

Scottish Borders Council Audit & Scrutiny Committee Petitions Procedure

Part of the remit of the Audit & Scrutiny Committee is to consider petitions submitted to the Council in accordance with the Council's approved petitions procedure, outlined below, and to determine the appropriate action to be taken within the terms of the procedure.

Petitions

1. Petitions should raise issues which relate to matters within the responsibility of Scottish Borders Council or the general well-being of the residents of the Scottish Borders. Petitioners should be able to demonstrate that there is a public interest in the issue that they are raising.
2. A petition should be on a standard form, titled and should include a clear statement (no more than 250 words) which covers the main subject. Any further information, for example, about measures already taken or approaches made to other bodies, should be included but limited to no more than 4 sides of A4 paper.
3. Petitions should be accompanied by at least 10 signatures in total, from persons aged 16 and over, resident in the Scottish Borders. The signatures must be from a minimum of 3 separate addresses. The principal petitioner should be on the Register of Electors for the Scottish Borders Council area.
4. Petitions from local businesses shall be accepted where there is support from at least 5 businesses on the Valuation Roll for Scottish Borders Council.
5. Elected Members may not be a signatory on a petition and no petition will be accepted from a political party.
6. Where there are already regulatory procedures in place or the matter relates to individuals, then it would not be appropriate to accept such petitions, therefore petitions shall not be accepted:
 - (i) about planning, licensing, or other matters where there are already regulatory procedures in place;
 - (ii) about personal or business issues;
 - (iii) about commercially sensitive or confidential material;

- (iv) about individual Councillors, members of Council staff, or other individuals who may easily be identified;
 - (v) about employees' terms and conditions of employment;
 - (vi) about information which is protected by an interdict or court order;
 - (vii) about an allegation that someone has broken the law;
 - (viii) which contain language which is defamatory, offensive, provocative or otherwise inappropriate;
 - (ix) which relate to a complaint or grievance (which should be handled through the Council's complaints procedure);
 - (x) which relate to a decision made by the Council or a committee during the preceding six months; and
 - (xi) which are identical or similar to other petitions made within the preceding twelve months.
7. The Clerk to the Council, or her representative, shall ensure petitions keep to procedures and are admissible. All valid petitions, with accompanying information if any, shall be passed to the next scheduled meeting of the Audit & Scrutiny Committee. Petitions which are the same, or substantially similar, shall be considered together.
 8. A summary report shall be prepared for the Committee by the Clerk to the Council about any petitions received during the period that are considered inadmissible for any of the reasons listed in paragraph 6 above. The Committee will make the final decision as to whether these are valid.

Meetings of the Audit & Scrutiny Committee

9. When hearing a petition the relevant Director(s), Executive Member(s) and Community Planning Partner representative(s) shall be invited to attend the meeting to provide further information, as appropriate.
10. The principal petitioner should indicate on the form whether or not he/she, or a named deputy, wish to have the opportunity to make a statement at the meeting of the Audit & Scrutiny Committee where their petition is being considered. It would be normal practice to allow the principal petitioner or a deputy to speak, but this is at the discretion of the Chairman of the Committee.
11. No deputation to the Meeting of the Audit & Scrutiny Committee shall exceed 10 in number and, at the discretion of the Chairman, only one speaker shall be heard by the Committee. The time allowed to present the petition shall not exceed 10 minutes, except at the discretion of the Chairman. The speaker should also be prepared to answer questions.

12. Notice of petitions scheduled to be considered by the Audit & Scrutiny Committee will be through the usual on-line public access facility to committee papers, with a link from the petitions "page" on the Council website. Those signing petitions should be made aware that the detail of the petition, with their name and address (but not signature), will be published on the Council website as part of the agenda pack for the meeting of the Audit & Scrutiny Committee.
13. For the moment, no "e-petitions" will be facilitated, or comments from the public accepted on petitions scheduled for consideration by the Audit & Scrutiny Committee.
14. The procedure at the meeting, for each petition considered, shall be as follows:
 - (i) the meeting shall be in public unless the subject matter of the petition would be deemed to be confidential under the terms of Section 7A of the Local Government (Scotland) Act 1973;
 - (ii) the principal petitioner, or named deputy, shall give a statement in explanation of the petition;
 - (iii) there will be an opportunity for Members of the Committee to ask questions of the petitioner or their named deputy;
 - (iv) there will be an opportunity for any Director(s), Executive Member(s) and Community Planning Partner representative(s) present to ask questions of the petitioner or their named deputy;
 - (v) a response to the petition may be heard from a Director, Executive Member and/or Community Planning Partner representative present at the meeting;
 - (vi) there will be an opportunity for Members of the Committee to ask questions of any Director, Executive Member(s) and Community Planning Partner representative(s) present at the meeting;
 - (vii) there will be an opportunity for the petitioner or their named deputy to ask questions of any Elected Member, Director or Community Planning Partner representative present at the meeting;
 - (viii) Members of the Committee shall then discuss the information available and consider their findings. The Committee may defer a decision should further information be required.

Note: any contribution on behalf of the petition from a second or other speaker(s) shall be at the discretion of the Chairman. The public will not be allowed to speak at the meeting unless invited to do so by the Chairman.
15. The Audit & Scrutiny Committee shall agree to one of the following:-

- (i) refer the petition to another Committee or Director, with or without a recommendation or comment. That Committee or Director shall then make the final decision which could include taking no further action;
 - (ii) refer the petition to the relevant Community Planning Partner, with or without a recommendation or comment, if appropriate;
 - (iii) that the issue(s) raised do not merit or do not require further action.
16. The decision of the Audit & Scrutiny Committee, and any reason for that decision, shall be recorded in the Minute of the Meeting and a copy of the Minute shall be sent to the principal petitioner by Democratic Services staff. Where the petition is referred to a Director or another body, the responsibility for communicating the final outcome of the petition is also referred. Updates on these outcomes will be provided to the Audit & Scrutiny Committee.
17. There will be no right of appeal in response to a final decision made in response to a petition.
18. The usage and effectiveness of the petitions procedure shall be reviewed on an annual basis.