

Calderdale Council's Petitions Scheme

1. Petitions

A petition is a request for Calderdale Council to consider an issue or concern or to take a particular course of action. Petitions set out a particular view point and can be a useful tool to demonstrate that a view is shared by others. Calderdale Council welcomes petitions as one of a variety of ways in which people who live or work in Calderdale can let us know their concerns.

This document sets out the guidelines for submitting a petition and what you can expect from the petitions process.

To fall in with the requirements of the scheme, the petition must relate to a function of the authority and partner organisations, to 'an improvement in the economic, social or environmental well-being of the authority's area to which any of the authority's partner authorities could contribute'. A petition can also be about issues which involve neighbouring authorities where there is a direct impact on people in Calderdale.

All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

Petitions can currently be submitted in paper format or can be scanned and sent electronically.

Paper petitions can be sent to:

Democratic Support
Calderdale MBC
Town Hall
Crossley Street
Halifax
HX1 1UJ

Scanned petitions can be e-mailed to: democratic.support@calderdale.gov.uk

2. Other ways to make your views known

Calderdale Council values petitions and this document sets out a clear commitment about how we will respond to the petitions we receive. Petitions are not, however, the only - or necessarily the easiest or quickest - way to resolve an issue or to make your views known. You can also:

Contact the relevant Council service directly

- Contact your local Councillor or Ward Forum if you have a concern which relates to your local area or neighbourhood

If you wish to make a complaint about a Council service, then you should instead use the Council's Complaints Process.

3. Principles of Calderdale Council's Petitions Scheme

Key principles we will adhere to within our Petitions Scheme include:

- If we are aware that a petition is being organised, we will seek to explore concerns at an early stage wherever possible, to see if the issue can be resolved without the need to go through a more time consuming process.
- We will encourage a discussion with petitioners and communities in an attempt to resolve the issue or concern. This might include exploring alternative resolutions to the issue which had not been previously considered by the petitioners.
- We will deal with petitions in a professional manner and respond to Petition Organisers within the agreed timescales set out in this scheme.
- Except for petitions intended to trigger a Council debate or to be considered by a Scrutiny Board (see later), we will ensure that your petition is directed to the individual, agency or decision making body most appropriate to respond to or resolve the issue.
- Where necessary, this may include working in partnership with other organisations to respond to your petition.
- We will ensure petitioners receive feedback on the outcome of issues they have raised whether they are directly handled by a Council service or a partner organisation.

We will encourage feedback on the peoples' experience of using the Petitions Scheme and seek to use this to revise and improve the scheme in the future.

4. Are there any issues which the Council will not consider in a petition?

The Council will not accept a petition which:

- is abusive, vexatious, libellous or otherwise inappropriate;
- might lead to the Council acting illegally;
- relates to an identifiable person;
- relates to an issue which is clearly outside the control or reasonable influence of the Council (e.g. petitions on national issues);
- clearly supports the financial interests of the person submitting the petition;
- refers to a matter which is already the subject of legal proceedings;
- is submitted from employees about terms and conditions of employment or relates to internal management issues;
- duplicates or is substantially similar to a petition received less than 12 months ago, unless there has been a material change in circumstances.

Petitions made under other Acts of Parliament, such as petitions under the Local Government Act 2000 asking for referendum on whether the area should have an elected mayor, will be dealt with according to the procedures set out in those enactments. If such a petition fails to meet the requirements of the enactment in question, for example a petition under the 2000 Act does not achieve the requisite number of signatures, it will then be dealt with through this Petitions Scheme in exactly the same manner as any other petition.

This Petitions Scheme does not apply to certain matters, where there are already existing processes for communities to have their say. The following matters are therefore excluded from the scope of this Petitions Scheme:

- any matter relating to a planning decision, including about a development plan document or the community infrastructure levy;
- any matter relating to an alcohol, gambling or sex establishment licensing decision;
- any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

In the six week period before an election or referendum we may need to deal with your petition differently. If this is the case we will explain the reasons and discuss the revised timescale which will apply.

5. What are the guidelines for submitting a petition?

Petitions submitted to the Council must include (example template at Appendix A):

- **A clear and concise statement covering the subject of the petition.** It should state what action the petitioners wish the Council to take. People need to know what they are signing and therefore the petition should state clearly what it is about or what you think is wrong and what you would like to happen. It should be capable of being read in a few moments to enable people signing a petition to read it first. The petition should state that it is directed to Calderdale Council.
- **The name, address and signature of any person supporting the petition.** This is so we can verify that they live or work in the Calderdale area. Signatures from others, for example, tourists, may be considered valid if relevant to the issue of the petition.

Petitions should be accompanied by contact details, including an address, for the Petition Organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the Petition Organiser will not be placed on the website or in the public domain. If the petition does not identify a Petition Organiser, we will contact signatories to the petition to agree who should act as the Petition Organiser.

Anyone who lives or works in the Calderdale Council area, including under 18's, can sign or organise a petition and trigger a response. To ensure the Council understands the local level of support for a petition, it reserves the right to seek to verify each signature submitted as part of a petition. This may be particularly significant when establishing whether a petition has obtained the required number of signatures to trigger a specific process (see later).

6. How can I submit a petition?

Paper petitions may be submitted to the Council in the following ways:

In person/by post to:

Democratic Support
Calderdale MBC
Town Hall
Crossley Street
Halifax
HX1 1UJ

By email to democratic.support@calderdale.gov.uk - in this case each sheet of signatures should be scanned in full as an exact replica of the original copy.

In addition, you could ask a Councillor to present a petition on your behalf at a Council meeting. In such a case, the Councillor is provided with an opportunity to comment in presenting the petition. Once presented, a petition will be considered in accordance with the provisions of this Scheme.

7. How will the Council respond to my petition?

Once the Council has received a petition it will assign it to a responding officer, who will take responsibility to investigate the issue and will advise on the action to be taken by the Council. The name of the responding officer will be given to the petitions organiser at the time of the acknowledgment.

An acknowledgement will be sent to the Petition Organiser within 10 working days of receiving a valid petition. It will let you know what we plan to do with the petition and when you can expect to hear from us again.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate or Scrutiny Board consideration, then the acknowledgment will confirm this and tell you when and where the meeting will take place.

If the petition needs more investigation, we will tell you the steps we plan to take. If the petition applies to a planning or licensing application, is a statutory petition on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply. In our acknowledgement to you, we will explain these procedures and how you can express your views.

Our response to a petition will depend on what a petition asks for, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council meeting
- referring the issue to your local ward Councillors
- referring the issue to one of the Council's Scrutiny Boards*
- referring the issue to the Council's Cabinet**
- referring the issue to a local Ward Forum***
- referring the issue to another relevant Committee
- holding an Inquiry
- commissioning relevant research
- organising a public meeting
- mounting a wider public consultation
- meeting with the Petition Organiser or representatives of signatories
- providing a written response outlining the Council's views on the subject
- consulting statutory partners and local service providers
- instigating discussions with the voluntary and community sectors
- making representations to Commercial or other Interests.

** Scrutiny Boards are an important and specialist role for all Councillors who are not part of the Cabinet arrangements. Scrutiny Boards have processes which enable them to review and challenge decisions, policies and services, inform decision making and offer recommendations for the Cabinet and other agencies to consider.*

*** Cabinet is the executive decision-making body within the Council's structures, which is chaired by the Leader of the Council and is responsible for taking most of the day to day decisions within agreed budgets and policies.*

**** Ward Forums are made up of local Ward Councillors and provide the residents of Calderdale with the opportunity to make a contribution on issues which affect their local community.*

Our response will be guided by what is most appropriate for the issue. If a decision is required, then we will seek to refer the issue to whatever body is best placed to make it. For example, certain decisions can only be taken by Cabinet; others might require a decision of the Council; other issues are best resolved more locally and may be best dealt with at, for example, a Ward Forum.

If the concern is a local, ward-based issue, then the presumption will be to refer the matter to your local Councillors to take up on your behalf. As a matter of course, local Councillors will be formally notified of all valid petitions which relate to their constituents.

We will publish details of petitions received and the final response / outcome of the petition on the Council's website.

8. Petitions with 2000 or more Signatures - Council debate

If a petition contains 2000 or more signatures it will normally be debated at the next ordinary meeting of the Council. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. **A petition which triggers a Council debate will need to have been submitted at least eight working days before the date of an ordinary Council meeting to ensure that Councillors have adequate preparation time.** You will be advised of the date of the meeting to which your petition will be submitted. At the meeting the Petition Organiser will be given three minutes to address the Council, and the petition will then be discussed by Councillors for a maximum of 20 minutes.

The Council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests (if it is within the Council's power to do so), not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a Scrutiny Board or relevant Service. The Petition Organiser will receive written confirmation of the decision, and this will also be published on the Council's website.

9. Petitions with 500 or more (but less than 2000) signatures – Consideration by a Scrutiny Board

If a petition contains 500 signatures or more, but less than 2000 signatures, it will be referred to the appropriate Scrutiny Board for consideration unless it is about an issue which is resolved before the meeting to the Petition Organisers satisfaction. This means that the issue raised in the petition will be discussed by Councillors at a meeting. The Scrutiny Board will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will take place at a subsequent meeting. You will be given notification of the date of the meeting to which your petition will be submitted. The Petition Organiser will be given the opportunity to present the petition at the meeting and the petition will then be discussed by Councillors. Where possible the Cabinet Member with the relevant portfolio responsibility and appropriate officers will be invited to attend.

At this meeting, the Scrutiny Board will consider and make recommendations on how the Council should respond to the issue raised in the petition. The Board may decide to recommend (to the Council, Cabinet, officers or partners) that the action the petition requests should be taken, to take no action for reasons put forward in the debate, to commission further investigation in to the matter for example by a relevant Service, or refer the matter to Ward Councillors or a Ward Forum for consideration.

10. Petitions with less than 500 signatures

If a petition contains less than 500 signatures it will be referred to the appropriate Head of Service for consideration. The Head of Service may decide to use delegated powers, in accordance with existing policies and

budget provision, to take the action that the petition requests should be taken, to not take the action requested by the petition where this would be outside existing policies and budget provision, to refer the matter to Cabinet, a Scrutiny Board or Ward Councillors or a Ward Forum for consideration. The relevant Cabinet Member and appropriate Ward Councillors will be advised of the action taken by the Head of Service.

11. Feedback – How will the petitioners be told the outcome?

The Petition Organiser will receive a letter or email setting out the Council's final response to the petition and the reasons for it. This will normally outline the steps taken by the Council to consider the issue, including the involvement (where applicable) of Councillors.

12. What if you feel your petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the Petition Organiser has the right to request that the Council's Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review, if the Petition Organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate. The Scrutiny Board will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at a subsequent meeting. A review can be requested on the grounds that the Council failed to follow adequate process, did not adhere to its own policies or did not give proper consideration to the issues.

Should the Scrutiny Board determine your petition has not been dealt with adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Cabinet and arranging for the matter to be considered at a meeting of the Full Council. Once the appeal has been considered the Petition Organiser will be informed of the results within 5 working days. The results of the review will also be published on the Council's website.

13. Who to contact for advice on this Petitions Scheme

Democratic Support
Calderdale MBC
Town Hall
Crossley Street
Halifax
HX1 1UJ

Tel: 01422 393016

Email: democratic.support@calderdale.gov.uk

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Appendix A

Petition to Calderdale Council

This petition should be sent to:
Democratic Support
Calderdale MBC
Town Hall
Crossley Street
Halifax
HX1 1UJ

Alternatively, scanned petitions can be e-mailed to:

democratic.support@calderdale.gov.uk

What is the issue you would like to petition about?

What do you think the Council or its partners should do?

Do you intend this petition to:

Trigger a debate at a Council meeting? YES / NO

(Please note a minimum of 2000 separate, valid signatures are required for a Council debate.)

Trigger consideration by a Scrutiny Board? YES / NO

(Please note a minimum of 500 separate, valid signatures are required for a Scrutiny Board consideration.)

Petition Organiser

Name	Full Address	Signature	Telephone Number	Email Address

Petitioners

[illegible]