

Part A – Your Council

Section A3:- Citizens' Rights and Responsibilities

In Part A:-

Section A1 provides an overview of the key components of this authority and a brief explanation of what they do. The rest of the constitution contains more detailed information about each of these components and how they operate.

Section A2 explains the core objective of this authority's approach to decision making and outlines how this objective is achieved. It sets out the principles that all decision takers must follow.

This Section (A3) explains some of the rights and responsibilities of the people who live and work in the Borough and how they can get involved in everything that the authority does. It also explains how citizens can submit petitions to the council.

Part A – Your Council

Section A3:- Citizens' Rights and Responsibilities

In this Section:-

1. Citizens' Rights and Responsibilities

- Citizens' Rights
- Citizens' Responsibilities

2. Petitions

- Submitting Petitions
- What will happen to my Petition?
- What should a Petition Include?
- What Else Should I Know?
- Petitions about things we have no direct control over
- Petitions and Scrutiny Committees
- What can I do if I feel my petition has not been dealt with properly?

1. Citizens' Rights and Responsibilities

- 1.1 The term "Citizen" is used to describe everyone who lives or works in the Borough of Cheshire West and Chester.
- 1.2 Citizens have a number of rights and responsibilities when receiving services from the Council, for example, when making planning or licensing applications or seeking housing benefit.
- 1.3 These rights and responsibilities are not covered in this constitution. Citizens can get advice on those wider rights and responsibilities from the relevant council department, the Citizens' Advice Bureau or a solicitor.
- 1.4 A lot of information is also available from our website:-
www.cheshirewestandchester.gov.uk

Citizens' Rights

- 1.5 In terms of engaging with the democratic processes of the council, Citizens have the right to:-
 - (a) vote at local elections if they are registered as an elector in the borough. Information on registration for and voting at elections is available on the Council's website.
 - (b) contact their local Councillor about any matters of concern to them. Contact details for your local Councillor, and Councillors with responsibilities for specific areas of the council's operations is available on the Council's website.
 - (c) obtain a copy of the constitution (or sections of it) from the Council's website. It can be printed off from the website or you can contact us and ask for a copy to be sent to you.
 - (d) be notified of most meetings that are taking place. These notifications are usually given on the Council's website. More information on the notice requirements relating to meetings is available in Sections B4, B5 and C3.

- (e) find out (from the Forward Plan) what “Key Decisions” are going to be discussed or decided and how to engage in that process. The Forward Plan sets out all the relevant information relating to Key Decisions that are going to be discussed or taken in the next 4 months. It is published on the Council’s website. More information about the Forward Plan and Key Decisions is available in Section C3.
- (f) inspect agendas, reports, background papers and minutes relating to meetings (or parts of meetings) that are being held in public. This information is available on the Council’s website. It can be printed from the website or you can ask for copies to be sent to you. You can find out more about this in Section B4, B5 and C3.
- (g) attend meetings (or the parts of meetings) that are being held in public and speak or ask questions at those meetings. More information on attending and speaking at meetings is set out in Section B4, B5 and C3.
- (h) require a referendum to be held on whether the Borough should have an elected mayor.
- (i) present petitions to require an issue to be investigated or debated at Council. More information on this is set out below.
- (j) give the Council feedback or make a complaint under its Feedback and Complaints Procedures and, if still dissatisfied, to complain to the Local Government Ombudsman. You can get more information and leave feedback or make a complaint on the Council’s website.
- (k) inspect the Council’s accounts each year and make your views known to the External Auditor. You can find out more about this on the Council’s website.

Citizens’ Responsibilities

- 1.6 Citizens’ are expected to conduct themselves in an appropriate and respectful manner and not to indulge in violent, abusive or threatening behaviour or language to anyone, including Members and Officers of the council. They are

also expected to refrain from causing damage to Council property or property owned by Members and Officers.

- 1.7 This is particularly important when attending or addressing meetings where there are likely to be a wide range of views strongly held by different sections of the community where emotions will run high. If you are going to participate in meetings you must respect the diversity and equality of all sections of the community and the professional integrity of Members and Officers.
- 1.8 You should not use language or make statements that are racist, derogatory or offensive. Such conduct can amount to a criminal offence. You should take care in any criticism you make because the laws of defamation (slander and libel) are quite strict and you may be at risk of legal action if you say something about a person or organisation which turns out to be untrue, even if you believed it to be true.
- 1.9 You should be aware that audio-visual recordings of many meetings are broadcast live on the internet and remain accessible on the internet for some time after the meeting has ended.
- 1.10 Respectful conduct is also particularly important when responding to consultations, because consultation responses are usually published or considered in public.
- 1.11 Respectful conduct is also important when making a complaint to the Council. It is important to remember that we have a wide range of duties to lots of different people and we often have to make difficult decisions that won't be popular with everyone. Whilst we will try, we cannot always do what you want or expect. We also do make mistakes from time to time and we understand that can be upsetting but we will do everything we can to put things right.
- 1.12 In short, you are entitled to be treated with respect and that is what we will always endeavour to do. You are expected to treat Members and Officers in the same way.

2. Petitions

- 2.1 The Council welcomes petitions and recognises that petitions are one way that people can let us know their concerns about issues affecting the Borough or communities within the Borough.

Submitting Petitions

- 2.2 Petitions can be created, signed and submitted from our website (“**e-petitions**”), or you can send a paper petition to:-

The Head of Governance

HQ

Nicholas Street

Chester

CH1 2NP

- 2.3 When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
- 2.4 All e-petitions currently available for signature are on the council’s web site. When someone elects to sign an e-petition, they will be asked to provide their name, postcode and a valid email address. A verification email will then be sent and, once responded to, their name (but not contact details) will be added to the petition.

What Will Happen to My Petition?

- 2.5 We will treat any communication received as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
- 2.6 We will acknowledge receipt of the petition within 10 working days. The acknowledgement will explain what we plan to do with the petition and when you can expect to hear from us again. Unless we decline to accept the petition (for the reasons set out below), it will also be published on our website and entered into a register of petitions.

- 2.7 Any decision as to whether a petition can be accepted as valid under the petition scheme will be made by the council's Monitoring Officer. This is the officer responsible for ensuring lawfulness and fairness in decision making, as well as determining matters relating to the interpretation of the constitution. More information about the role of the Monitoring Officer can be found in [section F1 of the constitution](#).
- 2.8 If petitions are declined, we will publish an appropriate summary of the petition along with the reason why it was declined.
- 2.9 We will also publish any representations we receive about the petition (unless the representations are declined for the reasons set out below).
- 2.10 Acknowledgements (and responses) to e-petitions will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment (and responses) will also be published on the website. Our privacy policy applies to petitions and representations relating to petitions.
- 2.11 If we can do what your petition asks for, the acknowledgement will confirm this and we will not invite you to present the petition to Council.
- 2.12 Where a petition has been signed by at least 100 signatories, a registered elector nominated by the petition signatories ("**the Petitioner**") may ask to present the petition to a Council meeting and to speak for up to 5 minutes during the allotted public speaking and question time for that meeting. The public speaking and question time rules in Section B4 of the Constitution will apply.
- 2.13 The Chairman will then decide how the petition will be dealt with. It will either be referred to a Scrutiny Committee for consideration, or to an officer who will prepare a response to the Petitioner. In either case we may do any of the following to inform our response:-
- (a) meet with the petitioners
 - (b) hold an inquiry
 - (c) hold a public meeting

- (d) undertake research
- (e) undertake consultation

2.14 Petitions with at least 0.5% of the Borough population will (if the Petitioner requests) be referred to the appropriate Scrutiny Committee for consideration before any response is sent to the Petitioner. (0.5% of the Borough population is approximately 1,600, with the actual total notified to Annual Council in May each year or available from the Democracy and Elections team).

2.15 Petitions with at least 1% of the Borough population will (if the Petitioner requests) be scheduled for a 15 minute debate at either Council or Cabinet (formerly known as Executive), as determined by the Leader and Chief Executive, before any response is sent to the Petitioner. It may be necessary to receive the petition at one meeting and debate it at a later meeting if any of the steps under paragraph 2.12 above are considered necessary before the debate. (1% of the Borough population is approximately 3,300, with the actual total notified to Annual Council in May each year or available from the Democracy and Elections team).

2.16 To qualify under these rules the signatures in support of a petition must all be submitted to the Council at the same time (or in the case of an e-petition, before it closes).

2.17 If you would like to present your petition to the Council, or would like your Councillor or someone else to present it on your behalf, please contact Democratic Services at least 10 days before the meeting on 01244 975970 or email at democraticservices@cheshirewestandchester.gov.uk

What Should a Petition Contain?

2.18 Petitions must include:

- (a) A clear and concise statement covering the subject of the petition. It should state what action the petitioners want the Council to take.
- (b) The name and address and signature of every person supporting the petition.

- (c) The name and address of 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. If the petition does not identify a petition organiser, we will contact the signatories to the petition and ask them to agree who should act as the petition organiser.
- (d) e-petitioner organisers will need to select how long they want the petition to be open for signatures. Most petitions run for 6 months but you can choose a shorter or longer period of up to 12 months.

What Else Should I Know?

- 2.19 Petitions (or representations) which are considered to be defamatory, frivolous, offensive, or vexatious will not be accepted.
- 2.20 We will also decline to accept your petition if it applies to a matter which must be determined in accordance with a specified legal framework and/or where there are specific appeal procedures in place already. Examples of these types of matters include decisions on planning and licensing applications, business rates and council tax bandings, and appeals relating to school admissions and exclusions. This is because the petition procedure is designed to stimulate debate and action on strategic issues affecting the Borough or communities within the Borough. It is not an alternative to the existing procedures for debating, determining or appealing specific applications or decisions.
- 2.21 We will also decline to accept under this procedure any statutory petition (for example requesting a referendum on having an elected mayor). This is because there are specific procedures that apply to those types of petitions. More information is available on the council's website.
- 2.22 If a petition does not follow any of the guidelines set out above we will write to the petition organiser and explain why. We will give them an opportunity to amend their petition (if appropriate) and in all cases we will confirm what we propose to do with the petition.

2.23 Further information on the procedures that exist to deal with the sorts of things people cannot bring a petition on under this procedure, and how they can express their views, is available on the Council's website. They can also get more information and ask questions through our website contact page or by calling the Contact Centre on 0300 123 8 123.

Petitions about Things We Have No Direct Control Over

2.24 If a petition is about something which we have no direct control over, for example the local railway or hospital, we will consider what representations we can make on behalf of the community to the appropriate body. The Council works with a large number of local partners and we will work with these partners to respond to a petition where possible. You can find more information about the Council's partners at:-

www.westcheshiretogether.org.uk

2.25 If we are not able to assist for any reason, then we will tell the petition organiser why. They find more information on the services that the council is responsible for on its website.

2.26 If a petition is about something that a different Council is responsible for we will consider how to get the best response to your petition. This might simply be by forwarding the petition to the other Council, but it could involve taking or advising on other steps. In any event, we will always let the petition organiser know what we suggest.

Petitions and Scrutiny Committees

2.27 Scrutiny Committees are committees of elected Members of the Council who are responsible for scrutinising the work of the Council and its partners. They have the power to hold the Council's decision makers to account. More information about Scrutiny Committees is contained in Section E.

2.28 A petition may ask for a senior council officer to give evidence at a Scrutiny Committee meeting about something that the officer is responsible as part of their job. For example, a petition may ask a senior Council officer to explain

progress on an issue, or to explain the advice given to Members on any matter that they have decided.

- 2.29 If a petition contains signatures equal to 0.5% of the Borough population then, should the petition organiser wish, the relevant senior officer will give evidence at a meeting of the appropriate Scrutiny Committee, which will usually be held in public. The officers that can be called to give evidence are the council's Chief Executive, Directors and its Heads of Service.
- 2.30 The Scrutiny Committee may decide that it would be more appropriate for an officer other than any officer named in the petition to give evidence.
- 2.31 The Scrutiny Committee may also decide to call any relevant Member to attend the meeting. Committee members will ask the questions at this meeting, but the Petition Organiser will be able to suggest questions to the Chairman of the Committee. The Petition Organiser will be advised how to do this at the relevant time.

What Can I do if I Feel My Petition Has Not Been Dealt With Properly?

- 2.32 If the Petition Organiser feels that we have not dealt with their petition properly, they have the right to request that the Council's Scrutiny Committee review the steps that we have taken in response to the petition.
- 2.33 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 our response was not considered to be adequate.
- 2.34 The Scrutiny Committee will try to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Scrutiny Committee decide that we have not dealt with your petition adequately, it may use any of its powers to deal with the matter.
- 2.35 These powers include instigating an investigation, making recommendations to the Cabinet (formerly known as the Executive) and arranging for the matter to be considered at a meeting of the full Council. Once this review process is

complete, the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.