

Briefing for the Citizen Participation and Public Petitions Committee on PE2198 Establish a standardised and fair public participation process for all Scottish councils

Local government in Scotland is the sphere of government closest to local communities¹. Councils operate independently of central government - although they receive much of their funding from the Scottish Government - and they are accountable to their electorates for the services they provide.

The petitioner calls on the Scottish Parliament to urge the Scottish Government to introduce new legislation or amend existing legislation in order to:

1. require all local authorities in Scotland to adopt, within a specified timeframe, a set of minimum standards for public participation processes (questions, deputations, petitions) that ensure such processes are accessible, transparent, fair, inclusive and consistent across Scotland;
2. designate a new or existing body to oversee and monitor compliance with such standards and either take or recommend action when these are not met.

Background

Across Scotland, councils engage with communities and individuals through a variety of mechanisms. [According to COSLA](#), local government is “committed to improving the ways individual people, and communities of people, can be involved in decision-making that affects them”.

In terms of community or individual involvement in council meetings, each local authority publishes its standing orders on its website. These may set out how deputations, questions and petitions are handled. A look at a random sample would suggest that most councils’ standing orders include provisions. It is up to councils themselves to develop, publish and update their standing orders, in line with relevant legislation.

Since the passing of the [2015 Community Empowerment Act](#), “community participation bodies” such as community councils and development trusts, have had the ability to submit “participation requests” to their local authority. The aim of the legislation was to ensure a route for engagement and dialogue.

¹ Community councils exist in many areas of Scotland but are not a sphere of government.

Individuals and community groups can also speak to their councillors at surgeries, or they can email them with concerns/suggestions. Almost all wards (except for Arran) are represented by more than one councillor, increasing the chances of people having an elected representative willing to take on their concerns. Councillors have a key role in supporting community engagement and participation. An [Improvement Service briefing](#) sets out the ways in which they can become community leaders. For example, councillors have a role in:

- Advising people how to present a petition to the council, deliver a presentation, speak to a committee or how to ask the right questions;
- Providing advice on council policy and procedures;
- Providing contact details for other organisations, groups or individuals that could potentially help;
- Helping people to access the information that they need.

Despite various efforts from local authorities to include individuals and communities in decision-making, [data from Scottish Household Survey](#) shows that only 18% of people surveyed in 2023 agreed with the statement, “I can influence decisions affecting my local area”. This is down from 22% in 2011.

Participation requests and the Community Empowerment Act 2015

The petitioner says that the Community Empowerment Act 2015 mandates participation but does not always define standards or enforce consistency. The Scottish Government [published guidance in 2017](#) for both public service authorities and community participation bodies. But is up to local authorities themselves to interpret the 2015 legislation and ensure compliance with guidance.

In 2020, the Session 5 Local Government and Communities Committee conducted [post legislative scrutiny of Part 3](#) of the Community Empowerment Act. It found a low number of participation requests had been submitted since 2017 (when the Part 3 provisions were enacted). The Committee was unconvinced that this demonstrated high levels of satisfaction with council services; indeed [figures produced by local government itself](#) would suggest otherwise. As such, the Committee recommended:

“Work therefore needs to be done to make the participation request process appear less remote from communities and more real. Knowledge is power, and a lack of awareness or understanding of the process has been a practical barrier. The right to make a request has often not been publicised sufficiently, yet those [public] bodies least successful at raising awareness of the participation request process, and explaining how to use it, might be those who need it most.”

The Committee therefore recommended:

“...that the Scottish Government works with public service authorities covered by the Act, and with COSLA, to ensure communities are aware of their rights to challenge and influence decisions and services. This will involve understanding and removing barriers to the use of participation requests where these could lead to improved outcomes for the local communities involved.”

In [its response to the Committee](#), the Scottish Government stated it would continue to work with the Scottish Community Development Centre (SCDC) who are funded by the SG to raise awareness and promote participation request activity, and to ensure people know their rights to make requests. It also committed to “look to work with COSLA to provide the necessary support to local authorities to encourage an uptake in these requests”.

Earlier this year, the Scottish Government published findings from its [own review into Part 3 of the 2015 Act](#). It found that since legislation was introduced in 2017, 96 requests were received by local authorities. Of these, 53 were granted and 25 were refused (it’s unclear what happened to the other 18). As the petitioner mentions RAAC, it is worth pointing out that 5 participation requests have been submitted relating to housing issues over the past 7 years.

The review also found:

- There is patchy implementation of, and adherence to, the participation request legislation by Public Service Authorities including continued low annual reporting.
- Strengthening the Participation Requests Statutory Guidance and promoting a set of participation requests principles has been proposed as a more practical approach than implementing legislation to introduce a local review and/or national appeals process for participation request.

As a result of the review, [the Scottish Government committed](#) to work with SCDC on updating participation requests principles and exploring the need to update participation requests statutory guidance.

Local Governance Review

Since December 2017, the Scottish Government and COSLA have been working together on a [Local Governance Review](#) (LGR). Its aim is to “ensure Scotland’s diverse communities and different places have greater control and influence over decisions that affect them most”. This has involved various consultations and events across Scotland. The Scottish Government’s [Programme for Government 2025-26](#) confirmed it would conclude the LGR by

April 2026 and publish “a blueprint for models of democratic community decision making”.

Verity House Agreement

The petitioner states that “the petition does *not* ask the Scottish Government to interfere with local authorities’ democratic mandates”. But any legislation that aims to change how local authorities run their operations – community engagement, standing orders, etc - may well be perceived as exactly that.

The [Verity House Agreement](#) was signed between the Scottish Government and local government in summer 2023. It set out various principles, including “respect for each other’s democratic mandate” and “the maxim “local by default, national by agreement””.

It is possible that should the Scottish Government wish to explore the petitioner’s requests, they would do so in partnership with local government.

A monitoring body

The petitioner calls for a new or existing body be designated “to oversee and monitor compliance with such [national] standards and either take or recommend action when these are not met”.

Although not a monitoring body as such, the Accounts Commission aims to hold councils in Scotland to account and help them identify and make improvements. It operates independently of councils, the Parliament and the Scottish Government. The Commission has various responsibilities, including:

- Securing the external audit of local government accounts and the audit of Best Value and community planning.
- Making recommendations to Scottish ministers and local authorities.
- Carrying out or promoting national performance audit work to improve economy, efficiency and effectiveness.
- Coordinating the scrutiny of local government in Scotland.

Best Value reports already look at how councils engage with communities, although SPICe is not aware of reports specifically highlighting concerns with how council meetings are run in terms of petitions and deputations.

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The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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