.1. Agrees to make consequential changes to Standing Orders and the Scheme of Delegation;
 - 2.3.2. Approves the petitions criteria and guidance and the template as set out in Appendices 1 and 2 of this report; and
 - 2.3.3. In line with the political balance agreed at the Statutory Meeting of Clackmannanshire Council held on 25 May 2023, agrees to nominate eight members to sit on the Petitions Committee (quorum 4):
 - SNP Group (Administration) – 4
 - Labour Group – 2
 - Conservative Group – 1
 - Either Green Member / Independent Member – 1
 - 2.3.4. Appoints a Chair and Vice Chair of the Petitions Committee.

- 2.4. To note that any elected member sitting on the Petitions Committee should consider their responsibilities as set out in the Councillors' Code of Conduct, in terms of their involvement with any petition submitted, particularly where the petition solely concerns their Ward (paragraph 3.5).
- 2.5. To note that as set out in Standing Orders 9.21 to 9.25, should the matter solely relate to a single Ward, Ward Councillors may speak on a matter at a committee they are not a member of, subject to the Chair's approval (paragraph 3.6).

3.0 Considerations

- 3.1. At its meeting held on 1 June 2012, the Council agreed that decisions on Petitions received would be considered by the appropriate Service Committee. The Service Committee would report on every petition, in respect of which it had heard representations, to Council with its recommendation on how the petition should be disposed of. At subsequent meetings of Council on 12 April 2018 and 23 August 2018, when considering the Council's Decision Making Framework and revised remits of Service Committees, Petitions were removed from the remit of Service Committees.
- 3.2. The current situation is that any petitions have to be considered at a meeting of full Council. Reverting back to consideration by Service Committees is not an option as the Service Committees were disestablished at the Statutory Meeting of Clackmannanshire Council held on 25 May 2022.
- 3.3. The recommendation therefore, is to establish a Petitions Committee to hear petitions submitted in line with the criteria set out in the Guidance (Appendix A). A Petitions Committee will provide a more suitable forum for interacting with petitioners and will ensure that petitioners are given the opportunity for greater discussion of petitions.
- 3.4. In line with the political balance set out in the Political Balance report to the Statutory Meeting Council held on 25 May 2022, that Council should appoint 8 members to the Petitions Committee with the political balance as set out below:
SNP Group (Administration) – 4
Labour Group – 2
Conservative Group – 1
Either Green Member / Independent Member – 1
- 3.5. Any elected member sitting on the Petitions Committee should consider their responsibilities as set out in the Councillors' Code of Conduct, in terms of their involvement with any petition submitted, particularly where the petition solely concerns their Ward.
- 3.6. It is also recognised that councillors have an important role in representing ward matters, therefore they may wish to make representation on any petitions submitted solely relating to their ward. As set out in Standing Orders 9.21 to 9.25, Ward Councillors may speak on a matter at a committee they are not a member of, subject to the Chair's approval. Any Councillor using this right may speak for no more than 5 minutes unless the Chair determines otherwise. If the matter covers more than one ward, Standing Order 9.21 does not apply.

4.0 Sustainability Implications

4.1. None.

5.0 Resource Implications

5.1. *Financial Details*

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

5.4. *Staffing*

6.0 Exempt Reports

6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

9.0 Legality

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

- 10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1: Guidance on Submission of Public Petitions

Appendix 2: Petitions Template

11.0 Background Papers

- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Reports to Clackmannanshire Council:

The Council's Decision-Making Framework - 1 June 2012

Council Decision-Making Framework - 12 April 2018


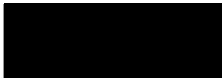
Council Decision-Making Framework Update - 23 August 2018

Political Balance – 25 May 2022

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
Lee Robertson	Senior Manager – Legal and Governance (Monitoring Officer)	
Nikki Bridle	Chief Executive	



Guidance and Criteria for Submission of Public Petitions

Matters To Consider Before Submitting A Petition

There are various ways you can put your views to the Council before taking the step of submitting a petition. For instance, you can:

- Contact the relevant Council service to discuss your concern or request.
- Make a comment or complaint via the Council's comments and complaints procedure.
- Contact one of your local ward Councillors to bring the matter to their attention.
- Respond to the relevant Public Consultation

Drawing Up Your Petition

If you have used these routes and feel that you still want to submit a petition you must follow the guidance set out below.

Submitting a Petition as an Individual or Organisation

- Details should include the full name of the principal petitioner, address and contact details (email and phone number).
- An individual raising a petition must live in the Clackmannanshire Council area.
- If the petition is raised by an organisation or group, that organisation or group must have a registered or service address in Clackmannanshire. They must provide the address of the group and contact details of an officer
- A template (Form A) for completion by individuals or organisations is available on the Council's website. It is advisable to use the template as it covers all of the matters covered in this guidance.

Submitting a Petition as a Business

- Petitions must include details of the business (e.g. company, partnership, sole trader) raising the petition.
- Details should include full name of the principal petitioner, business name, address and contact details (e-mail and phone number).
- The business must have a registered or service address in Clackmannanshire.
- There must be at least 5 other registered Clackmannanshire businesses or businesses having a place of business in Clackmannanshire supporting the petition.
- A template (Form B) for completion by business(es) is available on the Council's website. It is advisable to use the template as it covers all of the matters covered in this guidance.

Signatories

- Individual signatories to a petition must live in the Clackmannanshire Council area.
- For issues relating to Clackmannanshire as a whole or individual geographic areas within Clackmannanshire, petitions will require at least 250 individual signatories before they will be considered by the council.

Content

- The petition should be titled and include a short, clear and concise statement (no more than 250 words) which covers the main subject of the petition and details of action which the petitioner wishes the Council to take.
- If the petition is in paper format, the top of every page of signatories must have the title of the petition and the petition statement which people are supporting.
- Only petitions regarding some interest or issue within Clackmannanshire will be considered by the appropriate Committee.
- Petitions must not contain language which is offensive, for example swear words, inflammatory, sarcastic or provocative language or other terms that could reasonably be considered as offensive by the reader.

- petitioners must ensure that information is submitted in good faith and does not include:
 - false or defamatory statements
 - information which is protected by an interdict or court order
 - material which is commercially sensitive, confidential or which may cause personal distress or loss
 - reference in the petition statement to the names of individuals.

Exclusions

Petitions should not be submitted (and will not be accepted by the Council) where they:

- challenge a decision if there is recourse to a legal remedy (such as the right of appeal to the Sheriff, recourse to the Lands Tribunal)
- relate to objections to Planning applications as these will be considered through separate guidelines governed by the appropriate legislation.
- relate to licensing decisions
- relate to decisions which could result in court action
- refer to an issue where there is recourse to the complaints procedure or to the Ombudsman available
- relate to any situation where litigation may be involved
- request the direct reversal of a decision/action approved by Council in the last six months.
- are related to a subject that is the same or similar to a petition considered within the last 12 months.

Submitting Your Petition

Once you have drawn up your petition and checked it meets the criteria set out in this guidance, you should address your petition to:

- Monitoring Officer, Clackmannanshire Council, Kilncraigs, Alloa, FK10 1EB

Alternatively, you may submit a scanned copy of the full petition (including signatures) by email to petitions@clacks.gov.uk.

Please note that Council officers *cannot* participate in any photo call relating to the submission/receipt of a petition.

Once Your Petition Is Received

Your petition will be acknowledged within three working days of receipt. The members of the Petitions Committee, the Chief Executive and Strategic Directors will be notified that your petition has been received so you do not need to send in multiple copies.

Petitions which do not follow the guidelines will be rejected and you will be informed in writing of the reasons.

Once your petition has been verified as being correctly completed and meeting the criteria set out in this guidance, it will be considered at a meeting of the Petitions Committee. The Monitoring Officer will invite petitioners to attend the meeting to speak in support of their petitions. If petitions have been submitted on similar issues they may be considered at the same meeting.

The Petitions Committee will listen to the views of the petitioners and ask questions to help decide on the most appropriate course of action. Where the matter is solely related to a single ward area, local Ward Councillors may also be invited to make representation to the Petitions Committee by the Chair. The Petitions Committee will report on every petition, in respect of which it has heard representations, to Council with its recommendation on how the petition should be disposed of, which could include:

- agreeing that the issue raised does not merit further action.
- instructing an officer to complete an investigation and submit a report with recommendations on the disposal of the petition to a future Council meeting .

Within 7 working days of the Petitions Committee meeting, the Clerk to the Committee will write to the Principal Petitioner advising of the Committee's decision.

* * *

If you require further information on submitting a petition please contact Committee Services, Kilncraigs, Alloa (Tel 01259 452004/452006) or contact us by email at petitions@clacks.gov.uk



PETITIONS FORM

If you wish to submit a petition for consideration by Clackmannanshire Council, you must complete this template.

Please refer to the Guidance on Submission of Public Petitions before completing the template. If you require any further information or advice, please contact us (details of how to contact us are provided at the end of this form).

Details of Principal Petitioner

Please enter the name of person and organisation (if applicable) raising the petition. Please include a contact address to which correspondence may be sent, a contact telephone number and e-mail address if available.

Full Name	
Name of Organisation / Business	
Address	
Postcode	
Telephone Number	
E-mail address	

I am submitting the petition as a(n) :
Individual/Organisation **Business** **Both** ** tick as appropriate*

Title of Petition

Petition Statement - Please state (in no more than 250 words) what action the Petitioner wishes the Council to take.

Action Taken (if any) to Resolve Issues of Concern before Submitting the Petition

Before a petition is submitted, petitioners are expected to have taken reasonable steps in attempting to resolve the issues.

Please enter below details of any individuals or organisations approached. Copies of correspondence, including any responses, should be appended. This information will be made available to the Petitions Committee prior to its consideration of the Petition.

Appearance before the Petitions Committee

Petitioners may be invited to appear before the Petitions Committee to speak in support of their petition if it is considered that this would be useful in assisting the Committee to reach a decision.

Please indicate below whether you wish to submit a request to make a brief statement to the Committee that may consider your petition.

***I DO wish the opportunity to make a brief statement before the Committee**

***I DO NOT wish to make a brief statement before the Committee**

** tick as appropriate*

Signature of Principal Petitioner

When satisfied that the petition meets all the criteria outlined in the Guidance on Submission of Public Petitions, the Principal Petitioner must sign and date the form in the box below.

Any additional sheets of signatures should be appended to the form. Please note that the top of every page of signatories should have the statement which people are supporting.

Signature Date

Name in block capitals

PETITION FORM SUBMITTED BY INDIVIDUAL/ORGANISATION

A petition must be supported by:-

At least 250 individual signatories who live in the Clackmannanshire Council area, before they will be considered by the Council.

Petition Title:
Petition Statement:

FULL NAME (First Name and Surname)	HOUSE NUMBER / NAME	STREET	TOWN	POSTCODE	SIGNATURE

PETITION FORM SUBMITTED BY INDIVIDUAL/ORGANISATION

Petition Title:

Petition Statement:

FULL NAME (First Name and Surname)	HOUSE NUMBER / NAME	STREET	TOWN	POSTCODE	SIGNATURE

Submission:
Once you have drawn up your petition and checked it meets the criteria set out in this guidance, you should address your petition to the Monitoring Officer, Clackmannanshire Council, Kilncraigs, Alloa, FK10 1EB. Alternatively, you may submit a scanned copy of the full petition (including signatures) by email to petitions@clacks.gov.uk

PETITION FORM SUBMITTED BY LOCAL BUSINESS(ES)

If the petition is raised by a local business, the business should have a registered address in Clackmannanshire and there should be at least 5 other registered Clackmannanshire businesses supporting the petition.

Petition Title:

Petition Statement:

FULL NAME (First Name and Surname)	POSITION HELD WITHIN THE BUSINESS	BUSINESS ADDRESS	TOWN	POSTCODE	SIGNATURE

Signature **Date**

Submission:
 Once you have drawn up your petition and checked it meets the criteria set out in this guidance, you should address your petition to the Monitoring Officer, Clackmannanshire Council, Kilncraigs, Alloa, FK10 1EB. Alternatively, you may submit a scanned copy of the full petition (including signatures) by email to petitions@clacks.gov.uk

