



## **DEPUTATIONS, PETITIONS AND REQUESTS FOR COUNCIL SUPPORT**

### **Introduction**

Members of the public can ask their ward councillors to support changes to the council's approach to its services, or in persuading the council itself to support a broader, possibly national, issue. They can also approach the council more directly, in three different ways:-

- Making a deputation request
- Lodging a petition
- Asking for council support for a campaign

These three routes are explained in this guidance. The rules about them are written into the council's Standing Orders. These form the council's internal rule book on how it runs its committee meetings. The rules give rights to request these three things but not necessarily a right to have them. There are some conditions that apply before requests will be allowed. The procedures involved are slightly different for each of them. However, some basic rules apply to all three things in relation to whether they can be considered at all.

### **Things allowed**

The request must concern an issue the council can do something about - it must be within its legal powers and duties. For example, the council does not run hospitals or GP practices; it cannot spend money on overseas aid; it cannot change rules about state benefits. Those kinds of things cannot be brought forward through these three routes.

If the request is to come to a particular committee meeting then that committee must also have authority to act. So, if the request is about an education policy the relevant committee will be Education Executive. If it is about speeding on public roads or housing allocations rules then it will be Council Executive.

The request must be about a policy matter. "Policy" means a set of guidelines or value judgments put in place to guide decisions, to allocate resources and to achieve rational outcomes. Some examples of policy matters are: spending funding on COVID recovery projects; increasing or reducing speed limits; paying contributions towards social care services; closing a public building like a library; allocating money amongst council services; frequency of grass cutting in public spaces; making it easier for councils to build council houses; restrictions; early years education and nursery provision.

### **Things not allowed**

The request cannot be about an individual service request. For example, the council has a policy on contributing to social care service costs. A request would be possible about the policy itself. It would not be possible about the payment which has been assessed for an individual service user. Likewise, there is a policy about how housing applications are prioritised. A request could cover a change to the rules in that policy but it cannot cover an individual application on the allocations list.

If there is another procedure available in the council then that other route must be used. For example, there is an established process for making a community asset transfer request and

these three routes cannot be used to do that; the procedure available for disabled parking spaces must be used rather than using one of these three routes to request a space or object to one being provided.

The request cannot be about regulatory business. That refers to statutory applications or appeal procedures such as planning applications, or hire car licence applications, or objecting to an application to hold a parade or procession, or appealing against a refusal of a school placing request.

## **DEPUTATIONS**

### **Introduction**

Council rules allow members of the public to take part in some of the internal meetings that councillors attend. Sometimes those rules allow applicants or objectors have their say about, for example, a planning application. Sometimes there will be a standing invitation to a community organisation to attend, such as community councils attending Local Area Committees. This section of the guidance is about requests made by members of the public to come to a meeting to give their views about council services or policies to try to influence councillors when they make their decisions.

Those are called “deputation requests”. The person making the request is “the deputation”. A deputation is a request to address a council or committee meeting on something either in the published agenda for a meeting or on an entirely new matter.

### **How to make the deputation request**

The request must be in writing. Email is fine. A request made by phone or in person is not enough.

If it is about an item already on an agenda then it must be received by 12 noon the day before the meeting. If it is about something new then there is no special deadline but notice should be given as soon as possible.

It must say who is submitting the request, who wants to speak, what it is about, and it must give the name of any organisation involved.

A late request will always be considered but there would have to be some good reason for it missing the usual deadline.

### **After the request is made**

The first decision to be made is whether it is a valid deputation request. The rules about whether it is a valid request are explained near the start of this guidance. A senior council officer will speak to the chair of the committee about it. The final decision is made by the council officer but they will always take the Chair’s views into account.

If it is not a valid request then the person making the request will be told and nothing more will happen. There is no right of appeal.

If it is valid and is about something already on a published agenda then all the members of that committee will be told. The decision on whether the deputation will be taken is made by the committee itself at the meeting.

If it is valid and it raises something not yet on a published agenda then it will be added to the agenda for the next appropriate meeting. Again, the decision on whether the deputation will be taken is made by the committee itself at the meeting.

If a valid request has missed the deadline to speak about something on an agenda then all members of the committee will be told about it. The Chair has to decide first of all if the late request will be put to the committee. That decision will be based on the reason for the request being late and what the consequences would be of hearing it or not hearing it. If the Chair does decide that the late request can be considered then the committee itself still has to decide whether or not to take it.

The default position is that a valid deputation request will be heard unless the committee makes a conscious decision to refuse it. A motion by one member, seconded by another member, would be needed and a vote would take place if necessary.

All of these procedural rules mean that no guarantee can be given in advance that a valid deputation will be heard on the day.

### **How the meeting is held**

The council is holding its meetings under “hybrid” arrangements. That means that people can be present physically at the meeting or they can take part online if they want, from somewhere else. Almost all its meetings are based in the council chamber in the Civic Centre in Livingston. Deputations should discuss how they want to take part beforehand so that technical arrangements can be made. If physical distancing rules were brought back in the Civic Centre then deputations would have to take part by remote access.

Council and committee meetings are broadcast live on YouTube. Recordings are made and are available to the public afterwards. Those will include deputations. There is a privacy notice on the council’s website about data protection rights. Deputations who have reservations about being webcast and recorded should make sure to raise them with officers before the meeting.

### **At the meeting**

Once the committee has agreed to hear the deputation the Chair will decide where on the agenda that will happen. The Chair will often move the item of business towards the start of the meeting but that does not always happen.

For a deputation about something already on the agenda there will already be a report setting out background information and what the committee is being asked to do. For a deputation about something new, the agenda say very briefly what it is about and who has made the request. The council’s rules do not allow documents to be added to the meeting papers before or during the meeting.

Speakers have five minutes to address the meeting on the subject of the deputation request. Speakers on the same subject will be heard together and the Chair may decide to limit the amount of time for each. Documents cannot be shown or circulated.

Speakers may then answer questions from councillors.

After questions and answers, speakers have two minutes to sum up the discussion. They are not supposed to introduce anything new at that stage.

Once they have finished summing up speakers have no further role at the meeting. The Chair and the committee will take the discussion forward. They may ask officers for some input or to speak to their report if there is one on the agenda.

It is for the committee to decide what to do about the deputation. Council officers must always be given the chance to provide full advice before a decision is made. The committee could make a final decision, one way or the other, there and then. It could decide that more information or advice is needed before a final decision is made. That might mean a referral to another meeting for more detailed consideration before a return visit to the same committee for that final decision to be made.

The Chair will explain the decision at the end. After the meeting, Committee Officers can help speakers to understand what decisions were made.

## **PETITIONS**

### **Introduction**

A petition is a request supported by a number of members of the public for action by the council or for support for a campaign or policy position. There is no minimum number of signatures needed. The council does not have a dedicated petitions committee. Instead, a petition will be referred to the committee that deals with the subject of the petition.

The petition procedure is only followed when the petition reaches council officers. Sending it to councillors is not enough. It must come to council officers, with or without any councillor involvement beforehand.

### **How to lodge a petition**

The request and petition must be in writing. Email is fine. Using an online petition platform is fine as well. What matters is that there is a permanent record available that can be submitted, then considered and then retained by the council for the public record.

The request must say who is submitting the petition by identifying the person who is leading it and providing their contact details. It must state what the subject of the petition is and what the council is being asked to do.

There is no particular deadline for submitting it. If it is a valid petition then it will be added to the agenda for the next available committee meeting.

### **After the petition is lodged**

A decision is made as to whether the petition is valid by the council's rules. The conditions that apply in deciding whether it is valid or not are explained near the start of this guidance. A senior council officer will speak to the Chair of the committee about it. The final decision is made by the council officer but they will always take the Chair's views into account.

If it is not a valid request then the person leading on the petition will be told and nothing more will happen. There is no right of appeal.

If it is valid then the petition is added to the agenda for the next appropriate meeting. The person leading on the petition will be notified of the date of the meeting and of the right to be speak to the meeting about the petition.

When the agenda is published it will say what the petition is about and the action called for. The document submitted will not be published since it will contain information like names and addresses that should not be shared or put on the internet. The full document will be available for councillors to look at on request.

### **Speaking to the petition**

The person leading on the petition can ask to attend the committee to speak to the petition. Others can ask to attend as well. It is an option only. The petition will be considered even if no-one comes to speak about it.

Those requests are handled through the rules for deputations which are explained above.

### **Making decisions about the petition**

It is for the committee to decide what to do about the petition. Council officers must always be given the chance to provide full advice before a decision is made. As with deputations, the committee could make a final decision, one way or the other, there and then. It could decide that more information or advice is needed before a final decision is made. That might mean a referral to another meeting for more detailed consideration before a return visit to the same committee for that final decision to be made.

The Chair will explain the decision at the end. After the meeting, Committee Officers can help explain what decisions were made.

## **REQUESTS FOR COUNCIL SUPPORT**

### **Introduction**

This is a formal request that the council expresses its support for and/or takes some action on a specified campaign issue or policy position. It can come from a member of the public, or from an organisation, or from another public body.

The council does not have a dedicated committee to deal with these requests. Instead, they will be referred to the committee that deals with the subject of the request.

The procedure is triggered when the request reaches council officers. Sending it to councillors is not enough. It must come to council officers, with or without any councillor involvement beforehand.

### **How to lodge a request**

The request must be in writing. Email is fine. Using an online platform is fine as well. What matters is that there is a permanent record available that can be submitted, then considered and then retained by the council for the public record.

The request must say who is submitting the request by identifying the person who is leading it and providing their contact details. If an organisation or public body is involved then that information is needed as well. The request must state what the subject of the request is and what the council is being asked to do.

There is no particular deadline for submitting it. If it is a valid request then it will be added to the agenda for the next available committee meeting.

### **After the request is lodged**

A decision is made as to whether the request is valid by the council's rules. The conditions that apply in deciding whether it is valid or not are explained near the start of this guidance. A senior council officer will speak to the Chair of the committee about it. The final decision is made by the council officer but they will always take the Chair's views into account.

If it is not a valid request then the person leading on it will be told. All councillors will be informed of the request and the decision that it is not valid. Nothing further will be done about it by council officers. There is no right of appeal. However, councillors may decide to pursue the issue themselves. There are other routes open to them that may allow that to be done.

If it is judged to be valid then the request is added to the agenda for the next appropriate meeting. The person leading on it will be notified of the date of the meeting and of the right to ask to speak to the meeting about the request.

When the agenda is published it will say what the request is about and the action called for. A copy of the request will be included although personal data may be redacted first. The full document will be available for councillors to look at on request regardless.

### **Speaking to the request**

The person leading on the request can ask to attend the committee to speak about it. Others can ask to attend as well. This is an option only. The request will be considered even if no-one comes to speak about it.

Those requests to speak are handled through the rules for deputations which are explained above.

### **Making decisions about the request**

It is for the committee to decide what to do about the request. Council officers must always be given the chance to provide full advice before a decision is made. As with deputations and petitions, the committee could make a final decision, one way or the other, there and then. It could decide that more information or advice is needed before a final decision is made. That might mean a referral to another meeting for more detailed consideration before a return visit to the same committee for that final decision to be made.

The Chair will explain the decision at the end. After the meeting, Committee Officers can help explain what decisions were made.

### **Contact details**

Requests should be made to Committee Services – [committeeservices@westlothian.gov.uk](mailto:committeeservices@westlothian.gov.uk). Committee Officers will be able to help explain the rules and procedures that apply.

- Val Johnston, 01506 281604, [val.johnston@westlothian.gov.uk](mailto:val.johnston@westlothian.gov.uk)
- Lorraine McGrorty, 01506 281609, [lorraine.mcgrorty@westlothian.gov.uk](mailto:lorraine.mcgrorty@westlothian.gov.uk)
- Anastasia Dragona, 01506 281601, [anastasia.dragona@westlothian.gov.uk](mailto:anastasia.dragona@westlothian.gov.uk)
- Karen McMahon, 01506 281621, [karen.mcmahon@westlothian.gov.uk](mailto:karen.mcmahon@westlothian.gov.uk)