

23 September 2015		ITEM: 10
Council		
Debate of a Petition containing over 1500 verified signatures – Save Corringham Green Belt		
Wards and communities affected: Corringham and Fobbing	Key Decision: Not applicable	
Report of: Councillor J. Kent, Leader of the Council		
Accountable Head of Service: David Lawson, Monitoring Officer and Deputy Head of Legal Services		
Accountable Director: Lyn Carpenter, Chief Executive		
This report is public		

Executive Summary

In July 2015 a petition was submitted at the Civic Offices entitled “Save Corringham Green Belt”.

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

1. Recommendation(s)

- 1.1 That the Petition be referred to the Planning Committee and be taken into consideration when the Planning Committee is called upon to determine the relevant planning application, reference number 15/00205/OUT.**

2. Introduction and Background

- 2.1 A petition in respect of any matter relating to a planning decision, including enforcement action, a development plan document or community infrastructure levy is dealt with as part of the decision making process for the decision in question and will not follow the processes set out within the Council’s Petition Scheme. (Paragraph 5.1 of the Council’s Petition Scheme).
- 2.2 However, where a petition in respect of any matter relating to a planning decision 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.

2.3 In July 2015 a petition was hand delivered to the Civic Offices by the Lead Petitioner entitled “Save Corringham Green Belt”. The statement which details the action the petitioners wish the Council to take is outlined below:

“Save Corringham Green Belt. We the undersigned object to the proposed development on Green Belt land comprising of up to 750 dwellings to the North East of Corringham which has been submitted under planning reference number 15/00205/OUT.”

2.4 Democratic Services have verified the petition and confirmed that of the 2767 signatures 2534 were valid, a detailed breakdown of which is provided below:

Number of Valid Signatures	2534
Number of Invalid Signatures	223
Number queried	10
Number of queried deemed valid	1
Number of queried deemed invalid	9

2.5 Due to the considerable number of valid signatures, the Mayor has agreed that the petition may be debated at full Council.

Procedure for dealing with the petition at the meeting

2.6 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.

2.7 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 2534 signatures from people who live, work or study in the Borough.

3.2 The petition will be referred to the Planning Committee, given that it is the body charged with making quasi-judicial decisions on individual applications, and will be taken into consideration when the Planning Committee is called upon to determine the relevant planning application, reference number **15/00205/OUT**.

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 by the Planning Committee as part of the decision making process for decision **15/00205/OUT** given that the Planning Committee is the body charged with making quasi-judicial decision on individual applications.

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

- 6.1 Not applicable.

7. Implications

7.1 Financial

Implications verified by: **Jonathan Wilson**
Financial Accountant

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.

This petition concerns an application due to come before Planning Committee therefore Members and substitute Members of the Planning Committee should, if they take part in the debate, take care not to give the impression that they have a closed mind.

The law on bias and predetermination is part of the general legal obligation on public authorities to act fairly. Decision makers (as Members of the Planning Committee will be when this application comes before them) are entitled to be predisposed to particular views. However, predetermination occurs where someone closes their mind to any other possibility beyond that predisposition, with the effect that they are unable to apply their judgement fully and properly to an issue requiring a decision.

Case law has made it clear that the words used by particular Members and the interpretation put on those words is of particular importance. So care needs to be taken by Planning Committee Members when making statements in advance of the determination of planning applications as there is a risk that they can be misinterpreted or taken out of context.

With this in mind:-

- It is always advisable to avoid giving the impression that you have made up your mind prior to the decision making meeting and hearing the officer's presentation and any representations made on behalf of the applicant and any objectors.
- If you do comment on a development proposal in advance the decision, consider using a form of words that makes it clear that you have yet to make up your mind and will only do so at the appropriate time and in the light of the advice and material put before you and having regard to the discussion and debate in the Panel meeting.

As councillors operating within a political environment you should not be afraid to express views on issues. However, in doing so it is important that you avoid giving the impression that you have already made up your mind and that your part in the decision is a foregone conclusion.

You should also have reference to the further guidance in our Constitution Chapter 5, Part 3 Planning Code of Good Practice – particularly paragraph 5 “Fettering Discretion in the Planning process: predetermination, predisposition or bias”

Legally it would be difficult to see that Full Council has any other option than to refer the petition to the Planning Committee given that that is the body charged with making quasi-judicial decision on individual applications.

It is suggested that Members and substitutes on the Planning Committee should consider absenting themselves from any debate at Full Council on this item – although they could clearly listen to the debate outside – in order to minimise any risk of later allegations of predetermination and legal challenge.

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 22 January 2014, during which a debate took place in response to a petition containing over 1500 valid signatures, which was also entitled "Save Corringham Greenbelt". This petition was submitted and presented by the same lead petitioner.
<http://thurrock.moderngov.co.uk/Data/Council/201402261900/Agenda/11079%20-%2020536.pdf>
- Constitution Chapter 5, Part 3 Planning Code of Good Practice – particularly paragraph 5 "Fettering Discretion in the Planning process: predetermination, predisposition or bias"
<https://www.thurrock.gov.uk/constitution-of-council/thurrock-council-constitution>

9. Appendices to the report

- None

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