



## Report to the Overview and Scrutiny Management Committee

24<sup>th</sup> February 2022

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**Report of:** The Director of Legal and Governance

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**Date:** 24<sup>th</sup> February 2022

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**Subject:** Request to Review the Steps the Council has  
Taken in Response to a Petition

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**Author of Report:** John Turner, Committee Secretary

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**Summary:** The Committee has been requested by a lead petitioner to review the steps the Council has taken in response to a petition he submitted to the Council meeting on 1<sup>st</sup> December 2021

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**Recommendations:** To make a determination as to whether the Council has taken appropriate steps in response to the petition

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**Background Papers:** Council Petitions Scheme

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**Category of Report:** OPEN

If Closed add – ‘Not for publication because it contains exempt information under Paragraph... of Schedule 12A of the Local Government Act 1972 (as amended).’

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\* Delete as appropriate

## Statutory and Council Policy Checklist

<b>Financial Implications</b>
YES/NO - Cleared by:
<b>Legal Implications</b>
YES/NO - Cleared by:
<b>Equality of Opportunity Implications</b>
YES/NO - Cleared by:
<b>Tackling Health Inequalities Implications</b>
NO
<b>Human rights Implications</b>
NO:
<b>Environmental and Sustainability implications</b>
NO
<b>Economic impact</b>
NO
<b>Community safety implications</b>
NO
<b>Human resources implications</b>
NO
<b>Property implications</b>
NO
<b>Area(s) affected</b>
None
<b>Relevant Cabinet Portfolio Member</b>
<b>Is the item a matter which is reserved for approval by the City Council?</b>
NO
<b>Press release</b>
NO

## 1.0 INTRODUCTION

- 1.1 A petition, containing nine signatures, and requesting a traffic island barrier and traffic calming opposite the meditation centre on Ecclesall Road was received by the Council on 12th November 2021, and referred to the Council meeting on 1st December 2021. The lead petitioner (Christopher Beck) attended the meeting and spoke to the petition.

## 2.0 BACKGROUND

- 2.1 The lead petitioner (Christopher Beck) has requested that the Committee, on behalf of the Council, reviews the steps taken by the Council in response to a petition he submitted to the Council meeting on 1st December 2021.

## 3.0 MAIN BODY OF THE REPORT

- 3.1 In accordance with standard procedure, the petition was referred to the relevant Co-operative Executive Member, who, in this case was Councillor Douglas Johnson – Climate Change, Environment and Transport.

- 3.2 The petition would then have been referred to the appropriate Council officer to investigate the issue, and to provide a response to Councillor Johnson. Councillor Johnson would then formulate a response, based on the information he had received, and send this to the lead petitioner. The response was sent to Mr Beck, via email, on 8th December 2021.

- 3.3 Lead petitioners are advised that every effort will be made to send a response within 28 days, so this deadline was clearly met in this case. They are also advised that if they feel that the Council has not dealt with their petition properly, they can request that this Committee reviews the steps taken in response to the petition. The following wording is set out in the Council's Petitions Scheme:-

### 3.4 What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Overview and Scrutiny Management Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for review, if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

The Committee will endeavour to consider your request at its next meeting, depending on workload. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendation to the Council's Executive and/or arranging for the matter to be considered at a meeting of the Full Council. Once the appeal has been considered, the petition organiser will be informed of the results within seven days. The results of the review will also be published on our website.

3.5 Mr Beck sent an email, dated 26<sup>th</sup> December, 2021, setting out the reasons for why he believed the Council had not dealt with the petition properly, and were as follows:-

3.6 **1. NO ON SITE VISITS MADE BY KEY COUNCILLORS TO MAKE A VALID ASSESSMENT**

I believe it would have given standing to Councillors Johnson, Paul Wood, Julie Grocutt, Mazher Iqbal, staff and other parties involved and considering action on this matter, to visit the site in order to view pedestrian and motorist behaviour as Councillor Roger Davison did. They failed to do so.

Councillor Johnson did not confer with his colleague and hear from him how it opened this local Councillor's eyes when he saw how pedestrians and traffic behave in this location. That's a local Councillor already familiar with the location. Opinions are only as good as the reality on which they are based.

**2. THE DECISION PROCESS - RISK ASSESSMENT NOT QUANTIFIED, NOR PRESENTED TO THE DECISION MAKER(S).**

I do not believe the Transport Officers who spoke to the decision maker - Councillor Johnson - were able to provide him with documentary evidence and measurable facts indicating, and I quote his letter of response - the "more dangerous sites across the city that should receive priority over Hunters Bar. Those numbers should have been made available to answer the question above relating to the expected monetary value derived from risk assessments. Opinions are only as sound as the facts on which they are based.

**3. THE COUNCIL HAS NOT INVESTIGATED WHETHER THIS IS A CASE OF NEGLIGENCE ON THE PART OF THE PARTIES RESPONSIBLE.**

It has been pointed out to me by a member of the public and signatory to the petition that the traffic island appears to be only 50% completed. AMEY confirm that they too were aware of this anomaly at the time of construction, and are still concerned about the lack of safety. If a historic search validates this conclusion, then perhaps the Council should be looking to the original road construction company to honour the contract or if they are not culpable, at the very least complete the construction. If that is the case, as it stands, any accident that results in the meantime may be assessed as negligence by the party or parties responsible. Staff should consider the expected monetary value of construction cost versus the probable risk of accidents and cost of settling the resulting claims for compensation.

4.0 **RECOMMENDATIONS**

4.1 The Committee is being requested to consider whether the Council has taken appropriate steps in response to the petition.