

REGENERATION, CULTURE AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

2 DECEMBER 2021

PETITIONS

Report from: Richard Hicks, Director of Place and Deputy Chief Executive
Author: Stephen Platt, Democratic Services Officer

Summary

This report advises the Committee of petitions received by the Council which fall within the remit of this Committee including a summary of the response sent to the petition organiser 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 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:
<https://www.medway.gov.uk/downloads/file/5702/401 - 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 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 petition 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 Petition

- 3.1 A summary of the response to a petition relevant to this Committee that has been accepted by the petition organisers are set out below.

Subject of petition	Summary of response
<p>Expand Sports Facilities</p> <p>As grassroots sports are expanding and more teams are registering, with little places to play and train, we would like the council to build new pitches and install lights within the area, to be able to suit the needs of all clubs.</p> <p>E-petition signed by 6 people</p>	<p>Medway has a number of grass football pitches and is committed to improving these facilities for local clubs. However, there is always a difficulty in providing new pitches, especially in urban areas, as purchasing new land comes at a premium and is not easily available. Unfortunately, flood lighting is not possible at every site due to the impact on nearby residents, and it also requires planning permission.</p> <p>As part of our outdoor sports commitment, we carry out a Playing Pitch Strategy every four years and sports clubs are consulted as part of this. In addition, we have recently produced the Local Football Facilities Plan with the Kent FA which prioritises improvements to grass pitches, 3G and changing rooms in Medway.</p> <p>We are continuing to push for community use agreements with new schools so that the school sports facilities can be accessed by local clubs in the evenings and at weekends for training and matches.</p> <p>Our Sports Development team delivers successful outreach projects in our parks and leisure centres to encourage young people to participate in sport.</p> <p>A member of my Sports Development team has offered to speak with you to discuss your concerns further.</p>

4. Petition Referred to this Committee

4.1 The following petition has been referred to this Committee because the petition organiser indicated that he was dissatisfied with the response received from the Director of Place and Deputy Chief Executive.

4.2 **Take action in implementing effective traffic calming measures along the entirety of Marlborough Road, Gillingham, where they are not already in existence**

4.3 A petition containing 91 signatures was received by the Council on 14 September 2021. The petition statement was as follows:

4.3.1 “There have been a number of serious driving incidents in Marlborough Road of which the night of Sunday 22nd August 2021 was just the latest, a large white van smashing the rear end of a parked car. On 11th August 2021, a car moving along the road hit a parked car. On 23rd October 2019, a speeding car hit another parked car. On 10th July 2017, a parked car was hit by another car going along the road. This is just one stretch of road, between houses 97-143 (between junctions of Lock Street and Paget Street). One family has had their vehicle hit twice in four years, affecting their insurance premiums, as have the victims of other crashes. All through no fault of their own, they (and potentially future others) are being made to suffer from the lack of traffic calming measures on Marlborough Road. This is not including the liquid nitrogen truck that wiped out the front of five houses on 25th August 2015 (because the driver had suffered medical episode as a rebuttal letter the Council sent to me cited after I sent a letter in 2015 suggesting traffic calming measures along Marlborough Road), but the truck would not have been using Marlborough Road if this had not subsequently become the new designated route after the back walls of the hospital were opened. How many parked cars have to be smashed before the Council takes action?

4.3.2 Plus, numerous families cross Marlborough Road with their young children to get Brampton Westbrook Primary School - any traffic lights or zebra crossing is very far from the most direct route. Does someone have to be seriously injured (a man has been hit) or die before the Council takes action. A copy of this letter, with the signatures, will be kept in perpetuity, should possible future corporate manslaughter charges have to be considered.

4.3.3 In the rebuttal to my letter that I sent in 2017, the Council gave three main reasons for inaction: lack of appropriate places to introduce such measures; ambulance use of Marlborough Road; and the cost of designing and constructing any measures. To the first two points respectively, the first is a lack of imagination (not even a 20mph limit was considered) and the second is that the ambulances could go back to using the front entrance of the hospital like they always used

to before the back walls were opened up, turning Marlborough Road into an unofficial B road. As to the third reason (perhaps the real reason), cost is not an excuse when people's property is being wrecked on a regular basis and children's lives are being placed in danger.”

- 4.4 On 27 September 2021, the Director of Place and Deputy Chief Executive responded as follows:
- 4.4.1 “Thank you for your recent petition requesting the introduction of traffic calming measures on Marlborough Road, Gillingham, suggesting a number of changes to the management and operation of the access to Medway Maritime Hospital.
 - 4.4.2 We recognise the effects that traffic volumes, speed and noise have on residents, along with the fear of serious injury. Sadly, this affects residents on many roads and we frequently receive similar requests.
 - 4.4.3 As you set out, we have communicated with you previously in relation to Marlborough Road, and I am afraid our priorities for safety improvements must still be focused on those locations with the poorest road safety records first. This is in the interests of reducing casualties on our roads.
 - 4.4.4 I do of course accept that some years have passed since your previous request, and we will therefore undertake a further assessment of road user speeds, along with the updated history of crashes on Marlborough Road. Consideration can then be given to any road safety issues. If appropriate, suitable options to reduce the problem will be examined, based upon the observations and associated investigations.
 - 4.4.5 Please allow us a little time to carry out these investigations. My Transport and Parking team will write to you to update you on the outcome of these investigations in due course. I anticipate this will take place over the remainder of the current financial year.
 - 4.4.6 I hope you find that way forward acceptable.
 - 4.4.7 Unfortunately, we are not able to control or influence the management of the Hospital nor dictate where and how it should access its premises. We are therefore unable to address your suggestions to divert their ambulances and/or route their service traffic and deliveries to alternative residential streets, nor can we comment on your suggestion to close or install gates on their Marlborough Road access. You may wish to write to the Hospital and possibly to the South East Coast Ambulance Service direct in relation to these issues.

- 4.5 On 6 October 2021, the petition organiser requested that the matter be reviewed by the relevant Overview and Scrutiny Committee. The reasons for referral are as follows:
- 4.5.1 “Following a petition with 91 signatures from the residents of Marlborough Road demanding implementation of effective traffic calming measures, as lead petitioner, am asking for a review by the Overview and Scrutiny Committee of the measures proposed by Richard Hicks, Director of Place and Deputy Chief Executive, in a letter dated 27th September and which I received two days later.
 - 4.5.2 Your reference on the letter was 26/2021.
 - 4.5.3 While I accept the comments about the arrangements regarding the hospital premises are outside council purview, I feel his comment about "some years have passed since [my] previous request," completely ignored other letters complaining about dangerous driving, particularly speeding in Marlborough Road, in the interim, which I know have been sent.
 - 4.5.4 To say that investigations will be carried out over the remainder of the current financial year is far too vague - I require, on the behalf of the residents who signed the petition, clear dates and times for objectives to be met and a timeline of how actions will cascade. I also issue a Freedom of Information request on how many complaints they have received over the last 11 years (since I took up residence in Marlborough Road).
 - 4.5.5 As such, I do not feel the letter was a satisfactory answer to a petition that took me many hours of personal time and elicited from those who signed it passionate, often angry, responses about Council inaction (anger not directed at me I should add but directed at the Council). This is just part of what I am seeking from the Council, so I am activating my right to a review by the Overview and Scrutiny Committee.”
- 4.6 In response, the Director of Place and Deputy Chief Executive has further commented as follows:
- 4.6.1 “Firstly, I should record that we do of course acknowledge the additional previous correspondence in relation to concerns about this location.
 - 4.6.2 I would add that the concerns set out in this petition are very much being considered in detail. As part of our response to this petition, we have committed to undertaking investigations into road user speeds, along with the most recently reported road casualty history. It is of course important that the appropriate investigations are undertaken and completed to help inform any potential next steps.

4.6.3 This investigative work has been added to the relevant service's work programme for the current financial year. I can confirm that this work will be concluded by 31 March 2022. Indeed, I can further update that this investigative work has already commenced. I would therefore confirm that my team will contact the lead petitioner to provide a formal update on the outcome of our investigations in accordance with that date".

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 will be taken into account as part of the review of these matters. Actions referred to in the officer responses are within existing budgets, however any further activity would require Cabinet and Council approval for budgetary additions if funding was available.

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. Recommendations

7.1 The Committee is requested to note the petition responses and appropriate officer action in paragraphs 3 of the report.

7.2 The Committee is requested to consider the petition referral request and the Director of Place and Deputy Chief Executive's response in paragraph 4 of the report.

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Appendices

None

Background Papers

None