

Agenda for consultative meeting of the Scrutiny Committee

Thursday, 9th June, 2022, 6.00 pm



Members of Scrutiny Committee

Councillors M Allen (Chair), V Ranger (Vice-Chair), J Bailey, J Bonetta, A Bruce, M Chapman, O Davey, C Gardner, S Hawkins, J Kemp, D Key, H Parr, E Rylance, J Whibley and T Woodward

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Venue: Online via the Zoom app

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(or group number 01395 517546)
Monday, 30 May 2022

**Important - this meeting will be conducted online and recorded by Zoom only.
Please do not attend Blackdown House.
Members are asked to follow the [Protocol for Remote Meetings](#)**

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at <https://www.youtube.com/channel/UCmNHQruge3LVl4hcgRnbwBw>

Public speakers are now required to register to speak – for more information please use the following link: <https://eastdevon.gov.uk/council-and-democracy/have-your-say-at-meetings/all-other-public-meetings/#article-content>

Until 31st October 2022, the Council has delegated much of the decision making to officers. Any officer decisions arising from recommendations from this consultative meeting will be published on the webpage for this meeting in due course. All meetings held can be found via the [Browse Meetings](#) webpage.

1 Public speaking

Information on [public speaking](#) is available online

2 Minutes of the previous meeting (Pages 3 - 6)

3 Apologies

4 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the press) have been excluded. There is one item which officers recommend should be dealt with in this way.

7 Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules

There are no items identified

8 Car parking petitions (Pages 7 - 24)

9 Forward Plan (Pages 25 - 29)

Proposal form received:

1. Economic development and employment quality in rural and coastal areas – Cllr Mike Allen

Part B

10 Update on outcomes of EELGA Learning Review (Pages 30 - 33)

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Scrutiny Committee held Online via the Zoom app on 7 April 2022****Attendance list at end of document**

The meeting started at 6.04 pm and ended at 7.28 pm

58 Public speaking

The Chair welcomed Cllr Joe Whibley and Cllr Tony Woodward as new members of the Committee.

There were no members of the public registered to speak.

59 Minutes of the previous meeting held on 3 March 2022 and the Extraordinary meeting held on 17 March 2022

The minutes of the meeting held on 3 March 2022 and the minutes of the Extraordinary meeting held on 17 March 2022 were received and accepted.

60 Declarations of interest

There were no declarations of interest.

61 Matters of urgency

There were no matters of urgency.

62 Confidential/exempt item(s)

There were no confidential / exempt items.

63 Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules

There were no decisions made by Cabinet called in by Members for scrutiny.

64 Forward Plan

The Chair noted that at the Extraordinary meeting held on 17 March 2022, the Committee had decided that it would like to invite South West Water (SWW) back for a series of meetings, with each meeting to have a particular topic, initially identified as planning, beach water and river water.

The purpose of this item on the Forward Plan was to continue the discussion started at the Extraordinary meeting on how best to progress future meetings with SWW. The Chair acknowledged that some Members were disappointed that their questions had not been covered during the meeting but noted that the meeting had been to address the specific issue of sewage entering rivers and water courses. Concerns regarding SWW were wider than that and the Forward Plan could set out a timetable to deal with those

wider issues. The Forward Plan published with the agenda papers suggested one way to proceed.

Discussion on this Forward Plan item included the following points:

- Sewage discharge and agricultural run-off is an East Devon wide issue and a working group could be set up to co-ordinate a complete response. A working group could include knowledgeable local residents, and, although EDDC is not the lead body on pollution, the Council could act as facilitator towards finding solutions.
- The Exe Estuary is a protected area and there was concern whether sewage discharge is illegal, and if not illegal, whether there are any actions the Council can take.
- Serious concerns had been raised at the Strategic Planning Committee regarding the River Axe catchment following the report from Natural England and the requirement for mitigation to offset pollution from both agriculture and development, which could have a potentially serious impact on the grant of planning permissions. The question of future grey water discharge in the Axe Valley should be put to SWW.
- The purpose of the discussion was to consider a way forward for meetings with SWW which could include monthly meetings on consecutive months with questions for SWW being submitted by Members two weeks in advance of meetings. Rather than include a presentation, the meeting should be used to provide answers. The SWW Group Chief Executive Officer, Susan Davey, should be specifically invited to attend one of the meetings.
- Members were reminded of the Clean Sweep Programme from 1992, which started in Exmouth in 1997 and, despite significant investment, had not delivered a system fit for purpose due largely to continuing development in Exmouth.
- It was important for on-going dialogue with SWW to be conducted in a respectful manner. Members were made aware that issues, including those with anaerobic digesters, were being considered at a high level through Team Devon and that other bodies such as the Environment Agency (EA) were also involved.
- There was a need to separate out issues such as 'policing', which is the responsibility of the EA, from other inter-connected responsibilities.
- Issues such as SWW not being a statutory consultee and concerns regarding the lack of beach water testing during the winter should also be addressed and other agencies such as DEFRA may need to be involved as well as local MPs.
- The EA and DEFRA should be invited to a future meeting.
- The suggested Forward Plan included EDDC officers attending meetings to inform Members on the interaction and connected responsibilities of EDDC with other bodies.
- The complexity of the issues involved meant that solutions would take time.
- Cabinet should call a high level meeting at the earliest opportunity and include all relevant organisations such as SWW, EA, DEFRA, farming representatives and local MPs to discuss concerns and ascertain what actions SWW will take.
- As sewage is being transported to Exmouth, the Forward Plan could include transport as a separate topic.
- Confirmation was awaited of the implementation of year round testing of bathing water.
- The main priority for East Devon residents is that of SWW sewage discharge into waterways. A high level meeting with Cabinet should not preclude the Scrutiny Committee from scrutinising SWW and this work should continue in parallel and independently.

RECOMMENDATION TO CABINET

That, at the earliest opportunity, Cabinet sets up a high level meeting with all relevant organisations and agencies, to discuss serious concerns relating to pollution and the lack of enforcement capability.

The Committee agreed that future meetings with South West Water should proceed as set out in the Forward Plan.

It was noted that Cllr Ranger had submitted a proposal form regarding a database of assets owned by the Council. The Deputy Monitoring Officer advised that an asset register exists but not currently in a form easily accessible by Members. The Service Lead for Place, Assets and Commercialisation and the Portfolio Holder for Economy and Assets could be invited to attend a future meeting to consider how best to make the information available more widely.

Members also requested that they be kept informed of staff leavers and joiners, an organisation chart showing key contacts and the size of each team and job vacancies. The Communications Consultant would facilitate the circulation of the information and welcomed suggestions for any additional items from Members they would like included in a monthly newsletter.

With the inclusion of the above the Forward Plan was agreed.

Attendance List

Councillors present:

T Wright (Chair)
V Ranger (Vice-Chair)
J Bonetta
C Gardner
S Hawkins
J Kemp
T McCollum
H Parr
E Rylance
J Whibley
T Woodward

Councillors also present (for some or all the meeting)

P Arnott
J Bailey
F Caygill
S Chamberlain
B De Saram
I Hall
N Hookway
V Johns
G Jung
D Manley
A Moulding
M Rixson

Officers in attendance:

Wendy Harris, Democratic Services Officer
Andrew Hopkins, Communications Consultant
Sarah Jenkins, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

M Allen

A Bruce
M Chapman
O Davey

Chair

Date:

Report to: Scrutiny Committee

Date of Meeting 9th June 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Car Parking Petitions

Report summary:

Following the submission of petition(s) in relation to car parking charges in Sidmouth and the Council's formal response to it, one of the organisers of one of the petitions has requested a review of the way it has been handled in accordance with the Council's petition scheme rules.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Scrutiny Committee consider the report and determine whether there are any recommendations that it wishes to make in relation to the specific petition(s) or the Council's petition scheme or handling of petitions generally.

Reason for recommendation:

To reflect members will be reviewing the handling of a petition and may wish to make recommendations on whether anything further should happen in relation to that petition and the Council's petition scheme / how petitions are dealt with going forward.

Officer: Henry Gordon Lennox, Monitoring Officer

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

[Council's petition scheme](#)

[Annual Council – 19th May 2022](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

Report in full

Background

1. The Council's Constitution contains a petition scheme (Part 5.5 – see background links), which explains that petitions can be submitted either in relation to issues which relate to the Council and / or the services it provides to local people or on matters which affect local people or local communities in East Devon more than the general public nationally. The analysis below is based on the petition scheme that was in place prior to Annual Council on 19th May 2022 where, in updating the Constitution, the Council agreed revisions to the scheme primarily as a consequence of the issues arising from the subject of this report.
2. The scheme details the types of petition there are and what they achieve – these are linked to the number of signatories obtained. There are three types of petition; an ordinary petition (which must have a minimum of 25 signatories), petitions for Council debate (which must have 1500 signatories) and petitions calling for Council employees to give evidence at a meeting of either of the Overview or Scrutiny Committees (which must have 750 signatories).
3. The scheme explains that petitions can be signed by '*anyone who lives, works or studies in East Devon, including under 18's*'.
4. The scheme details what must be included in a petition, namely;
 - at least 25 signatories;
 - a clear and concise statement covering the subject of the petition and which petition type it is. It should state what action the petitioners wish the Council to take;
 - where it is a physical petition the subject matter of the petition on each page;
 - sufficient information to be able identify that the organiser and signatories live, work or study in East Devon;
 - physical or verified virtual signature of any person supporting the petition; and
 - 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.

It also states that '*the Council will accept electronic petitions provided the above requirements are met*' and prior to Annual Council it stated that '*the Council's Monitoring Officer may decline to accept any petition where in his opinion the petition does not include any of the above*'.

5. The scheme explains that there are a number of circumstances where petitions will not be accepted – for example which are vexatious, political campaigning, repeat petitions, petitions relating to planning / licensing applications, although there are more. Of particular relevance to this case is the one which states that a petition will not be accepted where *‘the identities of the signatories to the petition cannot be verified’*.

6. The scheme explains how the Council will deal with and respond to petitions and in general terms it says;

‘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.’*

7. It explains what steps are available to those who do not consider that their petition has been dealt with properly. Essentially there is a right of appeal to the relevant Overview and Scrutiny committee to review the steps that the Council has taken in response to the petition. Where the petition has not been dealt with adequately the Committee may use any of its powers to deal with the matter, which can 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’*

8. The petition scheme was updated in 2018 to reflect an increase in the use of online petitions and to adapt the wording accordingly. As noted above it was also updated at Annual Council this year.

Sidmouth petitions

9. Members will be aware that around the time of the setting of the budget petitions were being organised in Sidmouth in relation to the Council considering increasing car parking charges. In short, Sidmouth Chamber of Commerce organised one petition and a Mr Goodman organised the other. The Chamber of Commerce’s petition was both online and hard copy, while Mr Goodman’s was solely online.

10. By way of background, the issue of car parking charges was considered at various meetings in 2022, including at 5th January Cabinet meeting, the 12th / 17th Joint Overview and Scrutiny meeting, the 2nd February Cabinet meeting and 21st February Full Council consultative meeting and 23rd February Full Council meeting when the budget was approved. Sally Mynard, the Chair of the Chamber of Commerce spoke at 21st February Full Council meeting, as did Mr Goodman who has also spoken at Cabinet subsequently.

11. On the 10th March 2022, Sidmouth Chamber of Commerce, having ‘*joined forces*’ with Mr Goodman, submitted the petitions to the Council (covering letter is at **Appendix 1**). The petitions were submitted on the basis that there were 1993 signatories in total comprising, 604 (Chamber online), 418 (Goodman online) and 971 (Chamber hard copy).

12. The Chamber of Commerce hard copy petition states:

‘Please sign our petition to limit the Car Parking Charges increase to £1.20 per hour’

13. The Chamber of Commerce online petitions states:

‘Stop EDDC Car Parking Charges increase by up to 100%’

Although below the headline it does go on to say;

‘Please sign our petition to limit the increase to £1.20 per hour’

14. Mr Goodman’s online petition states:

‘Stop East Devon increasing Car Park charges by up to 100%’

East Devon District Council decided to increase Car Park charges by between 50% and 100%, this will mean extra costs for residents and hard working families and add further costs to the spiralling costs of living. It will also potentially have a devastating affect local businesses and reduce footfall. It will mean East Devon will have the highest car park charges for short stay users in the surrounding area, including, Dorset, Devon and Cornwall this is grossly unfair to the residents and businesses of East Devon.

In 2021 East Devon Council voted to increase car park charges to £1.20, effective in 2022. However, with no consultation or proper debate they have changed their minds deciding on February 2nd to increase short stay parking from a £1 to £1:50 or £2:00. This cannot be right and will mean motorist will be subsidising normal Council services by up to £1m on top of the £2.5m they make in profit now.

Your support is necessary and by signing this petition it will send a signal to East Devon that residents do not support this and for them to reverse this unpopular and unnecessary decision that will affect East Devon residents.’

15. Receipt of the petition was acknowledged to Sidmouth Chamber of Commerce on 14th March 2022.

16. At a meeting on 22nd March, Council agreed to remove the Car Parking Strategy from the Policy Framework, thereby meaning that the responsibility for car parking matters became the responsibility of Cabinet and not Council.

17. In reviewing the petition(s), it was the Monitoring Officer’s view that there were a number of issues with the petition(s) when considering the specific requirements of the petition scheme as detailed at paragraph 4 above and also more generally. Taking each in turn;

- *a clear and concise statement covering the subject of the petition and which petition type it is. It should state what action the petitioners wish the Council to take;*

The covering letter, while making a statement, does not specify what type of petition it is nor what action the petitioners wish the Council to take. While the specific Chamber of Commerce petitions do state what action they require to be taken – limiting the increase

to £1.20 – the same cannot be said for Mr Goodman’s which is unclear whether it is objecting to any increase from £1 or is accepting of the increase to £1.20 / hour.

- *where it is a physical petition the subject matter of the petition on each page;*

The physical petition does contain the subject matter of the petition on each page.

- *sufficient information to be able identify that the organiser and signatories live, work or study in East Devon;*

There is no issue over the organiser demonstrating that they work in East Devon. As to the signatories this presented a more significant problem. All three petitions contained addresses / postcodes that were from all over the Country and indeed some international. Clearly there is an issue over whether these signatories could claim to ‘live, work or study in East Devon’. There were also more local addresses but which were still out of district.

- *physical or verified virtual signature of any person supporting the petition; and*

As the online petition was conducted through Change.Org it is accepted that those signatories are verified. There were a small number of signatories to the physical petition who didn’t sign the form – 7 in total. These were not discounted from the overall number at the time and further reduce the number of signatories accepted (from 1476 to 1469).

- *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.*

This was detailed in the covering letter.

18. In addition to the above points, it was identified whilst looking at the petitions that there were a number of duplicate signatories – so individuals who had signed more than one of the three petition options.

19. Having carried out the exercise the petition organiser – Sidmouth Chamber of Commerce as the body sending in the petitions (Appendix 1) - was sent a letter on 31st March (**Appendix 2**) confirming that despite the technical difficulties (including arguably that the petitions should be treated separately) that a valid petition was being accepted on the basis of 1476 signatories. It was explained that as this was under the threshold for Council debate, the Council would be treating it as an ordinary petition. In so doing, and with the responsibility of car parking now residing with Cabinet, the letter concluded by saying;

‘Having determined that this petition does not meet the threshold for Council debate, the Council now has to decide how to respond. Given that the Council approved the increasing of car parking charges at its 23rd February 2022 Council meeting, it is not a matter that can be subject to further consideration at this time. As this matter is Cabinet’s responsibility now I have consulted with senior Cabinet Members and there is consensus that it is not appropriate for any further action to be taken on the petitions at this time. Accordingly the Council’s position is that the petitions will not be progressed any further. It is noted in passing that there has been a commitment to look at the position in relation to car parking charges later in the year following the Summer period based upon the usual financial monitoring information that Members receive.’

20. Sidmouth Chamber of Commerce, whilst expressing disappointment, appear to have accepted the outcome and more specifically welcomed the commitment for the review after

the Summer. The Chamber of Commerce has clearly provided a copy of the letter to the other petition organiser, Mr Goodman, who hasn't accepted the position.

21. Mr Goodman wrote on 10th April (**Appendix 3**) raising seven points of concern. The Monitoring Officer replied on 11th April (**Appendix 4**) and attempted to answer the seven points. Mr Goodman sent a further letter in reply on 12th April (**Appendix 5**). The Monitoring Officer emailed Mr Goodman on 25th April to explain that there was nothing new raised that would change his position and that unless answering the questions might convince Mr Goodman to change his views on having the matter referred to Scrutiny then little would be served by continuing correspondence. Mr Goodman confirmed that he wanted the matter referred to the Scrutiny Committee.
22. It was noted in the correspondence to Mr Goodman that the new points raised would be addressed in this report. They are picked up below;

Use of online e-petition systems

It is noted that there are a number of well-known e-petition sites that can be used. However Mr Goodman advocates the Council having its own facility. This has not been explored and can be if Members of the Committee so wish or wish to make recommendations to Cabinet in that regard.

Landing page for petitions

There is a page (within the Council & Democracy tab – which is on the landing page) which deals with petitions. However, the details of specific petitions received and how they are dealt with does not feature. It could be and Members may wish to consider making recommendations to Cabinet if they agree.

Previous petitions

Leaving aside the current petition, the Council has received three petition requests since 2013 that the writer is aware of. They comprise;

Sidmouth 3Rs (October 2017)

This related to the proposed development of part of Sidmouth. The petition was handed in at Full Council under the petition scheme. The same assessment exercise was conducted as has been carried out in relation to the car parking petition. The letter to the organiser explained the process in similar terms to that set out in Appendix 2 and said '*Outside of this however, I cannot accept any entry where there is no signature or postcode provided or where the signatory's postcode is outside of East Devon*'. It should be noted that it was as a consequence of this petition that the Petition Scheme was updated in 2018.

Petition in relation to protecting 'green wedge' at Cranbrook (March 2018).

This had 50 signatories but was not accepted on the basis that the matters it raised was subject of ongoing consultation as part of the formulation of the Cranbrook DPD. It was confirmed that the petition would be taken into account as part of the process which was underway.

Honiton Community Governance Review (December 2020)

Although submitted to Council purportedly under the petition scheme, this was actually a formal request for a community governance review under the requirements of the Local Government and Public Health Involvement Act 2007. This means it was not dealt with under the petition scheme but rather against the legal requirements of the Act. Signatories were checked against the electoral roll given that only electors can request the review.

23. Members should be mindful that had the three petitions not been submitted as a joint effort and fronted by Sidmouth Chamber of Commerce then necessarily Mr Goodman's own

petition would have fallen well short of the number of signatories required to trigger a Council debate – it would have been an ordinary petition. In addition, the wording of Mr Goodman’s petition is different from the Chamber of Commerce petition. It was only by treating them beneficially and taking them together that there was even a chance of the matter triggering a Council debate. However, having removed signatories which could not be verified (as per the 3Rs petition) the situation was that the number of signatories fell below the number that would require a Council debate. With car parking reverting to being a Cabinet responsibility, it is the view of the Monitoring Officer that the approach and the way the matter has been handled is entirely reasonable and in accordance with the requirements of the scheme. It is also worth bearing in mind that it is the petition organiser who has the right to request a review. In this case that is the Sidmouth Chamber of Commerce not Mr Goodman. So Mr Goodman did not have an automatic right of requesting this be referred to Scrutiny, however, and again taking a beneficial approach, some of the points raised are worthy of further member consideration as to how the Council deals with petitions.

24. In addition, as identified in the Council’s letter to Mr Goodman of 11th April, revisions to the Council’s petition scheme have already been presented to and agreed at Annual Council (report is in the background links) to make the situation clearly going forward in relation to the treatment of individual signatories and the information required to be provided. The relevant changes are below and are identified by underling for ease;

‘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.

‘6.1.6 Where the identities of a sufficient number of the signatories to the petition cannot be verified.’

On the petition form it also now says;

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

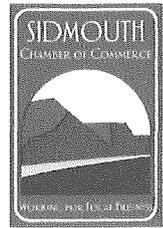
- Name*
- Address including postcode (of where signatory lives, works or studies in East Devon)*
- Signature’*

Financial implications:

There are no financial implications.

Legal implications:

There are no specific legal implications requiring comment. Should there be any recommendations requiring changes to the Petition Scheme then this would ultimately require Council approval as the scheme forms part of the Constitution.



10th March 2022

Monitoring Officer
EDDC
Blackdown House
Honiton

Dear Sir

Please find enclosed both online petitions by the Chamber of Commerce (604) and Mr Goodman's (418), along with paper petition (971) with a combination of 1993 signatures in relation to the proposed increases in car parking charges, EDDC want to impose across our towns in East Devon. Also enclosed is evidence of other coastal resorts car parking charges and the speech I gave to EDDC at a recent meeting.

Sidmouth Chamber started the petitions after members and businesses within Sidmouth raised their concerns to us. At that point we were unaware that Mr Goodman had also started a petition, so joined forces to raise awareness of the increase in charges, which we believe many were unaware of, including many of our local councillors.

It was expected that the cost of car parking charges would raise to £1.20 not £2.00. We want our town to recover and thrive after a difficult two years for many. You only have read the news headlines, to realise that these businesses face a challenging 2022, with raising costs as do the residents of Sidmouth with the rise in cost of living, energy bills etc.

We feel that the proposal has not been thought through and has not allowed consultation. There has been no impact assessment, and little concern for the economic health of our communities and the business they support.

I look forward to hearing from you in due course.

Yours faithfully

Sally Mynard
Chair Sidmouth Chamber of Commerce
[REDACTED]
chair@sidmouthchamber.co.uk

Date: 31st March 2022
Direct phone: 01395 517401
Direct email: hgordonlennox@eastdevon.gov.uk
Our ref: MO/HGL



Ms S Mynard
Chair of Sidmouth Chamber of Commerce

By email only: chair@sidmouthchamber.co.uk

Dear Ms Mynard,

Petitions re car parking charges

I refer to your letter of 10th March providing two petitions in relation to car parking charges. One was organised by the Chamber of Commerce and had both online and paper versions. The other was organised by Mr Goodman and this was an online petition. You note that collectively the petitions have 1993 signatures. Part 5.6 of the Council's Constitution details how the Council will deal with petitions and I have now had a chance to consider these petitions in accordance with those requirements.

I note that none of the petitions are in the format that the Council petition scheme would advocate and the Chamber of Commerce petition is phrased differently from Mr Goodman's. The Chamber of Commerce petition states that car parking raises should be limited to an increase to £1.20 / hour, whereas Mr Goodman's is not clear whether it is objecting to any increase from £1 or is accepting of the increase to £1.20 / hour. The reason for highlighting this is because arguably the two petitions should be treated separately.

Notwithstanding the above comment, if the petitions are taken together there are still a number of areas where the petitions, or those signing them, do not meet the qualifying criteria detailed in paragraphs 4 and 5, the most important of which are as follows;

1. Only those who live, work or study in East Devon can sign / organise a petition.

INVESTORS IN PEOPLE™
We invest in people Platinum

Blackdown House, Border Road, Phone: 01404 515616
Heathpark Industrial Estate, Email: csc@eastdevon.gov.uk
Honiton, EX14 1EJ [@eastdevon](http://eastdevon.gov.uk)
DX 48808 Honiton

Download the free East Devon App
to access council services at
eastdevon.gov.uk/app

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2. Sufficient information to be able to identify that the organiser and signatories live, work or study in East Devon should be provided.

While some of the non-compliance is relatively trivial, which I am happy to waive together with treating them as separate petitions, being able to identify the signatories as local people is fundamental to the legitimacy of any petition. In that regard the petitions contain a number of non-UK residents and out of district signatories and there are also a number who have not provided sufficient information to determine that they meet the relevant criteria.

Once those signatories who do not meet the criteria have been discounted, there are a total of 1476 signatories. In addition there are a number of duplicates across the petitions and you will understand that an individual can only have their signature counted once. I haven't discounted the duplicates in the above number because it would be an extremely time consuming exercise to complete and it won't affect how the matter is dealt with. However, if this exercise were to be completed then it would further reduce the number of valid signatures.

Despite the difficulties identified I am willing to accept the petitions on the basis of a maximum of 1476 valid signatories. This means that what has been presented is an 'ordinary petition' in accordance with the Council's Petition Scheme.

Having determined that this petition does not meet the threshold for Council debate, the Council now has to decide how to respond. Given that the Council approved the increasing of car parking charges at its 23rd February 2022 Council meeting, it is not a matter that can be subject to further consideration at this time. As this matter is Cabinet's responsibility now I have consulted with senior Cabinet Members and there is consensus that it is not appropriate for any further action to be taken on the petitions at this time. Accordingly the Council's position is that the petitions will not be progressed any further. It is noted in passing that there has been a commitment to look at the position in relation to car parking charges later in the year following the Summer period based upon the usual financial monitoring information that Members receive.

Yours sincerely,



Henry Gordon Lennox
Monitoring Officer

Henry Gordon Lennox
Monitoring Officer EDDC.

Mike Goodman
Sidmouth

April 10th 2022

Dear Henry

The petition regarding car parking charges which contained two petitions one from the Chamber of Commerce and the other under my name Mike Goodman was delivered to the officers by the CoC. They have now been informed that the petition will not be heard by Council on the 20th April.

I have read the letter from you and wish to challenge this decision. I am basing this on the following seven points which I ask is urgently investigated.

Point one

The petitions were accepted by Henry Gordon Lennox, but then effectively rejected by 'senior Cabinet members', on the grounds that the decision had already been taken.

Where does it say that senior cabinet members can reject a petition?

Point two

The petition was started prior to any decision being made on car parks, it was also delivered on the 10th March and if EDDC wanted to hear it they could have done so at the Council meeting on the 22nd March.

There is nothing that I can find in the 'rules' which states that petitions will be rejected on the grounds you describe in your letter. Nowhere does it say that I can find that says petitions can be rejected if the decision as already been made. If this was to be the case what is the purpose of any petition.

Having investigated local Government petitions, I cannot find other occasions when local authorities have rejected a petition on the grounds you are making. If this is not the case, can you confirm which local authorities are following your decision that you will not hear a petition if Council have already made their decision.

Where does it say that petitions can be rejected because decisions have already been made?

Point three

Your statement in the letter says

Having determined that this petition does not meet the threshold for Council debate

The numbers that have signed the petition point 4 of the EDDC guide on petition says:

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

So how did you decide that the number came down to 1476, as many of the people who signed the petition would have been working in East Devon but live outside so this meets their criteria.

The Council cannot assume that those signing with an address outside of East Devon does not work in East Devon.

Point four

Under item eight of EDDC petition it says details of your petition will be provided to the Chairman 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.

I understand that this was not followed, and I ask why.

Point five

The following paragraph of the letter says:

Having determined that this petition does not meet the threshold for Council debate, the Council now has to decide how to respond. Given that the Council approved the increasing of car parking charges at its 23rd February 2022 Council meeting, it is not a matter that can be subject to further consideration at this time. As this matter is Cabinet's responsibility now, I have consulted with senior Cabinet Members and there is consensus that it is not appropriate for any further action to be taken on the petitions at this time.

Accordingly, the Council's position is that the petitions will not be progressed any further.

However, when you examine Point 6 of the petition guidelines none of the reasons for not accepting the petition applies see below.

The vast majority of petitions will be accepted provided they meet with the requirements. However, there are certain circumstances when petitions will not be accepted by the Council's Monitoring Officer, including:

- 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.
- Petitions which are identical or very similar to a petition that has already been presented to the Council in the past 12 months.
- 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.
- 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.

- 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.
- Where the identities of the signatories to the petition cannot be verified.

The above confirms that EDDC have not followed their own guidelines.

Point six

Part of point 8 of EDDC guidelines says

To ensure that people know what we are doing in response to the petitions we receive, we will publish the details of petitions we receive on our website (except in cases where this would be inappropriate). Wherever possible we will also publish all correspondence relating to the petition on our website but will remove all personal details first. The name and address of the petition organiser will also be published on the Council's website unless the petition organiser expressly requires their contact details to be kept confidential.

Was this followed because I cannot see this on EDDC web site.

Point seven The last paragraph of the letter says:

It is noted in passing that there has been a commitment to look at the position in relation to car parking charges later in the year following the summer period based upon the usual financial monitoring information that Members receive.

Having checked the recording and the minutes of the meeting this was not agreed at the Council meeting therefore although welcomed when was this formally voted on.

The above are valid reasons why this petition should be heard, it is important that the views of residents are heard and petitions are a good example when Councils can listen to the views of residents. I urge you to reconsider your decision.

Yours Sincerely

Mike Goodman

Cc Sidmouth Chamber of Commerce



Sidmouth Herald.

Date: 11th April 2022
Direct phone: 01395 517401
Direct email: hgordonlennox@eastdevon.gov.uk
Our ref: MO/HGL



Mr M Goodman

By email only: mggoodman9@aol.com

Dear Mr Goodman,

Petitions re car parking charges

I refer to your letter of 10th April.

I think it is fair to say that your letter has misinterpreted my letter to the Sidmouth Chamber of Commerce and / or misunderstood the Council's Petition Scheme rules. I will answer your seven points below.

Firstly, the petition has not been rejected. My letter clearly states that notwithstanding some technical difficulties – including that actually the two petitions could have been treated separately – it has been accepted. Having determined it is valid the letter states '*Having determined that this petition does not meet the threshold for Council debate, the Council now has to decide how to respond*' [my emphasis] and the Council's response is then detailed. It is therefore wrong to say that the petition was rejected by Senior Cabinet Members or indeed at all.

Secondly, to repeat the above point, the petition was not rejected. However, the Council's response was informed by the fact that a decision on car parking charges – which the petition sought to prevent – had indeed been taken.

Thirdly, the petition scheme states;

INVESTORS IN PEOPLE™
We invest in people Platinum

Blackdown House, Border Road, Phone: 01404 515616
Heathpark Industrial Estate, Email: csc@eastdevon.gov.uk
Honiton, EX14 1EJ eastdevon.gov.uk
DX 48808 Honiton @eastdevon

Download the free East Devon App
to access council services at
eastdevon.gov.uk/app

*‘5.1 Petitions **must** include all of the following;*

5.1.4 Sufficient information to be able to identify that the organiser and signatories live, work, or study in East Devon.

5.4 The Council’s Monitoring Officer may decline to accept any petition where in his opinion the petition does not include any of the above.’

I have read the requirements benevolently in relation to these petitions in that I have not declined to accept either or both. On the contrary I have treated them as one (despite being organised by different people and being phrased differently) to enable a starting point of circa 1990 signatories and I have then only discounted those where in my opinion there wasn’t sufficient information to identify that they live, work or study in East Devon, which was done primarily by way of postcodes. As explained, I have also not further discounted the number of signatories to account for duplication, although there are a number of these. It is worth bearing in mind that the alternative, had I not treated them benevolently, could have been rejection of both petitions and / or them being treated separately. I will be suggesting amending the Council’s Petition Scheme to make it clearer in this regard at the Annual Meeting in May.

Fourthly, I understand the point you are making, although I would say that that paragraph is about ensuring awareness within the Council of a petition. My understanding is that at various points of public speaking at meetings dealing with car parking charges – including at Full Council – there has been reference to the petitions and number of signatories they have received and therefore those stated individuals were all aware of the petition.

Fifthly, as noted above, this is not about whether or not the petition was not accepted – being the issue paragraph 6 addresses – because it was accepted despite the difficulties with it / them.

Sixthly, I think you must be reading the petition webpage, rather than the petition scheme in the Constitution. The relevant paragraph you are referring has been removed from the Scheme. Apologies that the webpage is inaccurate in this regard and I will ensure that this section of the website is reviewed to ensure that webpage accurately reflects the correct version in the Constitution.

Seventh, I note your comment and would simply say that as far as I am aware it came from Cabinet / Cabinet members rather than being a formal resolution of Full Council. As car parking matters are again now the responsibility of Cabinet, I trust that this will reassure you.

Finally, it is worth commenting on the fact that despite the Chamber of Commerce 'submitting' the petitions and being taken as the petition organiser who I have then corresponded with, the Council is now receiving separate communication from you on the matter. The Chamber of Commerce, although expressing disappointment at the outcome, seem accepting of the Council's position and welcome the commitment of the review after the Summer. Their approach is at odds with yours and does beg the question whether I was in fact wrong to treat these as a single petition.

In light of the foregoing, the Council's position remains the same. You do have the right to request that the matter is reviewed by either of the Council's Overview or Scrutiny committees if you do not consider that the petition has been dealt with properly and Section 12 of the Petition Scheme provides more detail in that regard.

Yours sincerely,



Henry Gordon Lennox
Monitoring Officer

Dear Mr Gordon Lennox

I find the contents of your email regarding the views of residents not being heard by EDDC extraordinary. To say that the petition has not been rejected is not accurate. The reality is residents' views on the car park charges will not be heard by Council.

The rejection of the petition does not in my opinion follow your own rules and guidance and it certainly does not follow the spirit of listening to residents.

You are agreeing that it is valid and have accepted the petition, but have found an excuse not to hear it. Nowhere does it say if Council have already made a decision a petition will not be heard. Often petitions are the vehicle to change a Council's decisions.

You have decided to call it an ordinary petition rather than a petition discussed at Council. I understand you are saying that you have considered the petitions and disregarded five hundred signatures sighting duplication and people living out of Sidmouth. When the two petitions were started, the form used asked for post codes. It is impossible to track using normal methods if signatories are working in East Devon. To achieve this would potentially break GDPR rules of data. You have decided to disregard five hundred signatures. Assuming people do not work in Sidmouth, and this is impossible to prove unless each person was contacted. I accept if some people signed twice then that is wrong but that is not or even anywhere near five hundred.

Other Councils use an online e-petition system which is much easier to complete monitor and control, is it not time to help listen to residents EDDC moved to this? You also agree that petitions do not have a landing page so EDDC can inform residents, this as you know is against your own rules.

I ask what methods have you ever used in the past to confirm that those signing a petition have the right to do so? Can you also confirm how many petitions EDDC have heard over the last ten years?

You say that elements of the words on the Council site do not relate to the constitution and will be changed. I suggest whatever is on the website is what people will follow. If you are going to change the policy, it is important that this goes through scrutiny prior to Council, and it includes an e-petition page to help residents make their views known.

According to your letter it is cabinet members who have agreed not to allow the petition to be heard, that is wrong and against your own rules.

You have acknowledged that the Council did not follow their own guidance on petition submissions, you cannot assume leaders know. It is also true to note that leaders would not know when the petition was being submitted.

Regarding your comments 'it is noted in passing that there has been a commitment to look at the position in relation to car parking charges later in the year following the summer period based upon the usual financial monitoring information that Members receive'

I am amazed that you are agreeing that this was not agreed at Council, so there is no certainty that this will take place so at the very least Cabinet at the next meeting should agree this will happen.

This letter outlines why this petition should have been heard and residents listened to.

I ask again that you reconsider your decision not to hear this petition. If you are of a mind not to, I ask this decision, be reviewed by Scrutiny.

Regards Mike Goodman

**PROPOSAL FORM FOR ITEMS
FOR CONSIDERATION BY SCRUTINY**

Submitted by : Mike Allen

Item for Consideration: Economic Development and employment quality in Rural and Coastal areas

Expected outcome Review and/or scrutinize equality, transparency and procedures of the relevant Committees including the way policy proposals by other political groups than EDA are able to be discussed with Officers and assessed by the Council and investigated by independent advice which may lead to new policies, new procedures, in relation to policy objectives of cooperation, consultation, fairness and transparency

Priority for matter to be considered:

High (up to 3 months) Medium (3-6 months) Low (over 9 months).

Basis on which priority has been set: Urgent issues from the last Subcommittee and following criticism from the Standards Committee

The suggested item should be included in future programme(s) because: (please tick as appropriate)

- a) It is a district level function over which the district has some control
- b) It is a recently introduced policy, service area of activity which would be timely to review
- c) It is a policy which has been running for some time and is due for review
- d) It is a major proposal for change
- e) It is an issue raised via complaints received
- f) It is an area of public concern
- g) It is an area of poor performance
- h) It would be of benefit to residents of the district

Which of the Council's objectives does the issue address?

Prosperity and sustainability at Parish, Town and District level

Is there a deadline for the Council to make a decision? It is urgent to review this topic before the end of the Summer tourism boost

Members are requested to provide information on the following:-

What do you wish to achieve from the review?

Clarity of what has been done and what effect this has had to date. Fair, transparent and cost-effective procedures and greater cooperation between officers and Councillors

Are the desired outcomes likely to be achievable?

Yes

Will it change/increase efficiency and cost effectiveness?

That is the intention

Additional information – an explanatory sentence or paragraph to be provided below to support each box which has been ticked:

Initiatives to bring these discussions about have not been held for over 12 months.

A report to scrutiny should be prepared for July 2022 outlining How effective the current support measures have been in protecting jobs and in the processes of distributing current grants to businesses, has Economic Development:

- a) Considered how to ensure that reliable data covering as many people as possible can be used to determine economic development proposals so that fewer people suffering loss of income and more people have better jobs
- b) Clarify how support might be given to those organisations not eligible for current Government grants
- c) Report on how far current employment support schemes are protecting jobs in East Devon rural and coastal areas, recognising that our approach may need to adapt rapidly in response to how the pandemic evolves over the coming months and years

Please return completed form to Democratic Services.

Monitoring Officer's comments:

The expected outcome set out in the proposal form suggests a review that relates to the ability of non-administration members to bring forward policy initiatives.

The additional information at the bottom of the form then reflects scrutinising the effectiveness of support measures in protecting jobs and the process of distributing current grants (presumably relating to a Covid/post-Covid environment).

It is unclear how the first point (ability of non-administration members to bring forward policy initiatives) and the second point (effectiveness of support measures) fit together, perhaps a further proposal form could give further detail on the suggested remit of a report on this topic for clarity.

The second point is capable of scrutiny, I would suggest that relevant officers are identified and ask to comment on timescale and scope. Given committee deadlines it seems unlikely that meaningful research could be carried out in time for a report to come to the July committee, officers can be asked to comment.

Scrutiny Committee Forward Plan 2022 / 23

Work for scoping and/or allocation to the Forward Plan

(Shaded items refer to the Chair's list of proposed topics to be agreed)

Proposed date	Topic
Schedule of meetings with SWW TBA	<p><u>Future meetings with South West Water</u></p> <p>At the meeting on 7th April 2022, the Committee agreed to proceed with a series of meetings with SWW, as set out below, with each meeting to have a particular topic. The Committee initially identified the following topics:</p> <ul style="list-style-type: none"> • Planning • Beach water • River water <p>South West Water have agreed to attend for a series of daytime meetings on a similar basis to the one already held.</p> <p>The Committee considered using the Scrutiny meeting before each of the SWW meetings to receive a report from the relevant EDDC officer(s) to enable an initial discussion to take place between Members with officer input to assist with understanding the structures relating to each area being discussed and any overlap/interaction between the various agencies (EDDC/DCC/Environment Agency/SWW etc.)</p> <p>Following the scheduled Scrutiny Committee meeting, Members may wish to submit questions for SWW on the topic under discussion, by an agreed deadline. Questions will be forwarded to SWW prior to the agreed meeting with SWW Officers.</p>
7 July	Quarterly performance report
7 July TBC	Update on Poverty Dashboard
8 September	<p>South West Water / Planning and Development – Ed Freeman report</p> <p>To be followed by joint Zoom meeting with SWW – date TBC</p>
6 October	<p>South West Water / beach water quality – Environmental Health/ Streetscene report</p> <p>To be followed by joint Zoom meeting with SWW – date TBC</p>
3 November	<p>South West Water / river water quality – Environmental Health report</p> <p>To be followed by joint Zoom meeting with SWW – date TBC</p>

3 November	Portfolio Holder report on training strategy (agreed at meeting on 2 December 2021)
3 November TBC	Portfolio Holder report on Governance / Licence issues and Engagement and Funding issues
1 December TBC	Portfolio Holder report on “state of homes” complaints, heat pump costs, housing numbers refurbished
1 December TBC	Portfolio Holder report on Strata costs
TBC	Database of assets owned by the Council (proposal form submitted by Cllr Ranger – it was reported that the database already exists). Service Lead for Place, Assets and Commercialisation and PFH for Economy and Assets to attend a future meeting. Agreed at April meeting.
TBC	Expenditure on consultants and agency staff 2020/21 (follow up from meeting of 2 December 2021)
TBC	<p>Proposal from Mid Devon DC Scrutiny Committee regarding a joint review into the planning controls and regulatory requirements associated with the bio-energy industry within Devon, in particular anaerobic digesters (details circulated to Members by email on 10 December 2021)</p> <p>The Chair has contacted the Chair of Strategic Planning Committee. Further discussion on how to proceed is underway.</p>
TBC – keep under review	<p>Local Plan Sites – Allocations to Delivery</p> <p>The Joint Overview and Scrutiny meeting of 17th January 2022 [minute 43c] recommended ‘<i>a review of the Statement of Community Involvement and consultations on planning applications to consider making greater use of site notices to publicise planning applications</i>’ Goodmores Farm could be considered as part of this work if the concern relates to the consultation specifically (agreed at meeting on 3 March 2022).</p> <p>This item to be kept under review.</p>

Chair's proposed topics for future Scrutiny Committee meetings

Portfolio Holder	Topic for Scrutiny	Meeting date TBC
Cllr Nick Hookway Tourism, Leisure, Sport and Culture	LED costs / Exmouth Queen's Drive	
Cllr Marianne Rixson Climate Action and Emergency Response	Climate action budget	
Cllr Paul Arnott Strategic Planning	Scheme of delegation Links between economics and Planning	
Cllr John Loudoun Council and Corporate Co-ordination	Strata costs	December
Cllr Paul Hayward & Cllr Geoff Pratt Economy and Assets	Rural Economy issues – food, farming and resources Coastal Economy issues	
Cllr Paul Hayward & Cllr Jack Rowland Economy and Assets & Finance	Asset use – costs and income	
Cllr Sarah Jackson Democracy, Transparency and Communications	Governance / Licence issues Engagement and Funding procurement issues	November
Cllr Geoff Jung & Cllr Eleanor Rylance Coast, Country and Environment	StreetScene / car parks / parking	
Cllr Dan Ledger Sustainable Homes and Communities	“State of homes” complaints Heat pump costs Housing numbers refurbished Update on Poverty Dashboard	December July

Document is Restricted