



From mountain to sea

# **Scheme of Governance**

## **Part 4H – Guidance on Petitions**

27 September, 2019



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## 1 Why petition?

A petition is a formal written request to Aberdeenshire Council in respect of a particular cause. Taking part in a petition is one way that members of the public can raise awareness of a particular issue that they want the Council to consider and it can have a positive outcome by creating informed and open debate on the matter.

Submitting a petition does not guarantee the action sought will be achieved but it is an important tool for communities to raise awareness of matters that are important to them.

## 2 Things to consider before submitting a petition

Before submitting a petition, you should consider whether there are any other forums that could resolve your issue. You should ask yourself the following questions:-

- Have you raised the issue with the Council directly, e.g. as an email to the relevant department, a comment or complaint?
- Have you sought assistance from your local Elected Member, Member of Scottish Parliament or Member of Parliament?
- Have you spoken with your Community Council or Aberdeenshire Rural Partnership?

Where other avenues have been pursued you should advise the Council of the outcome when you submit your petition.

**Please note that this guidance does not apply to petitions submitted in response to planning applications. You can find out further information from the Council's Planning Service at [www.aberdeenshire.gov.uk/planning](http://www.aberdeenshire.gov.uk/planning).**

**Please also check sections 7 and 10 below to ensure that the topic of the petition is competent and relevant.**

## 3 Who can submit a petition?

You can submit a petition if you are an **individual** who lives in Aberdeenshire or a **local business owner** or **voluntary organisation**.

Councillors are exempt from submitting a petition but could use the Member Promoted Issues mechanism in the Council's Scheme of Governance to raise any relevant matters.

Aberdeenshire Council possesses the ability to translate petitions received in a foreign language. There are also out-sourcing facilities for petitions received in Braille.

## 4 Who can sign a petition?

A petition can be signed by any person however **only signatures with an Aberdeenshire address** will be taken into account when calculating whether the petition meets the minimum number of signatures. Council officers **may** use the electoral roll and valuation roll to verify the addresses of the signatories.

The petitioner must sign a declaration when submitting the petition confirming that the information contained within the petition is true and genuine.

## 5 How many signatures are required?

The minimum number of signatories will depend on which Committee is considering the petition.

**For Area Committees, the minimum number of signatories is 50.**

A matter which is specific to an area will generally be considered by the Area Committee. There are six Area Committees – Banff and Buchan, Buchan, Formartine, Garioch, Kincardine and Mearns and Marr.

Fewer signatories may be accepted in exceptional circumstances in respect of a petition to an Area Committee e.g. where the issue concerns a small community which could not reasonably be expected to raise at least 50 signatories. The Area Manager, following consultation with the appropriate Area Committee Chair, will decide if this exception applies. If applicable, you will be informed of the decision on this issue in a letter acknowledging the petition.

**For Policy Committees, the minimum number of signatories is 100.**

The Council's Policy Committees are Business Services Committee, Communities Committee, Education and Children's Services and Infrastructure Services Committee. The remit of each Policy Committee can be found on the Council's [website](#).

**For meetings of Full Council, the minimum number of signatories is 200.**

Full Council will generally consider matters of general interest to the Council, which do not fall within the remit of any of the Area or Policy Committees.

As noted above only signatures with Aberdeenshire addresses will be taken into account when assessing whether the petition meets the above requirements.

## 6 What should a petition contain?

A petition must include the following information:-

- The title or subject matter of the petition.

- A short statement of no more than 250 words which details what action the petitioner wishes the Council to take.
- The principal petitioner's name, address, contact details including e-mail address and telephone number and signature.
- Whether the petitioner also wishes to speak at a Meeting where the petition will be heard and discussed (Request to Speak).

A template submission form and template petition are attached to this guidance at Appendix A and Appendix B. This template is also available online to download at [www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk). We would encourage use of this template where possible.

In addition to the requirements stated above, the petition topic and statement must be about something the Council is responsible for or relate to something the Council does or a service it provides. The petition topic and statement must set out the action that you want the Council to take.

## 7 A petition will not be accepted if:

- It contains false or defamatory statements or offensive or inappropriate language.
- It includes information protected by or relating to a court order or interdict.
- It contains the names of individual officers of public bodies.
- Similar or identical petitions have been considered in the past 24 months.
- The issues raised do not fall within the Council's powers and remit.

**You should take care not to include any information in the petition that you would not wish to be publicly available.**

## 8 E-petitions

The Council may accept e-petitions or petitions hosted by an online facility if they meet the criteria set out in this guidance. The Chair of the relevant Committee may choose to refuse to accept an e-petition if there are concerns regarding its validity. Where the e-petition is managed by an external provider and the e-petition submitted to the Council does not contain the addresses of the signatories, a statement should be provided by the provider confirming that the minimum threshold numbers of signatories with Aberdeenshire addresses has been met, as detailed above. This should be provided at the same time the e-petition is submitted.

## 9 Where should I send my petition?

The completed petition and submission form should be sent to:-

**Director of Business Services  
Aberdeenshire Council  
Woodhill House  
Aberdeen  
AB16 5GB**

Please ensure that all material submitted with the petition is securely attached together. It is recommended that you retain a copy of the petition for your records.

Alternatively a legible, electronic copy of the petition can be emailed to [petitions@aberdeenshire.gov.uk](mailto:petitions@aberdeenshire.gov.uk)

You will be sent an acknowledgement when we have received your petition.

## 10 What happens after I've submitted my petition?

Your petition will be considered by the Director of Business Services and the Councillor who is the Chair of the relevant Committee. They will consider whether your petition complies with the requirements set out above and also whether it can be considered by the Committee as a competent and relevant matter.

Matters that will **not** be considered include the following:-

- Planning, licensing or other matters where representations from the public are dealt with by another process.
- A matter that is considered commercially sensitive or confidential.
- Employee terms and conditions of employment.
- Matters that are the subject of any current court proceedings
- Matters which would disclose exempt information under Part I of Schedule 7A of the Local Government (Scotland) Act 1973

If your petition is **not accepted**, you will be notified of the reasons why.

If your petition is **accepted**, you will be notified of the date and time of the Committee meeting at which it will be considered. Please note the Committee will still have to decide at the meeting whether to accept the petition for consideration and may decline to do so at the meeting, in which case you will be advised on the day of the reasons for this.

## 11 What happens at the meeting?

Prior to the meeting a written report will have been prepared by a Council Officer explaining that you have submitted the petition and setting out the procedure to be followed. This will have been published with the rest of the agenda for the meeting and will be available online at the Council's website.

On the day of the meeting the Council Officer will present the report to the Councillors present. If you have indicated on the submission form that you wish to speak at the meeting, the Councillors at the meeting will first decide whether or not to accept your request. If they allow it, you will have a period of up to five minutes to present your petition to the Councillors.

You can arrange for someone to represent you at the meeting provided you notify the Council in advance via [petitions@aberdeenshire.gov.uk](mailto:petitions@aberdeenshire.gov.uk). Alternatively you can have a person accompany you at the meeting to assist you in addressing the Councillors.

Once you have spoken, the Councillors may ask you questions about your petition, the background to it and the action you want the Council to take.

The Councillors will have **two options**:-

1. They can simply **note the terms of your petition**, and **do nothing further**. This may be where the Councillors consider that no action can be taken in relation to the matter you have raised. In these circumstances, the process will be at an end and your petition will not be taken any further; or
2. If they consider the subject matter of your petition requires to be explored further, they can instruct a Council officer with remit for the matter to **provide a report to a later meeting**. The Councillors cannot take any formal decision on the matter until they have had the opportunity to consider that report.

The Councillors will make their decision at the meeting and it will be notified to you in writing, together with the reasons why the decision was made.

## 12 What happens next?

If the Councillors have instructed a report for a further meeting then you will be advised of the date and time of the next meeting.

The report on the subject matter of your petition will be presented to a future meeting of the Committee or Full Council. The Councillors present at the meeting will consider the matter and will determine what action to take. In doing so, the Councillors will consider the following factors:-

- Does the Committee considering the report have the **power to take action**?

*Each Committee of the Council has specific power in terms of what decisions it can take. If the Committee does not have the power to do anything with the subject matter, it may decide to do nothing further or it may decide to refer it to another Council Committee which does have the power for the decision making. Alternatively the action required may have been delegated to Council officers to whom the Committee could make recommendations.*

- Would the action requested in the petition **comply with the Council's Policy**?

*Councillors make their decisions in line with law and the Council's policies. If the action requested is unlawful or contrary to policy, it is unlikely that the Councillors will be able to agree it.*

- Is there **work already ongoing** elsewhere in the Council regarding the matter that could ultimately resolve the issue?
- Has a **decision previously been taken** by the Council that is contrary to the action sought?
- Is there **council budget** available?

Any decision made by the Councillors regarding your petition will be notified formally to you.

### 13 Where to seek advice?

If you require any further information about submitting a petition or any further guidance about the process by which a petition may be heard, please use the contact details below:

**Director of Business Services**  
**Aberdeenshire Council**  
**Woodhill House**  
**Aberdeen**  
**AB16 5GB**  
**Email: [petitions@aberdeenshire.gov.uk](mailto:petitions@aberdeenshire.gov.uk)**



## APPENDIX A – PETITION SUBMISSION FORM

Details of the Principal Petitioner
<p><b>Name:</b></p> <p><b>Address:</b></p> <p><b>Postcode:</b></p> <p><b>Tel No:</b></p> <p><b>Email:</b></p>
<p><b>Subject Matter/Title of the Petition</b></p>
<p><b>Petition Statement:</b> (Maximum of 250 words detailing what action the petitioner wishes the Council to take.)</p>
<p>What action (if any) has been taken to resolve the issue <b>before</b> submitting the petition?</p>

### Other Proceedings

Please indicate whether any of the following apply to the issue concerned.

Are the issue(s) raised in the petition currently being dealt with by Aberdeenshire Council? Yes  No

Have the issues raised been dealt by Aberdeenshire Council in the past?  
Yes  No

Are the issue(s) raised subject to any legal proceedings? Yes  No

### Request to Speak

A petitioner may request to speak about their petition at the Committee meeting. The decision whether to hear from speakers is made by the Committee. Please indicate below whether you wish to have the opportunity to speak about your petition.

**I DO wish to make a brief statement during the meeting.**

**I DO NOT wish to make a brief statement during the meeting.**

### Declaration and Signature of Principal Petitioner

I declare that the information provided by me on the above form is true and correct to the best of my knowledge and belief.

Print Name:

Signature:

Date:

Number of people who have signed the petition.

**APPENDIX B – PETITION TEMPLATE**

	NAME	ADDRESS	SIGNATURE
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