

# **OVERVIEW AND SCRUTINY COMMITTEE**

**16th August 2011**

Petitions to the Overview and Scrutiny Committee – Monitoring Update Report

Relevant Portfolio Holder	Councillor Michael Braley, Portfolio Holder for Corporate Management
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Wards Affected	Abbey, Lodge Park and Winyates Wards

## **1. SUMMARY OF PROPOSALS**

This monitoring report is designed to update members of the Overview and Scrutiny Committee on the actions that have been taken in response to petitions received by the committee in 2010/11 and 2011/12.

## **2. RECOMMENDATIONS**

**The Committee is asked to RESOLVE that  
the report be noted.**

## **3. KEY ISSUES**

### **Background**

- 3.1 The Local Democracy, Economic Development and Construction Act 2009 introduced a requirement for local authorities to designate an Overview and Scrutiny Committee with responsibility for considering certain types of petitions. These included petitions requesting that a senior officer provide evidence for the consideration of Members and appeals against decisions on the subject of petitions considered previously by full Council.
- 3.2 Redditch Borough Council introduced a new petitions scheme in response to these legislative requirements in June 2010. The council's petitions scheme extended the role of overview and scrutiny in relation to petitions. Petitions which did not receive the number of signatures required to enable the petition to be considered at full council, which in Redditch was established at 400 signatures or more, were instead to be presented for the consideration of the Overview and Scrutiny Committee.
- 3.3 The Overview and Scrutiny Committee has been allocated a specific role in relation to considering petitions. The Committee is not tasked with making any decisions about the petition. Instead, the role of the committee is to assess relevant processes that have been followed by

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the Council and partner organisations with regards to the subject of the petition.

- 3.4 The lead petitioner must be invited to present the petition at a meeting of the committee and can be permitted to participate in Members' discussions about the item. When considering the petition Members can gather evidence by reviewing relevant policies and interviewing expert witnesses. In some cases the committee may determine that the subject of the petition is suitable for a detailed policy review. At the end of the committee's deliberations Members can recommend that action be taken to resolve the problem identified by the petitioners, though equally, the committee may conclude that no further action is required.
- 3.5 From the start it was agreed that it would not be appropriate for certain types of petitions to be considered by the Overview and Scrutiny Committee. This included petitions on the subject of licensing and planning applications, which are subject to separate quasi-judicial processes, petitions relating to issues where there is an existing right of appeal, such as Council tax banding, and petitions for an elected mayor, which is subject to separate legislation.
- 3.6 Concerns were expressed during 2010/11 that it was not appropriate for petitions on council processes that are framed by legislation, such as the council housing allocations process, or petitions concerning confidential information about individuals to be referred to the committee for consideration. The committee was not in a position to suggest any actions that might alter the outcomes of these issues. Consequently, in 2011 the Council's constitution was amended to extend the number of excluded petitions that could not be considered by the Overview and Scrutiny Committee to encompass both of these areas.

### **Petitions Received by the Overview and Scrutiny Committee 2010/11**

- 3.7 In 2010/11 the Overview and Scrutiny Committee received four petitions (Appendix 1). Two of these petitions, considered in October 2010 and February 2011, related to the Council's housing allocations process and referred to confidential information about individual residents. The Overview and Scrutiny Committee concluded that they could not propose further action as the Council is not in a position to amend a process that is informed by legislation. Therefore, the petitions were noted and no further action was required.
- 3.8 The Overview and Scrutiny Committee concluded that further action was required in response to two of the petitions received in 2010/11.

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- 3.9 The first of these petitions concerned reports of anti-social behaviour occurring in Lowlands Lane Park, Winyates, which was considered in August 2010. The Overview and Scrutiny Committee requested that a multi-agency approach, involving relevant Council services and partner organisations, should be adopted to resolve the problems identified in the petition.
- 3.10 A Winyates Partners and Communities Together (PACT) meeting was held at the park, partly in response to this petition. Officers spoke to 46 local residents and young people and did not receive any complaints about anti-social behaviour. In addition, in June 2010, the Redditch Community Safety Partnership delivered Operation Stay Safe, a project designed to help young people at risk as a result of alcohol abuse. During the course of this operation no reports were received about anti-social behaviour in the park. The overall response that has been received from local residents on this subject is that they are opposed to closing the park.
- 3.11 However Officers have discussed with the young people the possibility of getting the skate ramps located in the park repainted. This is being looked at by Leisure Services, with a view to setting up a project to work with the young people to complete the work.
- 3.12 The second of these petitions concerned the removal of barriers from the footpath located on Yardley Close, Winyates. The barriers had been removed to enable disabled access to the local doctor's surgery. However, concerns were expressed by petitioners that the removal of the barriers had led to anti-social behaviour occurring in the close and the petition proposed that these barriers should be reinstated. The Overview and Scrutiny Committee concluded that local representatives, including Council staff and representatives of the local Police force, should meet with the aim to identify a compromise solution to the situation.
- 3.13 A local residents' meeting took place on 15th June 2011 to discuss the issues raised in the petition. A key concern remained with regards to anti-social behaviour in Yardley Close. Residents were advised to obtain crime reference numbers when reporting complaints about anti-social behaviour to enable all agencies to monitor the extent of the problem. Concerns were also expressed that the dropped kerbs were not situated in the most appropriate locations in the close for the use of five local disabled residents.
- 3.14 A number of preferred actions were identified which all individuals attending the meeting endorsed. These were as follows:

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- a) to replace the gap in the hedge bordering the close (a request for fencing to be installed at this location had already been submitted);
  - b) to encourage people to think about using Yardley Close to progress through to other local areas by displaying a sign stipulating that preferred access was for residents only; and
  - c) to investigate the possibility of installing gates instead of a barrier in the close, thereby enabling the disabled residents to access the Doctor's Surgery located in Winyates centre.
- 3.14 Following the meeting senior officers were advised of the actions that had been proposed. An audit of the ramp, entrances and exits to the close and the placement of the dropped kerbs is due to take place in the next few weeks to assess the problems identified by local residents.
- 3.15 A further meeting of the residents group was due to take place on 11th July. During this meeting the issues raised by the petitioners and the feasibility of the requested actions were due to be discussed. In the long-term Officers are aiming to establish a permanent Yardley Close Residents' Group. This Group would be in a position to actively identify and address issues affecting the local community as and when they occur.

### **Petitions received in 2011/12**

- 3.16 To date in 2011/12 the Overview and Scrutiny Committee has received one petition. This petition was launched by local business representatives based on Unicorn Hill who were concerned about the location of the town's taxi rank on the road. The Overview and Scrutiny Committee concluded that the petition was suitable for further consideration by the Licensing Committee.
- 3.17 The petition was consequently considered at the following meeting of the Licensing Committee on 14th July 2011. During the course of this meeting the lead petitioner outlined the concerns of the business owners and traders located on Unicorn Hill regarding the detrimental effect on trade which had arisen since a taxi rank had been sited on the left side of Unicorn Hill (looking down from the churchyard). He reported that several businesses had been forced to close and that the concern of local businesses was that, due to a lack of parking, more would follow. He asked that consideration be given by the Council to re-siting the taxi rank (perhaps to the station car park or Bates Hill) or restricting the time of their rank usage to 5.30pm onwards and that consideration of providing some 'short stay' parking bays in Unicorn Hill would be helpful.

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- 3.18 However, Members were informed that following receipt of the petition a consultation exercise had been carried out with relevant agencies, including West Mercia Police, West Mercia Road Traffic Management Police, Redditch Taxi Association and Worcestershire County Council (WCC). The consensus amongst those consulted was that the current location of the taxi rank was the most ideal location to service travellers on that side of the town.
- 3.19 In a previous consultation carried out in 2003/04 Worcestershire County Council Highways Department had advised that it would not be legally possible to provide road markings for short term parking in the day time and a taxi rank at night because of the different road markings that would be required. The suggestion by the petitioners to move the rank to the station car park was similarly not considered to be viable as the Council has no right of access to Private Land and previous enquiries had resulted in a negative response from the land owners. Consequently, the Licensing Committee concluded that no further action should be taken in response to this petition.

### **Financial Implications**

- 3.20 There are no financial implications.

### **Legal Implications**

- 3.21 There is currently a legal requirement for the Overview and Scrutiny Committee to consider certain types of petitions. However, to date petitions relating to senior Officers and appeals against decisions made on the subject of petitions have not been referred to the committee for consideration.

### **Service/Operational Implications**

- 3.22 One of the standard features of effective overview and scrutiny is the use of a process to monitor the implementation of recommendations. This year, the scrutiny monitoring process was extended to encompass a process for tracking the implementation of scrutiny recommendations made in response to petitions. Through monitoring the implementation of these recommended actions councillors and petitioners should be able to assess the extent to which concerns within the local community have been addressed.
- 3.23 One of the Council's objectives is for Redditch Borough Council to be a well managed organisation. Through monitoring the implementation of recommended actions the Overview and Scrutiny Committee can review the extent to which Council processes are operating effectively.

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- 3.24 The petitions received by the Overview and Scrutiny Committee in 2010/11 and 2011/12 have focused on a variety of issues affecting the local community. In some instances the subject of the petition has had implications for Council services only. In other instances, particularly involving wider issues relating to community safety and anti-social behaviour, the subject of the petition has also had implications for local partner organisations.

## **Customer / Equalities and Diversity Implications**

- 3.25 Petitions that are presented for the consideration of the Overview and Scrutiny Committee have garnered support from representatives of the local community. By tracking the implementation of the actions that have been recommended by the Overview and Scrutiny Committee in response to a petition Members are further addressing these local issues and demonstrating a commitment to resolving issues of concern to the community.

## **4. RISK MANAGEMENT**

The Overview and Scrutiny Committee can propose recommendations in response to petitions. There is a risk that if recommended actions are not openly monitored there could be some uncertainty within the local community about the overall response of the Council to the petition. Furthermore, petitioners could become disillusioned about relevant Council services as well as the Overview and Scrutiny process.

## **5. APPENDICES**

Appendix 1 - Table of petitions received 2010/11  
Appendix 2 Table of petitions received to date 2011/12

## **6. BACKGROUND PAPERS**

Redditch Borough Council's Constitution (May 2011)

## **7. KEY**

Senior Officer Petitions – In Redditch senior officers are regarded as staff employed at the level of Head of Service or Director.

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