

REGENERATION, CULTURE AND ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

8 DECEMBER 2016

PETITIONS

Report from: Richard Hicks, Director, Regeneration, Culture, Environment and Transformation

Author: Steve Platt, Democratic Services Officer

Summary

To advise the Committee of any petitions received by the Council which fall within the remit of this Committee including a summary of the response sent to the lead petitioners by officers.

1. Budget and policy framework

- 1.1 In summary, the Council's Petition Scheme requires the relevant Director to respond to the lead petitioner usually within 10 working days of the receipt of the petition by the Council. Overview and Scrutiny Committees are always advised of any petitions falling within their terms of reference together with the officer response. There is a right of referral of a petition for consideration by the relevant Overview and Scrutiny Committee by the petitioners if they consider the Director's response to be inadequate. Should the Committee determine that the petition has not been dealt with adequately it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to Cabinet and arranging for the matter to be considered at a meeting of the Council.
- 1.2 The petition scheme is set out in full in the Council's Constitution at:
<http://www.medway.gov.uk/pdf/4.01%20-Council%20rules.pdf>
- 1.3 Any budget or policy framework implications will be set out in the specific petition response.

2. Background

- 2.1 The Council's Constitution provides that petitions received by the Council relating to matters within the remit of an Overview and Scrutiny Committee will be referred immediately to the relevant Director for consideration at officer level.

- 2.2 Where the Director is able to fully meet the request of the petitioners a response is sent setting out the proposed action and timescales for implementation.
- 2.3 For petitions where the petitioner organiser is not satisfied with the response provided by the Director there is provision for the petition organiser to request that the relevant Overview and Scrutiny Committee review the steps the Council has taken, or is proposing to take, in response to the petition.

3 Completed petitions

- 3.1 A summary of responses to petitions relevant to this Committee that have been accepted by the petition organisers is set out below.

Subject of petition	Response
Petition for a crossing for Sultan Road, Lordswood. 38 signatures	A scheme has been designed and is ready to be implemented, subject to the results of formal consultation. It is estimated that it will cost in the region of £38,000 to fully implement the scheme which will need to be funded from the Local Transport Plan grant. Funding for traffic and road safety is allocated on a priority basis where indicators such as accident statistics are considered, and this scheme is in the overall programme of improvements. As soon as we are able to, it will be considered for funding. I have asked my team to keep you updated on progress, and I hope this is helpful for you.
Petition to save Capstone Valley from development 392 signatures	The Council has received two planning applications to develop land in the Capstone Valley area. Outline planning application MC/14/2395 for the construction of up to 450 dwellings at Gibraltar Farm was refused by the Council and the applicant exercised their right to appeal that decision. A Public Inquiry was held early in October and the authority is currently awaiting the decision from the Secretary Of State. An outline planning application MC/16/2776 for 44 dwellings on land at Brickfields, Darland Farm was submitted to the Council in June 2016 and has yet to be determined. Petitioners may wish to track and comment on planning applications submitted to the Council in relation to the Capstone Valley by using the Council's Public Access facility. Public Access can be accessed via the Council's website using the following link: http://www.medway.gov.uk/planningandbuilding/planningapplicationsearch.aspx . There is a link within this webpage to guidance on how to set up a user account to use Public Access which will enable petitioners to track applications using information such as postcodes, Ward and dates. In addition, you will be aware that we are working towards producing a new Local Plan. At the beginning of this year we

Subject of petition	Response
	consulted on an Issues and Options paper. Having considered the responses, we will be consulting on a Spatial Options Report in January and February next year. Officers will be undertaking presentations to Members later this year in advance of the consultation.

4. Petitions referred to this Committee

4.1 The following petitions have been referred to this Committee because the petitioner organisers have indicated that they are dissatisfied with the response received from the Director.

4.2 **Petition to implement a robust traffic calming system that will reduce the speed of traffic to an acceptable level to ensure Magpie Hall road is safer for the local residents.**

4.3 This petition, containing 89 signatures, was presented by Councillor Godwin at the meeting of Council on 13 October 2016. The petition states:

‘Over the years, Magpie Hall Road, Chatham has experienced numerous road traffic accidents and large numbers of vehicles travelling in both directions at excessive speeds.

A number of measures have been taken by the council in terms of electronic warning devices at the junction of Magpie Hall Road and Palmerston Road and a modification to the existing road marking system which was designed to reduce the road width and encourage vehicles to drive at slower speeds.

All speed reduction measures have failed to address the problem and this petition is to appeal to Medway Council to implement more stringent measures in order to act upon the problem before a road traffic accident with more serious consequences is realised.’

4.4 The Director of Regeneration, Culture, Environment and Transformation responded to the lead petitioner on 17 October 2016 as follows:

‘Thank you for your recent petition requesting the introduction of traffic calming measures at Magpie Hall Road.

I of course understand the desire for a deterrent to speeding road users, particularly within a residential area. Sadly, speeding road users have become a common concern for many of Medway’s residents.

We receive many requests for speed reduction measures and each request is carefully considered. Whilst speeding, inconsiderate and dangerous drivers are all matters of serious concern, the basis upon which we introduce speed reduction measures is casualty reduction. Those locations already recording an ongoing poor road casualty history are tackled first, to prevent further casualties on our roads.

We continually monitor personal injury collision information, supplied by Kent Police, to identify areas of increased injury risk. Following investigation, I can report that three slight injury collisions have been recorded at Magpie Hall Road during the last three years of available Police records. Whilst three collisions is three too many, regrettably, at the current time there are many other locations within Medway recording poorer ongoing casualty problems. This means that those locations would be tackled first, to help prevent further casualties on our roads. Following due consideration, it is unfortunately not possible for physical speed restriction measures to be introduced at this time, although the collision record at this location will continue to be monitored.

Whilst I appreciate this will not be the response you were seeking, I hope this at least explains our position.'

- 4.5 On 27 October 2016, the lead petitioner requested that the matter be reviewed by the relevant Overview and Scrutiny Committee. The email stated:

'I have recently received a response from Richard Hicks to notify me that our petition for traffic calming measures has been rejected.

Judging from the letter that I received it would appear that the reason for rejection is based on the small number of accidents that have been recorded on Police records over the past 3 years.

I must state that the number of recorded incidents do not reflect the severity of the problem as there would also be incidents reported to insurance companies that the council has no visibility of.

As the lead petitioner for the case I therefore request this be referred to the overview & scrutiny committee for further investigation as I do not feel this request has been taken seriously enough by the council.

The residents of Magpie Hall Road feel very strongly about the issue within the road and we therefore expect a fair and balanced review.'

- 4.6 The Director has further commented as follows:

The Council has limited resources when considering road safety interventions and has to prioritise accordingly.

This location and request will be kept on file for future consideration along with all other requests.

4.7 Petition to reinstate the 176/177 Arriva Bus to ASDA, Gillingham

- 4.8 This petition, containing 425 signatures, was presented by Councillor Cooper at the meeting of Council on 13 October 2016. The petition states:

'We the undersigned call on Arriva Buses to reinstate the 176 and 177 bus services to the Asda Supermarket at Gillingham Pier, for daytime services from Chatham and from Hazlemere Drive, with immediate effect.'

- 4.9 The petition included a covering statement from Councillor Cooper which is attached at Appendix 1.
- 4.10. The Director of Regeneration, Culture, Environment and Transformation responded to the lead petitioner on 26 October 2016 as follows:

'Thank you for the submission of the petition calling to reinstate the 176/177 Arriva bus to the Asda store at Gillingham Pier, for which you are the Lead Petitioner.

Arriva made some changes to services 176 and 177, which took effect from 18 September, with services no longer serving the Asda store at Chatham Waters. Arriva cited low passenger numbers and reliability issues as the reasons for this change. 177s terminated at Gillingham St Mark's Church, and the Gillingham to Hazelmere Drive section revised to every 20 minutes.

As these services are operated commercially, it is ultimately Arriva's decision to see if the level of provision for an area is right for the level of demand, and whether it is commercially viable. Under the rules which all bus companies have to adhere to, there is no requirement for consultation and all any operator is required to give is 56 days' notice to the Traffic Commissioner for England.

We have contacted Asda to approach them for funding and we are awaiting a response. We are aware that at other Asda Stores, a free bus service, funded by Asda, is provided on certain days of the week, such as at the Asda Maidstone Road store which provides a bus on Tuesday and Thursdays from areas of Luton, Weedswood and Walderslade.

Arriva are still operating service 191 into the Asda bus stop in the morning at 0810, and at 1707 and 1727 in the afternoon. This service also calls at the University campus throughout the day.

We can continue the dialogue with Arriva to see if they will review their decision on the 177, but since the deregulation of the bus industry, bus companies will only run commercially profitable services. Medway Council has a limited input to support services, mainly in the evenings and weekends or on certain routes when the bus companies have deemed it not commercially viable to run or where there is a social need. It can be argued that the 176 service does still give access to residents of Lower Gillingham to other food superstores in Gillingham town centre, and Chatham town centre, so from a social need viewpoint it would be hard for the council to fund extra services directly going into the Asda store within the current financial climate.

Nu-Venture will be running a 185 service from Monday to Friday providing hourly shuttles to Asda Gillingham Pier from Chatham Waterfront Bus Station between 10am and 2pm. We understand that this is not serving the residents of Lower Gillingham directly, but residents can use a combination of the 176 and 185 to get there.

We will arrange for a copy of this petition to be forwarded to Arriva's local Commercial and Planning team to make them aware of the local residents' views.'

- 4.11 On 2 November 2016, the lead petitioner requested that the matter be reviewed by the relevant Overview and Scrutiny Committee. The email stated:

'Thank you for your response to our Petition regarding the Loss of the 177/176 Arriva Bus Services to ASDA Gillingham Pier. As the lead petitioner, I am not happy with this response, and request that the Scrutiny Committee take a better look at it.

I would also request that a representative of both Arriva and ASDA come to the meeting so that we can face them with our complaints especially as there were so many people who signed this petition.'

- 4.12 The Director has further commented as follows:

The Section 106 Agreement for the redevelopment of Chatham Docks (known as Chatham Waters) required the developer to submit to the Council a Bus Strategy for the development. The Council took the view that this strategy should provide, as a minimum, an off-peak bus service to and from the site. The Strategy submitted by Peel Holdings, and approved by the Council in 2015, relied upon Arriva's agreement to operate the 176 service via the ASDA store. As this is no longer the case, the Council's Section 106 Monitoring Officer will be contacting Peel Holdings to request they submit an updated Strategy.

5. Risk Management

- 5.1 The Council has a clear scheme for handling petitions set out in its Constitution. This ensures consistency and clarity of process, minimising the risk of complaints about the administration of petitions.

6. Financial and Legal Implications

- 6.1 Any financial implications arising from the issues raised by the petitions are set out in the comments on the petitions.
- 6.2 Overview and Scrutiny Rule 21.1 (xiv) in the Council's Constitution provides that the terms of reference of this Committee include the power to deal with petitions referred to the Committee under and in accordance with the Council's petition scheme.

7. Recommendation

- 7.1 The Committee is requested to note the petition responses and appropriate officer actions in paragraphs 3 of the report.
- 7.2 The Committee is requested to consider the petition referral requests and the Director's comments at paragraph 4 of the report.

Lead officer contact

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Appendices:

Appendix 1 – Covering statement from Councillor Cooper on the petition to reinstate the 176/177 Arriva Bus to ASDA, Gillingham

Background papers:

None