



AGENDA ITEM: 7

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
29 March 2012**

Report of: Borough Solicitor

Relevant Head of Service: Managing Director (People and Places)

**Contact for further information: Mrs J Denning (Extn. 5384)
(E-mail: jacky.denning@westlancs.gov.uk)**

**SUBJECT: PETITION REVIEW REQUEST – PROPOSED DEVELOPMENTS
'OPTION 1' AND 'OPTION 2' (LOCAL DEVELOPMENT
FRAMEWORK/LOCAL PLAN)**

Wards affected: Borough Wide

1.0 PURPOSE OF THE REPORT

- 1.1 To consider a request to review the steps that the Council has taken in response to a petition received in respect of the above.

2.0 RECOMMENDATIONS

- 2.1 That the Committee determines whether it considers the steps taken by the Council in response to the petition are adequate.
- 2.2 That if the Committee does not consider the steps taken to be adequate, consideration be given as to what action to pursue within existing terms of reference.
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3.0 BACKGROUND

- 3.1 The Council has adopted a 'Petition Scheme' that sets out how it will handle petitions. In accordance with the procedure if a 'petition organiser' does not feel that the Council has dealt with the petition adequately, he/she can request the Executive Overview and Scrutiny Committee to review the steps taken to respond.

4.0 STEPS TAKEN TO RESPOND TO THE PETITION

- 4.1 A petition was received on Thursday, 15 December 2011 containing 1346 signatures, details are attached at Appendix A.
- 4.2 An acknowledgement letter was sent to the 'petition organiser' on 21 December 2011 which advised that a formal response would be sent to him within 15 working days and detailed what steps the Council may take to deal with the petition i.e.:
- Take the action requested
 - Give a written response setting out the Council's views about the request
 - Refer to the relevant overview and scrutiny committee
 - Refer to Cabinet (executive functions)
 - Consider at a meeting of the Council
 - Hold an inquiry
 - Undertake research
 - Hold a public meeting
 - Hold a consultation
 - Hold a meeting with petitioners
 - Call a referendum
- 4.3 On 13 January 2012 a response was sent to the 'petition organiser', a copy of which is attached at Appendix B.

5.0 REVIEW REQUEST

- 5.1 A request to review the steps taken was received, within the deadline, (10 February 2012). A copy of the request is attached at Appendix C.

6.0 COMMENTS OF THE BOROUGH PLANNER

- 6.1 Since the receipt of the petition and the response of the Council, there has been a full public consultation exercise on the draft Local Plan Preferred Options document. This finished on Friday 17th February 2012. During the consultation exercise a Public Forum was held at the Stanley Club in Burscough on Tuesday 10th January, and an exhibition was held at Burscough Wharf on Saturday 21st January. Both events were very well attended. In addition leaflets were delivered to every household with the Champion newspaper.
- 6.2 The Council has received a significant number of comments (approximately 490) on the Burscough Strategic Site (Yew Tree Farm). Of these 380 were in the form of a standard letter. The vast majority of the comments objected to the allocation of the Burscough Strategic Site. A detailed representation has been received from the petition organiser and the petition itself has been submitted as a representation.
- 6.3 At this point in time officers are still considering all the representations received, both in relation to Burscough and other areas of the Borough, as well as many

other detailed policy comments. Whilst the Council's letter, dated 13 January 2012, responded to the points in the original petition, it would be inappropriate to give an additional detailed response to any of these further representations in advance of all the comments made during the consultation period being fully read and considered. The issue of the Burscough Strategic Site cannot be considered in advance, or in isolation, of all the other aspects of the Local Plan. The appropriate time to consider the issues raised, is at the future meetings of Council, Overview & Scrutiny Committee and Planning Committee, where all the representations can be reported on and considered by Members.

- 6.4 It is expected that the report on the consultation responses will be considered at a meeting of Cabinet in June or July 2012. This will take account of, and respond to, all the points made by the petitioner. The report will also be considered by Executive Overview & Scrutiny Committee and Planning Committee in June 2012. Following this there will be a further consultation on the 'publication' version of the Local Plan prior to the Plan's submission to the Planning Inspectorate. An Examination in Public will then be held, which will be chaired by an independent Government Inspector.

7.0 PROCEDURE FOR DEALING WITH REVIEW REQUESTS

- 7.1 The 'petition organiser', Ms Bjork, has been notified of the time, date and place of the this meeting and has also been asked if he would like to speak at that meeting on why he considers that the authority's decision on the petition is inadequate, subject to the permission of the Chairman.

7.2 At the meeting

- Should the 'petition organiser' wish to speak, with the permission of the Chairman, he will be able to address the Committee in accordance with Overview and Scrutiny procedure rules.
[Note: The Chairman will normally allow the 'petition organiser' to address the Committee at the beginning of the item, for a maximum of three minutes.]
- Members of the Committee will be able to ask officers questions, through the Chairman.
- With the agreement of the 'petition organiser', Members of the Committee may be able to ask him questions through the Chairman

- 7.3 Following consideration of the steps taken, the review request and the comments of the relevant officer, the Committee should decide if it considers the petition was dealt with adequately or it may use any of its powers under the Local Government Act 2000 to deal with the matter.

- 7.4 If the Committee considers that the petition was not dealt with adequately it can:
- Request the relevant officer to bring back a more detailed report on the issue.
 - Make a recommendation to Cabinet / Council as appropriate

- Request the Corporate and Environmental Overview & Scrutiny Committee to undertake a Review on the subject matter (subject to current work programmes and resources).
- Set up a Working Group to look at the issue in more detail (subject to the Committees work programme and resources).

7.4 Once the 'review request' has been considered the 'petition organiser' will be informed of the results within 5 working days. The results of the 'review request' will also be published on the website.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

8.1 Petitions are another method to enable local people to raise concerns with the Council providing a feedback mechanism for the community and improving access for all.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

9.1 There are no significant financial or resource implications other than officer and Member time in dealing with this request.

10.0 RISK ASSESSMENT

10.1 The Council must follow the procedure it has previously adopted under the Local Democracy, Economic Development and Construction Act 2009.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as Appendix 4 to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

- A. Copy of petition details – 15 December 2011
- B. Letter to Ms Bjork – 13 January 2012
- C. Review request from Ms Bjork – Received 10 February 2012.
- D. Equality Impact Assessment