

## **REGENERATION, CULTURE AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE**

**11 AUGUST 2022**

### **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 organisers by officers. Two petitions have been referred to the Committee for consideration at this meeting.

#### **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 Petitions

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

<b>Subject of petition</b>	<b>Summary of response</b>
<p>We the undersigned petition the council to install speed bumps and a zebra crossing outside Hoo St Werburgh primary school for the safety of the children as Pottery Road is a very dangerous road for primary school children.</p> <p>E-petition signed by 30 people and paper petition signed by 85 people</p>	<p>I was very sorry to hear about the incident with your daughter and I understand how concerning this would have been. We recognise the effects that traffic volumes, speed and noise can have on residents, and the safety concerns residents experience as a result. This affects residents on many roads, and we frequently receive similar requests from across Medway. Fortunately, the volume of traffic in the vicinity of schools at start and finish times means that the speed of traffic is typically quite low, and it is actually quite rare for a pupil to be injured outside a school.</p> <p>Notwithstanding this, we recognise that there are real risks and residents have genuine concerns. We introduced a School Crossing Patrol at Pottery Road to assist with the journey to school by providing a safe and convenient crossing facility. When the post became vacant, we started a recruitment process and hope to have a new crossing patrol in place later this year. In addition, and in response to your concerns, we will visit the location during peak hours to assess road user activity at the school. We will also examine the crash history on Pottery Road, as reported to us by the Police, to identify any underlying trends. We continue to offer all schools road safety education, and this can include working with them to underline to parents the</p>

<b>Subject of petition</b>	<b>Summary of response</b>
	<p>importance of not parking on yellow zig-zag markings. I can confirm that yellow line parking restrictions at this location are enforced by our Parking Team.</p> <p>Once we have undertaken our review, we will carefully consider any road safety issues and, if appropriate, suitable options for reducing the risks will be identified. My Transport and Parking team will provide you with a more detailed response on the outcome of these investigations by the end of September 2022. In the meantime, the recruitment process for the vacant School Crossing Patrol Officer role will continue.</p>

#### 4. Petition not yet concluded:

- 4.1 A response has been sent to the petition organiser for the following petition. If a request is received to refer it this Committee for review, it may be referred to the next meeting.

<b>Subject of petition</b>	<b>Summary of response</b>
<p>We the undersigned petition the council to Install a zebra crossing on Deanwood Drive opposite St Augustine's school.</p> <p>E petition signed by two people</p>	<p>We recognise the importance of non-motorised travel as part of the school journey, and we are committed to providing facilities that people feel safe to use wherever possible. To appropriately assess your request, my road safety engineers and officers will undertake observations, including pedestrian/vehicle counts on Deanwood Drive. This will take place during term time, during school drop-off and collection periods.</p> <p>Once we have reviewed the situation at Deanwood Drive, consideration can then be given to any available options. Please allow us a little time to conduct these investigations. With the end of the current term upon us, the necessary observations will be planned to take place during September/October 2022. My Transport and Parking team will then write to you to update you on the outcome shortly thereafter.</p>

## 5. Petitions Referred to this Committee

5.1 The following petitions have been referred to this Committee because the petition organisers indicated that they were dissatisfied with the response received from the Director of Place and Deputy Chief Executive.

### 5.2 **Granville Access Road Potholes**

5.2.1 A paper petition signed by 28 people was presented by Councillor Price on behalf of the petition organiser at full Council on 21 April 2022. The petition statement was as follows:

The access road at the rear of Granville Road, Gillingham is in a very poor state. We the undersigned call upon Medway Council to make long-lasting repairs to the surface of the access road, which is full of deep potholes. We also call on the Council to improve the drainage to prevent the access road and the adjacent footpath from flooding, which has occurred frequently during the past year and makes it unusable.

5.2.2 On 3 May 2022, the Director of Place and Deputy Chief Executive responded as follows:

“Thank you for your petition. The access track at the rear of the even numbered properties in Granville Road (2A/2 to 78) as shown shaded in pink on the attached plan (Appendix A) is Council-owned. The grey area to the south is not Council-owned but is public highway and is a footpath.

The track is not public highway and unfortunately there is no budget to regularly maintain it. However, from time to time, we have carried out maintenance (mainly filling in potholes) and cleared the track of rubbish for health and safety reasons.

It is true that in times of heavy rainfall, the path to the south of the track floods, but the estimated cost of surfacing the track and improving drainage to the footpath is at least £100,000, and I am afraid we have no budget for this.

We will of course continue to carry out reactive pothole repairs, and these are due to be undertaken soon.”

5.2.3 On 11 May 2022, the petition organiser requested that the matter be reviewed by the relevant Overview and Scrutiny Committee. The reasons for referral are as follows:

“1. No detail around breakdown of costs for resurfacing and drainage.

2. Inadequate solution proposed. Filling the potholes with unbound aggregate or sub-base will only last a very short time.

3. No consideration of alternative options which would alleviate the flooding / mud issue and deal with the potholes in the medium to long term.
4. No acknowledgement or appreciation of the significant impact the state of the access road is having on the quality of life of local residents in terms of safety crime and damage to property including cars.”

5.2.4 In response, the Director of Place and Deputy Chief Executive has further commented as follows:

“Reactive repairs (pot-hole filling) have been carried out to the access track over the years, but the estimated cost of surfacing the track and improving drainage to the footpath is £150,000, and I am afraid that the Council has no budget for this.

The track was inspected recently and whilst it is undulating, currently there are no potholes, that would be a health and safety concern, if they are not filled in. However, we will keep the situation under review and when potholes are reported, we will get them filled, if they are a health and safety concern.

Even the less expensive option of regrading the track, reshaping the bunds to the south of it and filling in the pot- holes allowing for 30 tons of type 1 sub base to be rolled into the pot holes, would be over £33,000 and this is not a permanent solution and is also not affordable.

Going forward the options are:

1. Short Term – (2 to 3 years depending on the weather and use of the track.) Fill the worst potholes on a reactive basis: Estimated cost £5,000. The Council will investigate using viafix, to carry out these repairs, as it is likely to stay in situ longer than rolled stone.
2. Short / Medium Term – (5 to 10 years depending on the weather and use of the track.) Regrade the track and fill/surface with compacted stone: Estimated cost £33,000.
3. Long Term – (10 plus years depending on the weather and use of the track.) Resurface surface with Asphalt and improve drainage: Estimated cost £150,000 of which £42,000 is estimated to be the drainage costs.
4. Raise the footpath, which is not Council owned but is public highway so is the Council’s responsibility as highways authority. This would only resolve the flooding on the footway and not the track: Estimated cost £12,000. This work is due to be undertaken from April 2023.”

### **5.3 Trees on Gillingham Green**

5.3.1 A paper petition signed by 15 people was presented at full Council on 21 April 2022. The petition statement is as follows:

The trees on Gillingham Green at the rear of Layfield Road are located very close to residents’ gardens and have grown dangerously tall. The trees block

out light and cause a nuisance in the summer months with pollen. Residents can't open their windows, put washing out or grow anything in their gardens. We the undersigned call upon Medway Council to carry out urgent maintenance on the trees, reduce them in height and remove overhanging branches.

5.3.2 On 3 May 2022, the Director of Place and Deputy Chief Executive responded as follows:

“Thank you for your petition. Whilst we can appreciate the impact of shade and light loss, it is a common complaint that trees block light from properties, shade residential gardens, cause moss etc to grow on roofs and dries or kill lawns.

I understand the concerns you have raised, but there are ecological and legal constraints we must abide by.

The trees at the rear of the properties are tall lime trees that range between 17m and 20m in height. Upon inspection it was decided that significant reduction work would not be beneficial to the long-term health of the trees, nor would it create a significant amount of additional light within the rear gardens. The trees are located in a conservation area and it is unlikely that significant reduction would be agreed without clear arboricultural justification.

In terms of trees overhanging the gardens, there is an alley at the rear and as the below photo shows there is no significant overhang. However, Medway Norse will apply for lifting the lower branches and clearing the regrowth at the base, which may help alleviate the problems and allow more light in the gardens. I must point out this will be subject to planning approval and may not be agreed, but I hope this course of action proves helpful.”

**Trees at rear** - vary in height from 17.5m to 19.5m



## Overhang



- 5.3.3 On 13 May 2022, the petition organiser requested that the matter be reviewed by the relevant Overview and Scrutiny Committee. The reason for referral is the petition organiser considers that the response does not resolve the matter for the residents on Layfield Road.
- 5.3.4 In response, the Director of Place and Deputy Chief Executive has further commented as follows:

“People vary in terms of their tolerance to shade and light loss resulting from trees. Some people welcome the shade and cooling effect of trees, which allows them to use their gardens and homes in comfort during the summer months, or to grow plants in the garden that otherwise wouldn’t thrive. Other people might dislike the fact that their homes and gardens are shaded for part of the day as a result of trees, sometimes causing moss to grow on the roof, or lawns and some plants not to flourish as well as they might do in the absence of trees. Pollen, which blows freely in the wind, is, as you would imagine nigh on impossible to manage.

I understand the concerns raised, but the response to these concerns needs to be balanced with the considerable benefits that the trees in question bring to the community. They have a very high visual amenity value and make a significant contribution to the character and setting of the conservation area they grow in. They also make a significant contribution to the biodiversity of

the area and, like all trees, are also vital in our fight to tackle and mitigate the impact of climate change. In terms of our fight to tackle and mitigate the impact of climate change it is proven that large trees make the greatest difference.

Trees at the rear of properties at Layfield Road are lime trees that range between 17m and 20m in height. Upon inspection of these trees, no significant defects that might call into question their safety were noted. The specialist who inspected the trees rightly concluded that a significant reduction in their size would be detrimental to the appearance and long-term health of the trees. Neither would such work create a significant amount of additional light within the rear gardens. The trees are located in a conservation area, and it is unlikely that significant reduction would be agreed without clear arboricultural justification. We must also be mindful of the principles and targets set in the Medway Council Climate Change Action Plan and Medway Council's Tree Policy, which recognise the importance of trees.

In terms of trees overhanging the gardens, there is an alley at the rear and as the above photo shows there is no significant overhang. However, Medway Norse will apply for permission to lift the lower branches and clear regrowth at the base, which may help alleviate the problems and allow more light in the gardens. I must point out this will be subject to planning approval and may not be agreed, but I hope this course of action proves helpful."

## 6. Risk Management

- 6.1 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.

## 7. Financial and Legal Implications

- 7.1 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 which are not within existing budgets, and any further activity, would require Cabinet and Council approval for budgetary additions if funding was available.
- 7.2 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.

## 8. Recommendations

- 8.1 The Committee is requested to note the petition responses and appropriate officer action in paragraphs 3 and 4 of the report.



8.2 The Committee is requested to consider the petition referral requests in paragraph 5 and the Director of Place and Deputy Chief Executive's responses.

### Lead Officer Contact

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### Appendices

Appendix A – Granville Road Plan

### Background Papers

None