



REPORT TO: MORAY COUNCIL ON 7 DECEMBER 2022

SUBJECT: PETITIONS PROCEDURE – INTRODUCTION OF E-PETITIONS

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 To advise the Council of the facility to accept e-petitions within the Council's Committee Management and Information System (CMIS) and to seek approval to amend the petitions procedure to incorporate e-petitions and consider the avenues for engagement with school children and young people
- 1.2 This report is submitted to Council in terms of Section II (10) of the Council's Scheme of Administration relating to changes in Committee structure, distribution of functions and responsibilities.

2. RECOMMENDATION

2.1 It is recommended that the Council:

- (i) **note that the Council's Committee Management and Information System (CMIS) has the facility to accept e-petitions;**
- (ii) **agree the revised Petitions Guidance/Procedure retaining the submission of paper submissions and incorporating e-petitions detailed in Appendix 2; and**
- (iii) **agree that the Council's web pages are updated to reflect the revised Petitions Guidance/Procedure and that these also signpost the avenues currently open to children and young people to make representations to the Council.**

3. BACKGROUND

- 3.1 At the meeting of Moray Council on 27 March 2013, the Council agreed a procedure relative to the handling of petitions and that petitions process should go live from 1 April 2013 (para 11 of the Minute refers)
- 3.2 To date 33 petitions have been submitted to the Council with 4 being heard at the appropriate Service Committee. The remaining 28 petitions did not meet the current petitions criteria as per the table below.

Reason for Rejection	Number Rejected
<p>The petition contained matters involving policy, programme, strategy, plans or similar documents which were published only after extensive public consideration and are subject to programmed periodic review by the Council. For this reason petitions in respect of these types of matters will only be admitted at the discretion of the Committee chairperson</p> <p>Where policies, programmes, strategies, plans or similar documents are already scheduled for periodic review including public consultation it may be more appropriate for petitioners' views to be considered through the public consultation process rather than through the petitions process to ensure that all relevant views are canvassed before any change is made.</p>	9
<p>The petition was relating to a decision the council or any board, committee or joint committee had made within the past 6 months where there had been no material change that would have allowed the petition to be progressed.</p>	1
<p>The petition related to matters that are the responsibility of The Moray Council's Community Planning Partners e.g. NHS Grampian, Third Sector Interface Moray, Grampian Fire and Rescue, Grampian Police, Moray College, HITRANS, HIE (for more information visit www.yourmoray.org.uk) – such petitions will be sent on to the relevant partner to address</p>	4
<p>The petition was not signed by the Principal petitioner, giving all other necessary details?</p>	3
<p>The petition did not detail the name, address and signatures of 50 people supporting the petition.</p>	8
<p>The petition contained factually inaccurate information, defamatory or false statements or language which is offensive, extreme or provocative. This includes obvious swear words and insults, but also any language to which people reading it could reasonably take offence or view as discriminatory.</p>	1
<p>The petition related to matters which are subject to individual planning, licensing or other similar processes designed to ensure justice is done including decisions the Council has already made where there are already</p>	3

procedures in place to consider objections and any appeal against decisions.	
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The current petitions procedure **relates to paper submissions only and for reasons of inclusivity it is** recommended that the option to submit a paper petition is retained.

4. E-PETITIONS

4.1 The Council introduced the use of a CMIS in May 2017 which has a range of functionality including:

- The production of agendas and minutes;
- Councillor information;
- Committee Calendar;
- Outside Bodies and their representatives.

4.2 CMIS also has the ability for an individual to create an e-petition. The e-petition process requires a petitioner to complete an online form. Once submitted it would follow the same verification process as that currently used for paper petitions. If it passes the verification process, the petitioner will receive an email including a link to the petition which can be shared to collect electronic signatures. The procedure for submitting an e-petition is set out at **APPENDIX 1**.

4.3 A revised copy of the petitions guidance incorporating e-petitions is set out at **APPENDIX 2**.

5. ENGAGING WITH SCHOOL CHILDREN AND YOUNG PEOPLE

5.1 Following a recent submission of a petition from secondary pupils in relation to smart cards for use to purchase school meals, Members asked for consideration to be given to how school children and young people could engage with the council and whether this could be done through the petitions process or other means.

5.2 Committee Services undertook a further survey of other local authorities in Scotland to see what mechanisms, if any, they had for engaging with school children and young people. Responses varied in this regard with most having no specific means for school children/young people to raise relevant issues, whilst one used a deputations process with no age restriction and another had considered a means of considering issues raised by school children through the Education Committee.

5.3 Further investigation into whether there are any other mechanisms of engagement for/with young people in Moray has revealed the undernoted:

Pupil Representative on Education, Childrens' and Leisure Services Committee	Remit could be extended to gather youth views that could be brought forward to the Committee
Student Voice Groups/Pupil Senates	Allows pupils to come together to discuss issues that are relevant to

	them and provide views back to their schools.
Community Learning and Development – Youth Team – Moray Youth Matters Group	This is a recent development which could potentially be a forum for young people to engage with the Council. This is a forum where the young people discuss issues that are of interest to them. They have met a few times and are keen to look at issues pertaining to their schools experiences. They are keen to speak to officers in the council about their concerns and to then look at what actions they can then take as a result of those discussions.
Scottish Youth Parliament Members	There are also 2 Scottish Youth Parliament members for Moray and these young people would be another route to raise issues which they can then take back to the Scottish Youth Parliament.
Community Councils	It has been a long running desire to encourage younger people to become involved in their local community council and to encourage this the minimum age for membership on a community council was reduced from 18 to 16.
Writing directly to the Committee Chair, Leader or Chief Executive as an individual or as a group	Requesting action in relation to a particular concern.
Contacting their ward councillor	Part of a councillor's role
Making a complaint	Through the Council's complaints procedure

- 5.4 The Council's petitions process was created as a means for community groups/organisations to express their views/engage with the Council. A criteria was set for submitting a petition such as the requirement for those submitting and signing a petition to be on the electoral register, the need for a minimum of 50 signatories as well as other criteria.
- 5.5 Extending the current petitions process to try to include school children/young people would be problematic. Whilst some may appear on the electoral register from the age of 16 it is likely that the majority will not. The need for 50 signatories that would require verification against the electoral register would therefore be prohibitive for under 16s. The use of the term petition has inadvertently prevented the progress of representations from school pupils/young people for the reasons stated above.
- 5.6 It is therefore suggested that the existing engagement mechanisms for children and young people (detailed in paragraph 5.3 above) are highlighted on the Council's web pages alongside reference to the Petitions Guidance/Procedure. This is considered proportionate and consistent with

right of the child and young people to be heard and have their opinion considered under article 12 of the United Nations Convention on the Rights of the Child.

6. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Members of the public engaging with the Council by means of petitions links directly with Moray Council's priority to Empower Communities.

(b) Policy and Legal

It is important, in the interests of good corporate governance and the Best Value Statutory Duty, for the Council to provide a means for the public to engage in the decision making process.

It is a General Principle of the United Nations Convention on the Rights of the Child that children have the right to express a view and have that view taken into account.

(c) Financial Implications

None

(d) Risk Implications

By failing to provide an option to receive e-petitions, the Council could be seen to hinder public engagement on matters for which the Council has a responsibility or a service it provides.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

The proposals are consistent with the UNCRC (Incorporation) (Scotland) Bill.

(h) Climate Change and Biodiversity Impacts

None.

(i) Consultations

Head of Governance, Strategy and Performance, Community Learning and Engagement Team Manager (CLD), Stewart McLauchlan, Quality Improvement Manager, Children, Young People and Families Manager (CLD) and the Equalities Officer.

7. CONCLUSION

- 7.1 The Council has had to reject 11 petitions due to being submitted electronically using a platform not currently supported in our Petitions Procedure. CMIS already has the functionality for members of the public to create e-petitions and collect electronic signatures and it is recommended that our current petitions process be revised to include**

the receipt of e-petitions in addition to paper petitions.

- 7.2 In reviewing the current avenues open to children and young people to engage with the Council, it is suggested that the existing engagement mechanisms for children and young people (detailed in paragraph 5.3 above) enable them to engage on appropriate issues and that these are highlighted on the Council's web pages alongside reference to the Petitions Guidance/Procedure to ensure that children and young people are aware of them.**

Author of Report:	Democratic Services Manager
Background Papers:	Report to Moray Council dated 27 March 2013
Ref:	SPMAN-2045703626-199
	SPMAN-2045703626-200
	SPMAN-2045703626-198