

REPORT BACK ON REJECTED PETITIONS

Overview and Scrutiny Panel	13 December 2016
Report Author	Committee Services Manager
Portfolio Holder	Cllr Crow-Brown, Portfolio Holder for Corporate Governance Services
Status	For Information
Classification:	Unrestricted
Key Decision	No
Ward:	All wards

Executive Summary:

This report informs the Overview and Scrutiny Panel of two petitions rejected by the Council's Monitoring Officer in accordance with the Council's petition scheme.

Recommendation(s):

This report is for information only.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no direct financial implications to this report.								
Legal	There are no legal implications directly rising from this report.								
Corporate	The Council must abide by its constitution, of which the petition scheme is an integral part.								
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td style="width: 80%;">Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="width: 20%;"></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td></td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td></td> </tr> </table> <p>It is the author's opinion that the Public Sector Equality Duty is not engaged by the subject matter</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	
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CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 When the Petition Scheme was reviewed in light of the Localism Act 2011, a new clause was introduced to require the Council's Monitoring Officer to report to the Council's Overview and Scrutiny Panel when a petition was rejected.
- 1.2 The Council has recently received two petitions that have been rejected by the Council's Monitoring Officer, this report outlines them and the reasons they have been rejected.

2.0 Petition regarding a new bus stop on Station Approach, Birchington

- 2.1 The Council received a petition on 25 August 2016 entitled: "We the undersigned petition the Council to say no to a bus stop on station approach for inconvenience and congestion".
- 2.2 The Monitoring Officer rejected this petition as the Council's petition scheme says: "The Monitoring Officer will also reject a petition if the matter has already been or is currently subject to an existing consultation exercise. In such a case the petition will be forwarded to the officer responsible for that consultation exercise and considered as part of that process."
- 2.3 The Civil Enforcement Manager confirmed that the decision regarding the bus stop mentioned in the petition was subject to an ongoing consultation that ended on Tuesday 30 August, therefore it fell under the paragraph shown above and hence was rejected.
- 2.4 The petition was passed to the Civil Enforcement Manager and was included in the wider consultation.

3.0 Petition regarding objection to planning application F/TH/16/1414

- 3.1 The Council received a petition on 7 November 2016 entitled "We the community of Harbour Street object to the above numbered application due to the anti-social behaviour caused by the late night operation of the taxi business. This creates an environmental health hazard with violence, noise, human waste and rubbish which lowers the quality of life for residents on the street at night, and pollutes and destroys the quality of life on the street during the day. It also creates traffic problems late at night, with parked cars, engines revving, doors slamming and pollution."
- 3.2 The petitioner was advised that the petition had been rejected in accordance with paragraph 12.1 of the Council's Constitution because it related to the Council's Planning or Licensing functions and there were separate statutory processes in place for dealing with such matters.

3.3 The petition was passed to the Planning Department to be included as correspondence regarding the planning application.

Contact Officer:	Nicholas Hughes, Committee Services Manager
Reporting to:	Tim Howes, Director of Corporate Governance and Monitoring Officer

Annex List

None	N/A
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Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Matt Sanham, Corporate Finance Manager
Legal	Ciara Feeney, Head of Legal Services & Deputy Monitoring Officer