

Part 5 Codes and Protocols

5.5 Council's petition scheme

1 Introduction

1.1 This Council believes it acts in the best interests of the people who live in the area and is responsive to their concerns. However sometimes there are issues that you believe the Council should address and there are a number of ways by which you can be heard. You can raise matters at any of our meetings, you can contact your elected district councillor and ask that they raise a matter on your behalf or you can contact any relevant officer direct. You can also raise matters by way of a petition. This Council welcomes petitions as it recognises that they are another way in which people can let us know their concerns.

1.2 There are several types of petitions (see 3 below for a description of each type) depending on the number of signatures. This scheme sets out how the Council will respond to petitions.

2. What can petitions cover?

2.1 You can submit a petition on the following issues:

- Issues which relate to the Council and/or the services it provides to local people
- Matters which affect local people or local communities in East Devon more than the general public nationally

3. What are the different types of petitions?

3.1 **'Ordinary' petitions:** Petitions containing at least 25 signatures. The petition organiser can present their petition to a meeting of the Council (that is a meeting to which the Chair and all Councillors are invited) who will, without discussion, refer the petition to the relevant decision-maker (this could be an officer of the Council or one of the Council's committees) OR the petition organiser (with two other people who signed the petition) can meet with the relevant decision-maker direct to present their petition.

3.2 **Petitions for Council debate:** Petitions containing at least 1500 signatures will be debated (or discussed) at a subsequent meeting of the Council.

3.3 **Petitions calling for Council employees to give evidence at any meeting of the Overview and Scrutiny Committees:** Petitions containing at least 750 signatures can call for a Senior Officer to give evidence at a public meeting of any of the Overview and Scrutiny Committees.

4. Who can organise and sign a petition?

4.1 Anyone who lives, works or studies in East Devon, including under 18's, can sign or organise a petition.

5. What must a petition include?

- 5.1 Petitions **must** include all of the following:
 - 5.1.1 at least 25 signatories;
 - 5.1.2 a clear and concise statement covering the subject of the petition and which petition type it is (*cf* to section 3 above). It should state what action the petitioners wish the Council to take;
 - 5.1.3 where it is a physical petition the subject matter of the petition on each page;
 - 5.1.4 Sufficient information to be able identify that the organiser and / or any signatories live, work or study in East Devon;
 - 5.1.5 Physical or verified virtual signature of any person supporting the petition; and
 - 5.1.6 contact details, including a phone number and address, for the petition organiser – this will be the person who we will contact to explain how we will respond to the petition.
- 5.2 The Council will accept electronic petitions provided the above requirements are met.
- 5.3 The Council may also ask for such additional information as it may require in order to confirm that the petition complies with the requirements of this scheme.
- 5.4 The Council's Monitoring Officer may decline to accept;
 - 5.4.1 any petition where in his opinion the petition does not satisfy any of the above,
 - 5.4.2 any signatory where insufficient information has been provided to demonstrate that the person lives, works or studies in East Devon. This process may determine that the petition is determined to be a different type of petition than the basis upon which it was submitted.
- 5.5 A template to help you organise a written petition is provided at the end of this document.

6. Are there petitions which the Council will not accept?

- 6.1 The vast majority of petitions will be accepted provided they meet with the requirements of 5.1 above. However, there are certain circumstances when petitions will not be accepted by the Council's Monitoring Officer, including:
 - 6.1.1 Petitions considered to be vexatious, abusive or otherwise inappropriate (such as for political campaigning). We will explain the reasons in our acknowledgement of receipt of the petition.
 - 6.1.2 Petitions which are identical or very similar to a petition that has already been presented to the Council in the past 12 months.
 - 6.1.3 The period immediately before an election or referendum we may need to deal with the petition differently – if this is the case we will explain the reasons and give the petition organiser revised timescales which will apply.
 - 6.1.4 Petitions which relate to planning or licensing application, or is a statutory petition (such as requesting a referendum on whether the Council should continue to have an elected mayor), or is a matter where there is already an existing right of appeal such as

council tax banding and non-domestic rates. We will advise the petition organiser what will happen to petitions under this category.

- 6.1.5 Petitions which relate to a subject where consultation by the Council is currently being undertaken or is due to be undertaken in the next six months. We will ensure the petition is included as part of the consultation and contact the petition organiser to give them details of the consultation.
- 6.1.6 Where the identities of a sufficient number of the signatories to the petition cannot be verified.

7. How to submit a petition

- 7.1 Petitions can be sent or emailed to: Democratic Services Manager East Devon District Council Blackdown House Heathpark Industrial Estate Border Road Honiton Devon EX14 1EJ showl@eastdevon.gov.uk
- 7.2 Alternatively, you can give your petition to your local councillor who will deliver it on your behalf.
- 7.3 Alternatively a petition can be presented by you at a Council meeting. If you wish for your petition to be presented to a meeting of the Council you have the option of speaking at that meeting. You can speak in support of your petition for up to five minutes. To register to speak you must inform the Democratic Services Manager (by telephone 01395 517541 or e-mailing showl@eastdevon.gov.uk) by 4.00 p.m. the day before the Council meeting.
- 7.4 At the meeting the Chair will invite you to speak. When you make your speech you can only refer to matters relevant to the petition and must:
 - (a) not use discriminatory or offensive language;
 - (b) not make any party political statements;
 - (c) not use personal abuse; and
 - (d) treat others with courtesy and with respect.
 If the Chair considers that you have broken any of these requirements, appropriate action may be taken, (including preventing you from speaking further).

8. What will the Council do when it receives my petition?

- 8.1 All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. The acknowledgement will be sent to the petition organiser and will explain what we plan to do with the petition and when you can expect to hear from us again. Details of your petition will be provided to the Chair of the Council, the political party group leaders, the Monitoring Officer and the Chief Executive so they are informed of the details of the petition.
- 8.2 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 meeting debate, or a Senior Officer giving

evidence, then the acknowledgement 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.

- 8.3 If you submit an 'ordinary' petition (see 3.1 above) the Democratic Services Manager will contact the petition organiser and inform them which body/decision-maker will respond to the petition and invite them to choose whether they wish to make a presentation at a Council meeting or for the petition to be referred direct to the body/decision-maker concerned. However, if the subject of the petition is due to be considered by the decision-maker before the next meeting of the Council it will be referred to the decision-maker direct and you will not, therefore, have the opportunity to present your petition at a Council meeting. If you choose to submit your petition directly to the decision-maker you will be informed who makes the decision and who will be contacting you to make arrangements for you to meet with the decision-maker.

9. **How will the Council respond to petitions?**

- 9.1 Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- Taking the action requested in the petition.
- Considering the petition at a Council meeting (where the subject of the petition does not fall within the remit of an appropriate body or person).
- Holding an inquiry into the matter.
- Undertaking research into the matter.
- Holding a public meeting.
- Holding a consultation.
- Holding a meeting with the petitioners.
- Referring the petition for consideration by one of the Council's Overview and Scrutiny Committees*.
- Calling a referendum
- Writing to the petition organiser setting out our views about the request in the petition.

*The Overview and Scrutiny Committees are responsible for scrutinising the work of the Council – in other words, the Councillors on these Committees have the power to hold the Council's decision-makers to account.

- 9.2 In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The following table gives some examples:

| Petition subject | Appropriate steps |
|------------------------------------|---|
| Alcohol related crime and disorder | If your petition is about crime or disorder linked to alcohol consumption, the Council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of the extra policing in that area. The Council's response to your petition will set out the steps we intend to take and the reasons for taking this approach. |
| Anti-social behaviour (ASB) | The Council plays a significant role in tackling anti-social behaviour (ASB) as the elected representatives of your local area as a social landlord and as licensing authority. When responding to petitions on ASB, we will consider, in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the Council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and the relevant Overview and Scrutiny Committee to the issues highlighted in the petition. |

- 9.3 If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible at www.eastdevon.gov.uk.
- 9.4 If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of

simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

10. Petitions for debate at a Council meeting

10.1 If a petition contains more than 1500 signatures it will be discussed by a meeting of the Council unless it is a petition asking for a senior Council employee to give evidence at a public meeting (see 11 below). The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting (see 7 above) and the petition will then be discussed by the Chair and councillors for a maximum period of 15 minutes (unless the Council decides to extend this period at the meeting).

10.2 The Council will decide how to respond to the petition at this meeting, it may decide to:

- take the action the petition requests
- not to take the action requested for reasons put forward in the debate
- make recommendations to the Leader or Chief Executive if the issue is one for either of them to make the decision
- commission further investigation into the matter, for example by a relevant committee.

10.3 The petition organiser will receive written confirmation of this decision and this will also be published on our website.

11. Petitions asking for officers to give evidence

11.1 If your petition contains more than 750 signatures your petition may ask for a Senior Officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. A list of the officers that can be called to give evidence is as follows:

Chief Executive

Monitoring Officer

Section 151 Officer (Chief Finance Officer)

Directors

11.2 Your petition may ask the officer to explain progress on a particular issue or to explain the advice given to the Leader and/or councillors to enable them to make a particular decision. The petition must relate to the officer's job and cannot relate to their personal circumstances or character.

11.3 The evidence will be given at a public meeting of the Council's relevant Overview and Scrutiny Committee and not at a meeting of the Council. The officer giving evidence at the meeting may be accompanied by another officer, technical expert or a

representative from a partner agency. You will be given details of the meeting so that you can attend. The Committee meetings are normally held in public, but the Committee has the option to exclude the press and public from any part of the meeting that discusses confidential information. If the Committee does exclude the press and public you will also have to leave the meeting. If possible you will be given the opportunity to present your petition first. If it is likely that the press and public will be excluded from the whole or any part of the meeting you will be notified of this and given the reason(s) for this when we give you the details of the meeting. You should be aware that the relevant Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee may also decide to call the Leader or relevant councillor to attend the meeting. Only the Committee will ask questions at this meeting, but you will be able to suggest questions you would like them to ask by contacting the Democratic Services Manager by 4.00 pm three working days before the meeting.

12. What can I do if I feel my petition has not been dealt with properly?

12.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to appeal and request the Council's relevant Overview and Scrutiny Committee to 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 they feel the Council's response is not considered to be adequate.

12.2 The Committee 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 the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These include:

- instigating an investigation
- making recommendations to the Leader
- arrange for your request to be considered by a meeting of the Council if it considers the Council has seriously neglected its responsibility to listen to local people

12.3 Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

13. What else can I do to have my say?

13.1 There are a number of other ways you have your say and get involved in local decisions, including:

- Attending meetings
- Public question time

- Speaking on planning or licensing applications
- Overview and Scrutiny Committees
- Community partnerships
- Become a councillor
- Take part in consultations
- Writing to us about issues that are of concern to you

14. Special requirements and assistance

14.1 If you need any special help with accessing any Council buildings or if you have any special requirements or if you are unsure what to do or need help with the wording of your petition then please contact our Democratic Services Manager (either by telephone 01395 517541 or emailing showl@eastdevon.gov.uk as soon as possible.

14.2 **To ask for a copy of this guide in another format or language, or for more information on petitions or Council meetings, please contact: Democratic Services on (01395) 517546**

Petition form

Subject of petition:

Action required:

Organiser or main contact for petition:

Address:

Telephone number:

Email:

Petition type (please tick relevant box)

Ordinary (contains 25 signatures or more)

Please indicate where you wish to submit your petition:

Council or **Direct to Decision Maker**

If you have chosen to submit your petition straight to Council, would you like to speak at the Council meeting? (Please tick below)

Yes; Name of speaker is:

No

Petition for Council debate (contains 1500 signatures or more)

Would you like to speak at the Council meeting? (Please tick below)

Yes; Name of speaker is:

No

Petition calling for an officer to give evidence (contains 750 signatures or more)

Would you like to speak at the committee meeting? (Please tick below)

Yes; Name of speaker is:

No

ORGANISERS SHOULD ENSURE THAT THE FOLLOWING INFORMATION IS REQUESTED OF SIGNATORIES;

- **Name**
- **Address including postcode (of where signatory lives, works or studies in East Devon)**
- **Signature**