

Report to: Scrutiny Committee



Date of Meeting 9<sup>th</sup> June 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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## 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

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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 – 19<sup>th</sup> May 2022](#)

## Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
  - A greener East Devon
  - A resilient economy
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## 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 19<sup>th</sup> 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 5<sup>th</sup> January Cabinet meeting, the 12<sup>th</sup> / 17<sup>th</sup> Joint Overview and Scrutiny meeting, the 2<sup>nd</sup> February Cabinet meeting and 21<sup>st</sup> February Full Council consultative meeting and 23<sup>rd</sup> February Full Council meeting when the budget was approved. Sally Mynard, the Chair of the Chamber of Commerce spoke at 21<sup>st</sup> February Full Council meeting, as did Mr Goodman who has also spoken at Cabinet subsequently.

11. On the 10<sup>th</sup> 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 2<sup>nd</sup> 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 14<sup>th</sup> March 2022.

16. At a meeting on 22<sup>nd</sup> 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 31<sup>st</sup> 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 23<sup>rd</sup> 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 10<sup>th</sup> April (**Appendix 3**) raising seven points of concern. The Monitoring Officer replied on 11<sup>th</sup> April (**Appendix 4**) and attempted to answer the seven points. Mr Goodman sent a further letter in reply on 12<sup>th</sup> April (**Appendix 5**). The Monitoring Officer emailed Mr Goodman on 25<sup>th</sup> 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 11<sup>th</sup> 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'*

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### **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.