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| 25 October 2017 | ITEM: 10 |
| Council | |
| Debate on a Petition containing over 1500 verified signatures – King Street Car Park, Stanford Le Hope | |
| Wards and communities affected: Stanford le Hope West | Key Decision: Not applicable |
| Report of: David Lawson, Monitoring Officer and Deputy Head of Legal Services | |
| Accountable Assistant Director: David Lawson, Monitoring Officer and Deputy Head of Legal Services | |
| Accountable Director: Lyn Carpenter, Chief Executive | |
| This report is public | |

Executive Summary

At Full Council in June 2017 a petition was submitted by Councillor Piccolo, Ward Member for Stanford Le Hope West, and entitled “King Street Car Park in Stanford Le Hope”.

The petition exceeded the threshold of 1500 verified signatures, and in accordance with Chapter 1, Part 2, Article 3 of the Constitution qualified to be debated by Full Council.

1. Recommendation(s)

1.1 That the Petition be considered by Full Council.

2. Introduction and Background

History and Details of Petition

- 2.1 A petition entitled “King Street Car Park in Stanford Le Hope” was submitted on the 28 June 2017 at Full Council by Councillor Piccolo the Ward Member for Stanford Le Hope West.
- 2.2 The following statement that accompanied the Petition detailed the actions the petitioners wish the Council to take:

“We the undersigned request Thurrock Council do everything in their power to ensure a minimum of two hours free car parking in King Street

Car Park, Stanford Le Hope with or without the private owner's cooperation, using whatever means necessary to achieve this."

- 2.3 Democratic Services have verified the petition and confirmed that out of the 2768 signatures received, 1502 were checked as valid, a detailed breakdown of which is provided below:

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| Number of Signatures Received | 2768 |
| Number of Signatures Verified | 1924 |
| Number of Valid Signatures | 1502 |
| Number of Invalid Signatures | 422 |
| Number of Signatures not verified due to the valid number of signatories already checked as being equal or greater to 1500 | 844 |

- 2.4 Where a petition in respect of any matter has a number of signatories equal to or greater than the 1500 verified signatures threshold set out in paragraph 7.1 of the Council's Petition Scheme it may be debated by the Council.
- 2.5 Due to the required number of valid signatures, the Mayor has agreed that the petition may be debated at Full Council.

Background Information

- 2.6 Thurrock Council agreed to dispose of the land in 2013 to enable an anticipated redevelopment of the site. One of the conditions of sale was that free parking be provided as part of the new development. The sale agreement did not make any provision for the retention of free parking prior to the site being developed and after ownership was transferred. Planning permission for a mixed use scheme comprising a retail unit and 27 flats was subsequently granted with an obligation to provide free parking spaces. However, this obligation lapsed when the planning permission expired.
- 2.7 Initially, the owners allowed free parking but following overnight lorry parking and littering the condition of the car park deteriorated to the point where the Council began legal proceedings, which are on-going. The owners passed management to a private operator and introduced parking fees. The operator also undertakes site management.
- 2.8 As the car park is in private ownership the Council is not in a position to require the owners to provide free parking. To achieve the outcome set out in the petition joint working with the owners will be necessary. Potential solutions that can be explored through that joint working include the Council buying back the car park; working with the landowners on new development proposals for the site; or seeking to acquire a proportion of the car park that can be managed by the Council.

The work to explore these and any other options will require a full assessment of the financial implications to the Council as well as the practicalities and timing of their implementation. Each will require the Council to work with the car park owner.

Procedure for Dealing with the Petition at the Meeting

- 2.9 Under the Council's petition scheme, the petition organiser will be given a period of up to five minutes to speak to the subject matter of the petition at the meeting.
- 2.10 In accordance with the rules of Full Council debate (Paragraph 7.3, Chapter 1, Part 2 – Article 3) the petition will then be discussed by Councillors for a maximum of 15 minutes.

3. Issues, Options and Analysis of Options

- 3.1 The purpose of this report is to inform the Council of the receipt of the petition which has attracted signatures from people who live, work or study in the Borough.

4. Reasons for Recommendation

- 4.1 To comply with the requirements of the Council's adopted petition scheme.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The petition will be considered at Full Council.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 There are none arising directly from this report

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Management Accountant (Environment & Place)

There are no finance implications arising directly out of this report.

7.2 Legal

Implications verified by: **David Lawson**
Monitoring Officer and Deputy Head of Legal Services

The Council's scheme for responding to petitions states that petitions *may* be debated by Council if the number of signatories is equal or greater to 1500. (Paragraph 5.3 of Article 3). Petitions are founded upon the subjective views of the prime mover and the signatories persuaded to sign.

Whilst they deserve serious consideration and debate, this does not oblige the Council to agree with them or take the action requested.

A legal review of the background of this matter looked at the Cabinet decision-making process and their consideration of the relevant O&S comments - it appears that the 2013 decision making process was procedurally compliant with Council rules.

The issue thereafter appears to be based around the implementation of that decision to sell the freehold and the subsequent lapsing of the section 106 obligation in the absence of any development coming forward on the site within the lifetime of the section 106 obligation.

Whilst the section 106 obligation has now lapsed it is noted that in certain limited situations covenants can be registered a “local land charge” and separately enforced irrespective of the lapsing of a section 106 Agreement. However much depends on a broad interpretation of the precise wording used in the relevant covenant and this may prove a complex and difficult argument requiring specialist counsel and / or proceedings with some uncertainty as to outcome.

However it is clear that the land in question was disposed on a freehold basis and the legal opinion is that a CPO is not a realistic option unless the Council has genuine grounds - such as its own development.

It is noted that a fee has been introduced for parking, perhaps in part because of potential enforcement by environment around alleged litter and infestation issues on the disposed site to better manage the site and keep it clean.

It may be that negotiations and / or a meeting would be the best option in order to explore a more certain consensual solution with the current owners.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**
Community Development and Equalities
Manager

There are no diversity and equality implications arising directly out of this report.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. **Background papers used in preparing the report** (including their location on the Council’s website or identification whether any are exempt or protected by copyright):

Minutes of the Council meeting held on 25 January 2017, during which a public question was raised with regard to introduction of these parking charges. This question was submitted and presented by a Thurrock resident.
<https://thurrockintranet.moderngov.co.uk/documents/s11063/Questions%20from%20Public.pdf>

Transcript of the Council meeting held on 25 January 2017 during which the above question was responded to by Councillor Coxshall.

<https://thurrockintranet.moderngov.co.uk/documents/b15780/Appendix%20A%20to%20the%20Council%20Minutes%20-%2025%20January%202017%20-%20Transcript%20of%20Public%20and%20Members%20Questions%2025.pdf?T=9>

9. Appendices to the report

None

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Legal and Democratic Services