

Report to: Council

Date of Meeting 10 December 2025

Heading/Title: Changes to the Constitution – Part 5 – Codes and Protocols – Councils Petition Scheme

Cabinet Member(s): Communications and Democracy (Councillor Sarah Jackson)

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Key decision No

If a Key Decision has it appeared on Forward Plan N/A

Document classification: Part A Public Document

Exemption applied: None

Report Summary and Recommendations/Decision

The report includes an update on amendments to the Council's Constitution following a review of the Constitution by the Constitution Working Group.

In accordance with the Council's Constitution Full Council is responsible for the changes to the Constitution.

The Council's Petition Scheme (Part 5 Codes & Protocols) was considered by the Overview Committee, following their recommendations for the introduction of an online e-petition scheme and their comments were reviewed by the Working Group. The revised Petition Scheme is recommended to Council for approval.

RECOMMENDATIONS:

That the Council:

1. Approves Part 5 Codes and Protocols – Councils Petition Scheme, to be included in the Council's Constitution.
2. Delegates authority to the Monitoring Officer in consultation with the Portfolio Holder for Communications and Democracy to make any minor

1. Background

Updating of the Constitution

- 1.1 The Constitution Working Group has been carrying out a phased review of key elements of the Constitution over a series of working group meetings.
- 1.2 The Constitution Working Group was set up in 2024 at Annual Council to review the Constitution. The Constitution Working Group is a cross-party membership consisting of:

Councillor Sarah Jackson (Chair & PFH for Communications & Democracy), Councillors Paul Arnott, John Loudoun, Tim Dumper, Mike Goodman, Jenny Brown, Mike Howe, Peter Faithfull and Kim Bloxham and officer support is provided by the Monitoring Officer and Democratic Services Team.
- 1.3 Part 5 Codes and Protocols – Councils Petition Scheme sets out details of how the petitions scheme operates and now includes a new section to reflect the use of online e-petitions.
- 1.4 The e-petitions scheme will be implemented shortly, and is being hosted through the Council's website using Mod.Gov (Issue Manager).
- 1.5 The Petition Scheme is set out at Appendix A.

2. Reasons for Recommendations/Decision

- 2.1 It is important that the Council's Constitution is regularly reviewed to ensure that it remains fit for purpose and meets the Council's requirements.
- 2.2 This report recommends the approval of Part 5 Codes & Protocols – Councils Petition Scheme.

3. Options

- 3.1 As this is a requirement of legislation and the Council's Constitution no other options were considered.

4. Relevance to Council Plan/priorities

Set out how report links to the Council Plan/priorities:

- ☒ A supported and engaged community that has the right homes in the right places, with appropriate infrastructure.
- ☒ A sustainable environment that is moving towards carbon neutrality and which promotes ecological recovery.
- ☒ A vibrant and resilient economy that supports local business, provides local jobs and leads to a reduction in poverty and inequality.

- ☒ A well-managed, financially secure and continuously improving council that delivers quality services.

Having an up-to-date Constitution ensures the Council is able to support its Council Plan and priorities through the governance arrangements set out in the Constitution.

5. Financial Comments/Implications

- 5.1 There are no financial implications arising from this report. The Petition Scheme is included in the current contract with our suppliers, Civica.

6. Legal Comments/Implications

- 6.1 Under Section 9P of the Local Government Act 2000, the Council is required to prepare and keep up to date a Constitution containing the standing orders of the Council and such other information as is required or desirable.

7. Risk Implications

- 7.1 It is important that the Council keeps its Constitution up to date to reflect best practice and any changes in legislation.

8. Equality Implications (Public Sector Equality Duty)

- 8.1 No specific negative equalities implications have been identified with the proposals set out in the new Constitution. Decisions taken by the Council, in accordance with its Constitution, will consider equalities implications and have due regards to its legal duties under the Equality Act 2010. The arrangements for committee meetings will take full consideration of equalities and public accessibility requirements. An Equalities Impact Assessment is not considered necessary for this decision as there are no direct impacts.

9. HR and Workforce Implications

- 9.1 There are no HR and Workforce implications arising from the recommendations in the report.

10.2 Community Safety Implications (Crime and Disorder)

- 10.1 There are no Community Safety Implications arising from the recommendations in this report.

11. Climate Change Implications

- 11.1 There are no Climate Change implications arising from the recommendations in this report.

12. Health & Safety and Health & Wellbeing Implications

12.1 There are no public health, health and safety or health and wellbeing implications arising from the recommendations in this report.

12.2 There are no safeguarding issues that may arise from the recommendations in the report.

13. Procurement and Social Value implications

13.1 There are no procurement and social value implications arising from the recommendations in this report.

14. Land and Buildings (non-housing)/Asset Management Implications

14.1 There are no land and buildings/asset management implications arising from the recommendations in this report.

15. Overview and Scrutiny Committees Comments/Recommendations

15.1 N/A.

16. Digital and Data

16.1 N/A

17. Consultation and Engagement

17.1 Consultation on the proposals from the Constitution Working Group has been undertaken with the Overview Committee.

18. Communications

18.1 Subject to approval by full Council the Council's website will be updated.

19. Next Steps

19.1 To update the Council's website to reflect the recommendations arising from this report.

20. Appendices

Appendix 1 – Part 5 Codes and Protocols – Councils Petition Scheme.

21. Background Papers

21.1 None.

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 (*refer* 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.

NEW SECTION – E-Petitions

- 5.2 The Council will accept electronic petitions provided the above requirements are met. The Council has an online electronic petition which can be completed
We welcome e-petitions, which collect signatures online. An e-petition can be created and submitted through our [LINK TO electronic petition](#).
- 5.3 E-petitions must follow the same [guidelines](#) as paper petitions. The petition organiser will need to provide the council with their name, postal address and email address. The petition organiser will also need to decide how long the petition will be open for signatures. This may range from a few weeks to a maximum of 12 months.
- 5.4 After creation of an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
- 5.5 If we feel we cannot publish the petition for some reason, we will contact the petition organiser within this time to explain. The petition organiser will be able to change and resubmit the petition if they wish. If this is not done within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 5.6 When an e-petition has closed for signature, it will automatically be submitted to the Democratic Services Manager. In the same way as a paper petition and an acknowledgement will be received within 14 days. If the petition organiser would like to present the e-petition to a meeting of the Council [they should contact us](#) within five days of the petition closing.
- 5.7 A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The response will also be published on our website.
- 5.8 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.
- 5.9 The Council's Monitoring Officer may decline to accept;
 - 5.9.1 any petition where in **his** **their** opinion the petition does not satisfy any of the above,
 - 5.9.2 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.
- 5.10 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.
- 6.1.7 Petitions which relate to a subject or service that is provided by another authority or organisation i.e. Devon County Council.

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 democraticservices@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 (by telephone 01395 517541 or e-mailing showl@eastdevon.gov.uk democraticservices@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.