

## Petition Scheme

Devon County Council welcomes petitions and recognises they are one way in which people can let it know of their concerns. This scheme builds on the provisions of the Council's Constitution which, since 2002, has provided the opportunity for the public to submit petitions to the Council or its Cabinet (Article 3).

All petitions sent or presented to the Council will receive an acknowledgement within 15 working days of receipt indicating how it is planned to deal with the petition and when a response will be forthcoming.

Petitions may be sent, either on paper or via email, to:

**Democratic Services & Scrutiny Secretariat, Legal and Democratic Services, County Hall, Topsham Road, Exeter, EX2 4QD or [committee@devon.gov.uk](mailto:committee@devon.gov.uk)**

Petitions may also be submitted online (e-petition) through the Council's website at <http://democracy.devon.gov.uk/mgEPetitionListDisplay.aspx?bcr=1>, in line with the guidance on those pages.

Petitions may also be presented direct to a meeting of the Council or the Council's Cabinet. There is no timescale for this, but it is helpful to let us know in advance of the meeting. For further information please see 'Having your Say' at <https://new.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/part-1-can-i-attend-a-meeting/>

This Scheme accords with and fulfils the requirements of the statutory guidance issued by the Secretary of State under the Traffic Management Act 2004 to provide an opportunity for those living and working in Devon to challenge the Council's parking policies, where for example those affected by existing arrangements may feel changed circumstances or unintended consequences warrant a review of extant arrangements.

The Council will consider all petitions received, regardless of the number of signatures they contain.

However, if a petition has received 6000 signatures (equivalent to approximately 1% of the population of the administrative County and meets the requirements below) then it will automatically trigger a debate at the next ordinary County Council meeting, unless it is specifically asking for a senior officer to give evidence (see below). If this is the case we will let the petition organiser know the date of that meeting as, of course, the person submitting the petition will be entitled to attend and speak.

## **What are the guidelines for submitting a petition?**

Petitions must include:

- a clear statement covering the subject matter or, if it relates to a suggested review of parking policy, accurately identifying the area to be addressed by any such review;
- what the petitioners want the Council to do; and
- the name, address (including a postcode) and signature\* of everyone supporting the petition.

Petitions should be accompanied by contact details (address and email) for the petition organiser. This is the person the Council will contact to give a response to the petition. Anyone who lives, works or studies in the administrative county of Devon may sign a petition.

*[\*In the case of online/e-petitions, a signature will not be required but a valid email address must be provided instead. If a postcode is not provided which can be verified then the entry may be discounted.]*

## **When will a petition not be accepted?**

There are certain circumstances in which a petition will not be accepted or dealt with, namely:

- if it is considered to be vexatious\*\*, abusive or otherwise inappropriate; or
- it relates to matters where there are on-going legal proceedings; or
- it targets individual members of a community; or
- it applies to a matter where there is already a right of appeal (e.g. planning or licensing applications or statutory petitions such as that for requesting a referendum on having an elected mayor); these will be dealt with under separate arrangements;

or, if the petition relates solely to a request for a review of the Council's parking policy:

- if it is the same or substantially the same as a petition for the same or substantially the same area as a petition dealt with in the previous 12 months; or
- if a review of the relevant traffic regulation order or parking policy in the area or substantially the same area is to be undertaken by the relevant Highways & Traffic Order Committee within the next 12 months of the date of the petition.

Also, if your petition is about something over which the County Council has no direct control we may consider making representations to the relevant body

and where possible ask partners to respond to you. Similarly, if a petition is about something that another Council is responsible for, we will forward it to that Council, and notify you accordingly.

*[\*\*A petition shall be regarded as vexatious if it does not contain sufficient grounds for action or is frivolous or is seeking only to create disproportionate and/or unjustified disruption to the work of the Council or if it is manifestly unjustified, inappropriate or an improper use of a formal procedure.]*

### **What happens to my petition?**

An acknowledgement (by letter or email) will be sent within 15 working days of receipt indicating how it is planned to deal with the petition and when a response will be forthcoming.

### **How will the Council respond?**

The response to a petition will necessarily depend on what it is asking for and how many people have signed it, but may include;

- taking the action requested;
- considering the petition at a council meeting
- holding an inquiry or researching the matter
- holding a public meeting or a meeting with petitioners
- holding a consultation
- referring the petition to the relevant Scrutiny Committee  
<https://www.devon.gov.uk/democracy/committee-meetings/scrutiny-committees/>
- calling a referendum
- writing to the petition organiser giving our views about the request and/or letting them know what the County Council has already decided to do or proposes to do on the issue;

or, where the petition relates solely to the Council's parking policy, may include:

- referring the petition to the relevant Highways & Traffic Order Committee and/or
- writing to the petition organiser letting them know how long it will take to undertake the review and when that will be concluded and published and/or considered by the relevant HATOC.

## **Debate at County Council Meetings**

If a petition contains more than 6000 signatures (as above) it will automatically be debated by the Council at its next ordinary meeting. The petition organiser will be given five minutes to present it and put forward his / her case for the action requested. The Council will decide how to respond to the petition and the organiser will receive written confirmation of this decision, which will also be published on the Council's website as part of the minutes for that meeting.

Petitions calling for evidence from a senior officer (as below) are excluded from the requirement to hold a debate.

## **Officer evidence**

If your petition contains at least 6000 signatures, you may ask for a relevant council officer (i.e. a Chief Officer and/or Head of Service) as shown at Part 8 of the Constitution to give evidence at one of the Council's Scrutiny Committees (e.g. to explain progress or to explain the advice given to councillors to assist their decision making). That Committee may also require the relevant Cabinet Member to attend the meeting. Committee members will ask the questions at this meeting, but you can suggest questions to the Chair of the committee by contacting the Scrutiny Team ([scrutiny@devon.gov.uk](mailto:scrutiny@devon.gov.uk)) at least four working days before the meeting.

## **What can I do if I feel my petition has not been dealt with properly?**

If you feel that the Council has not dealt with your petition properly, the organiser has the right to ask that the relevant Scrutiny Committee review the Council's response to it. The petition organiser should give a short explanation as to why the council's response is not felt to be adequate.

That Scrutiny Committee will endeavour to consider your request at its next meeting.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days and they will be published on our website as part of the minutes for that meeting.

## **Retention**

Petitions will be retained in line with the Council's retention policy - <https://www.devon.gov.uk/keepingdevonsdata/democracy/>