

REGENERATION, CULTURE AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

15 JUNE 2023

PETITIONS

Report from: Richard Hicks, Director of Place and Deputy Chief Executive

Author: Steve Dickens, 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 responses 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 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](#).

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 The response to a petition relevant to this Committee that has been accepted by the petition organiser is set out below.

Subject of petition	Response
Resurface James Road, Cuxton	<p>When considering a road for resurfacing, we carry out a visual inspection and score it using a pro-forma matrix system. The matrix takes several influencing site factors into consideration, each of which are allocated a score. These scores are totalled together to provide a priority rating for resurfacing, which helps to identify the overall condition of the road when comparing it with other roads in Medway. Those roads that have scored the highest, Priority 1, are automatically selected for resurfacing in the coming financial year. This system ensures that those roads in most need of maintenance are prioritised for resurfacing.</p> <p>You can find out more information about the road condition survey methods we undertake by visiting our website.</p> <p>I can confirm that following an assessment of James Road on 21 February 2023, a score of 60 was recorded, equivalent to a priority 3 rating. Unfortunately, this rating means that James Road would not be considered for resurfacing in the foreseeable future. I am sorry this is not the response you were seeking.</p> <p>I appreciate that James Road was last resurfaced from its junction with Bush Road to outside number 25 back in</p>

Subject of petition	Response
	November 2018, and whilst I acknowledge your concerns about its condition, I would like to reassure you that as well as an annual inspection regime being in place, we will continue to respond to any defects that arise throughout the year and will arrange repairs as necessary.

4. Petition Referred to this Committee

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

4.2 **Parking in Baron Close, Gillingham**

4.2.1 A paper petition signed by 7 people was received by Democratic Services on 27 March. The petition statement was as follows:

“Cllr Adam Price has requested we send in a Residents' Petition for problems we face every day in parking our cars in Baron Close. This is due in part to the number of dropped kerbs placed in the close which is a cul de sac, Baron Close, Gillingham.

The front of where we live has no parking as it is a sloping, grass bank, and therefore we have used Baron Close for decades to park. Prior to the installation of the dropped kerbs the parking was reasonable and we residents and tenants of the council could park there adequately. The situation now is chaos and is a melee and it is getting worse.

The residents and tenants listed below have an [Sic] signed this petition and can be contacted for more information. Whilst we all understand that parking is a problem all over, we feel this has been magnified by the number of dropped kerbs placed in a small close.

Could we ask that this is looked at and some kind of solution is sought. Could some of the garages be taken away to improve the parking area available (the garages in Baron Close are council owned)?

We all feel that we should have available parking where we live.”

4.2.2 On 6 April, the Director of Place and Deputy Chief Executive responded as follows:

“Thank you for submitting your petition regarding the impact some dropped kerb installations have had on parking in Baron Close.

Baron Close is a public highway which means that any vehicle can use it providing it meets the requirements of being taxed, has a valid MOT Certificate, and is adequately insured by the driver. As well as the 10 properties that access Baron Close, it also benefits residents of Pier Road by providing a rear access to their properties and the adjacent garages.

Vehicle use and the demand for parking has increased significantly over the past 20-30 years and additional space cannot be created on the public roads to accommodate it. This is not an issue solely being experienced in Medway but is a nationwide issue.

Under the Highways Act 1980, the Council has a statutory duty to consider requests for off-road parking by creating dropped kerbs to facilitate residents being able to drive a vehicle across the public footway and into their property boundary. All costs associated with such requests are borne by the applicant and approval is only given where the proposal meets our adopted criteria.

In 2012, two of the houses in Baron Close had dropped kerbs installed for driveways and now some 11 years later there are 4 houses with driveways. The increase in demand for off road parking is a result of residents of Baron Close also being affected by the increase in vehicle use and demand for parking from adjoining residents of Christmas Street, Lee Close and Pier Road. This has no doubt prompted those who can, apply for a vehicle crossover.

Off-road parking via a dropped kerb can free up space on the road for people to use by reducing the demand for on-street parking. For example, where one car used to be able to park outside No.7, now 3 vehicles can park at that property, meaning two are no longer using space on the road. Furthermore, where there is a driveway for 1 car, that car would previously have parked on the road in Baron Close, therefore the construction of a dropped kerb has not altered the number of available on-street spaces as it has removed one space to create an access for the resident to park within their boundary. When residents are unable to access their driveways due to inconsiderate parking, this then results in them having to take up valuable on-street space, which would exacerbate the issue.

Whilst you state in your petition that you all feel that parking should be available where you live, there is in fact no right to park on a public highway. Instead, the right is reserved for passing and repassing over it. As we cannot create more on-street spaces in our roads, this means that residents without off-road parking must find a space where one is available and that can often mean that residents cannot park in the street in which they live.

The garages which are owned by the Council are used, no doubt some with vehicles parked in them to reduce demand and as such demolishing them to provide additional parking is not a feasible option.”

- 4.2.3 On 16 April, the petition organiser requested that the matter be reviewed by the relevant Overview and Scrutiny Committee. The reasons for referral are as follows:

“The petitioners have met and feel we would want to go forward to the Regeneration Overview and Scrutiny meeting to be viewed further, the existing drop kerbs and further council proposal for Baron Close is eroding out all our existing parking to a degree that seems disproportionate to our side of the street when we have no frontage for parking and have always used Baron Close as a primary access and parking area, our previous correspondence explain our concerns in more depth as Councillor Price is aware of.

Four garages at each end of Baron Close could come down to provide parking area, it would need a planning officer to visit the close to see if area could be provided, bear in mind that there are also disabled people who park in this area.

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

Thank you for your further representations in relation to this petition; the Council is grateful for the additional comments submitted by the lead petitioner. We acknowledge that the layout of Baron Close is such that some residents on the southern side can park vehicles within the curtilage of their property and have successfully applied to the Council for permission to install a dropped kerb for access. Whilst this has reduced the space available to park alongside the kerb, the number of spaces residents have created within the front gardens of these properties is greater. The Council’s Housing Team, which is responsible for the garages on Baron Close, has confirmed that there are no plans to review their use at the present time. Whilst we fully understand the difficulties residents on the northern side of Baron Close may have when attempting to park, we are unable to create additional spaces within the public highway. We note from your comments that some residents may have a Blue Badge. If Blue Badge holders are having difficulty parking, the Council may be able to provide a further marked bay on Baron Close. We would encourage Blue Badge holders in this position to get in touch about making an application.

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 which are not within existing budgets, and 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 paragraph 3 of the report.
- 7.2 The Committee is requested to consider the petition referral request in paragraph 4 and the Director of Place and Deputy Chief Executive's response.

Lead Officer Contact

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Appendices

None

Background Papers

None