

BUSINESS SUPPORT OVERVIEW AND SCRUTINY COMMITTEE

4 JULY 2019

PETITIONS

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

Perry Holmes, Chief Legal Officer

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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 petition organisers by officers.

1. Budget and policy framework

1.1 In summary, the Council's Petition Scheme requires the relevant Director to respond to the petition organiser, usually within 10 working days of the receipt of the petition by the Council. Overview and Scrutiny (O&S) 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 O&S 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:

https://www.medway.gov.uk/downloads/file/2657/401 - council_rules

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 O&S 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 petition organiser is not satisfied with the response provided by the Director there is provision for the petition organiser to request that the relevant O&S 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 the response to petitions relevant to this Committee that have been accepted by the petition organisers are set out below.

Subject of petition	Summary of response
<p>Petition calling on MHS Homes to retain sheltered accommodation at Russell House, Chatham.</p> <p>294 signatures (paper petition)</p>	<p>MHS Homes have confirmed that, as part of their wider strategy relating to older people's housing, the decision to close the scheme, which comprises a number of bedsits that no longer meet the needs or expectations of older residents, was taken after consultation with scheme residents and two wider consultations. Development or refurbishment of the scheme has not proved to be viable. The Council understands that only a small number of residents remain in the scheme and many residents see this as an opportunity to move to more suitable accommodation. MHS Homes intend to continue to pursue opening a foyer at Russell House. It has positive experience of opening foyers that can actively contribute to reducing levels of anti-social behaviour.</p> <p>Whilst the Council will have a significant role in determining the make-up of affordable rented housing it would not be appropriate for it to call on MHS Homes to halt the closure of the scheme where they have tested all options in consultation with the local community.</p>
<p>Petition calling on Medway Council to take immediate action against those "out of town" taxi companies such as UBER who do not have transparent DBS checks in place unlike Medway licensed drivers and which could be putting passengers at risk.</p>	<p>Uber drivers are licenced as Private Hire drivers by other Licensing Authorities in accordance with legislation and local policy. Licensing authorities, including Transport for London, require prospective drivers to undertake an enhanced criminal record check before, and periodically after, a licence is issued. Failure to adhere to this would be a matter for the issuing licensing authority to enforce against individual drivers on a case by case basis in the same way that it would be for Medway Council to take action in relation to any of the drivers it licences who fail to comply with its policy or legislative requirements.</p>

Subject of petition	Summary of response
973 signatures (paper petition)	Nonetheless, at Full Council on 25 April 2019 a motion was passed instructing Officers to seek independent legal opinion; to meet with the Medway Licensed Taxi Drivers Association to discuss legal opinions; and to take the appropriate action against operations which are not in accordance with legislation. Efforts are already being made to progress this and the findings will be taken into consideration when deciding on any subsequent enforcement action that the council may take in relation to “out of town” taxi companies.

4. Risk Management

- 4.1 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.

5. Financial and Legal Implications

- 5.1 Any financial implications arising from the issues raised by the petitions will be taken into account as part of the review of these matters.
- 5.2 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.

6. Recommendation

- 6.1 The Committee is requested to note the petition responses and appropriate officer action in paragraph 3 of the report.

Lead officer contact

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Appendices:

None

Background papers:

None