

FAREHAM

BOROUGH COUNCIL

Report to Scrutiny Board

Date **17 May 2018**

Report of: **Head of Democratic Services**

Subject: **PETITION COMPLAINT REVIEW**

SUMMARY

Fareham Borough Council's Petition Scheme includes a provision for the Scrutiny Board to be asked to conduct a review of the steps taken by the Council in handling a petition, if the Lead Petitioner feels that the petition has not been dealt with appropriately.

A complaint was received on 21 February 2018, asking for the Scrutiny Board to conduct such a review about the handling of the petition to stop the building of 1500 new homes in Warsash, Locks Heath, Park Gate and Titchfield Common.

RECOMMENDATION

This matter is now referred to the Scrutiny Board to determine. The options open to the Scrutiny Board are:-

- (a) to agree that the steps taken by the Council in response to the submitted petition were correct; or
- (b) to determine if any or all of the reasons given for the complaint should be upheld in which case the Scrutiny Board may use any of its powers to deal with the matter, including instigating an investigation, making recommendations to the Executive or arranging for the matter to be considered at a meeting of the Council.

INTRODUCTION

1. Fareham Borough Council welcomes petitions and recognises that petitions are one way in which people can let the Council know their concerns. In order to be a valid petition and one which triggers a formal response by the Council, a petition must:
 - Relate to functions of the Council
 - Include a clear, concise statement covering the subject of the petition
 - Include the contact details for the petition organiser
 - Obtain a minimum of 50 signatures of persons who live, work or study in the borough and who support the petition

A petition can be submitted online through the Council's electronic petition website facility or by delivery of a paper copy to the Civic Offices.

2. The Council's petition scheme states that "if a petition contains more than 1,500 valid signatures it will be debated by full Council" and that "the Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at a subsequent meeting". However, if there are Statutory processes which must take precedence over the petition then the Council is legally bound to adhere to them.

WARSASH AND WESTERN WARDS PETITION

3. At the meeting of the Executive on 9 October 2017, it was agreed that a new Draft Local Plan be published for a 6-week period of public consultation. The Draft Local Plan proposes site allocations to address development and housing needs until 2036, and policies on a number of development issues to provide guidance on what or what will not be permitted which becomes a material consideration in the determination of planning applications
4. As part of the Draft Local Plan consultation process, a petition was received from residents in Warsash and the Western Wards expressing concern over some of the proposed site allocations.

A paper copy of the petition was received by Councillor Woodward on Friday 8 December 2017. An electronic version of the petition was also submitted via the Council's online petition scheme which ran from 7 November 2017 until 8 December 2017. The full wording of the petition is as follows:

"We the undersigned petition the council to stop the building of 1500 new homes in Warsash, Locks Heath, Park Gate and Titchfield Common. Whilst it is appreciated that the task is not an easy one, there are many sites that we believe the council should be looking at that are more suitable than Warsash and the Western Wards, such as Newlands Farm. We also request that Fareham Borough Council look at SHLAA Ref 3127 and the surrounding area of Fareham North and east of the Town centre. This appears to be a prime location as it already has direct access to the motorway and easy access to the public transport links in Fareham town centre and three senior schools. Fareham centre is also an ideal place for leisure facilities and has space for doctors etc to service the needs of new houses. It would inject a new lease of life into what is already an established town that is essentially being allowed

to slide into disrepair.

Justification:

Below are the sites that we are protesting about.

HA1 - North and South of Greenaway Lane, Warsash - 700 dwellings

HA3 - Southampton Road, Titchfield Common - 400 dwellings

HA7 - Warsash Maritime Academy, Warsash - 100 dwellings

HA9 - Heath Road, Locks Heath- 71 dwellings

HA11- Raley Road, Locks Heath- 49 dwellings

HA13- Hunts Pond Road, Titchfield Common- 38 dwellings

HA14 -Genesis Community Youth Centre, Locks Heath - 35 dwellings

HA15 -Beacon Bottom West, Park Gate -30 dwellings

HA17 -69 Botley Road, Park Gate -24 dwellings

HA19- 399 - 409 Hunts Pond Road, Titchfield Common- 22 dwellings

Traffic in this area is already at a gridlock during peak hours and since the new Strawberry Fields, Hunts Pond and Coldeast developments it has doubled the time for people to get to work. Improvements on major roads and motorways will try and ease congestion but its not satisfactory as residents will not be able to actually get to these major roads.

Local roads such as Brook Lane, Osborne Road, Warsash Road and Barnes Lane cannot be made wider, they were built to service the traffic and community of small villages and the resulting influx of 3000+ cars in such a small square area will lead to more accidents. Warsash specifically is on a peninsula and the only roads in and out are Brook Lane and Warsash Road. Emergency vehicles will be unable to ensure safe response times - during rush hour it is likely they will not have space to get to their destination. The consequences will be catastrophic. Flooding is inevitable especially with recent climate changes; residents in local back garden developments are already experiencing this.

Fareham is presently in trouble for poor air quality due to the amount of rush hour traffic. Bring another 3000+ cars in to the Western Wards and there will be more cases of asthma, lung disease and related illnesses - all for the surgeries with not enough resources to treat. Doctors, schools, hospitals and emergency services are already stretched to breaking point.

If the plans go ahead there will be hundreds of children needing school places. New schools might take pressure off the overcrowded ones - then the influx of new children will put it back on again. Children walking to Brookfield already face a perilous journey due to the amount of traffic on Brook Lane.

Brook Lane, Lockswood, Jubilee and Whiteley surgeries struggle to cope with the amount of patients they have. They wait an unacceptable amount of time for routine appointments (1 month plus) and often have very long waits when they get to there (30 minutes plus). Emergency appointments are becoming harder to book as there are not enough doctors or time. The very young, elderly and chronically ill are already vulnerable and bearing the brunt of this - add another 1,500 homes and these overstretched surgeries will be at crisis point. There will be an increased need for care homes, for which there is just no space. Residents' health will be at risk and possibly their lives. Warsash is a place of outstanding natural beauty and home to precious wildlife such as badgers, bats and deer.

The greenfield land proposed as the area for development also provides a defined strategic gap from neighbouring villages. Residents have the right to breathe clean air, have facilities, space and sufficient infrastructure and the assurance that emergency

vehicles have access and can meet response times in life threatening situations. We genuinely fear for the health and safety of people in the Western Wards.”

Once duplicate entries were removed, the combined petitions were verified as having 2,390 signatures of support.

ACTION TAKEN IN RESPONSE TO THE PETITION

5. The petition was initially acknowledged by telephone and followed up by the Head of Democratic Services in an email sent to the Lead Petitioner on 4 January 2018. The Lead Petitioner was advised that:
 - i) although the total number of signatures on the combined petitions surpassed 1,500 it would not be appropriate to debate the matter at the next Council meeting. As the petition was raised in response to the consultation on the Draft Local Plan, the situation would need to be avoided where Councillors publicly voice their opinions on how they would vote on the issues of site allocation for housing prior to the Local Plan being presented to Council for formal determination, or prior to any planning applications on these specific sites coming forward to the Planning Committee for approval;
 - ii) the petition would be given as much exposure as possible throughout the various processes and any Planning Applications which came to the Planning Committee before the Local Plan was adopted would be dealt with in accordance with Planning Regulations. Reassurance was also given that Officer reports published on the agenda of any relevant planning applications would make reference to the petition to ensure that Members took account of the petition when determining the application;
 - iii) the Executive Leader would give a verbal update at the Executive meeting on Monday 8 January to acknowledge the petition which would be recorded in the official minutes of that meeting and that a further verbal update would be given at the Council meeting on the 23 February 2018 to confirm the number of signatories on the petition; and
 - iv) when the petition is debated by Council, which will be scheduled for when the Local Plan comes forward for adoption, a Deputation can be made to that meeting and, in the meantime, should any applications be made to the Planning Committee against any of the Site Allocations cited in the petition, a deputation request can be made at any Planning Committee under the regular Planning Committee Deputation Scheme.
6. Further correspondence was sent by the lead petitioner on 14 January setting out a number of questions about how the petition was going to be handled. This was responded to by e-mail on 18 January and a full copy of that correspondence is set out at Appendix A. All personal details of the Lead Petitioner have been redacted from this copy of the emails.

COMPLAINT

7. On 21 February 2018 a complaint was received from the Lead Petitioner expressing dis-satisfaction with the decision that the petition would not be debated by full Council. The Lead Petitioner requested that, as allowed under the Petition Scheme, the

Scrutiny Board review the steps that the Council has taken in response to the petition.

8. The Lead Petitioner has requested the following outcomes from the review:
 - A date to be set for the debate of the petition
 - To recall all planning applications that have been granted outline planning permission since the petition was submitted, as this pre empts the outcome of that debate and cuts across the consultation process of the Draft Local Plan
 - At the very least delay granting full planning permission to those applications for the reasons given in the previous bullet point above
 - Residents want a say in the numbers and types of properties and open spaces that they will have to tolerate on a daily basis. They want fewer properties than proposed. To facilitate this, residents want dialogue, and collaboration between themselves and Planners and developers.
 - A full apology for the way we have been treated by Democratic Services, other Council officers and Planning Committee members.
9. The full wording of the complaint form which was submitted via the Council's online form is included at Appendix B.
10. For completeness, a copy of further correspondence following receipt of the complaint is included at Appendix C. (Please note that as this is a copy of an e-mail trail of correspondence, the latest dated e-mail appears at the top).

MATTERS FOR CONSIDERATION

11. The Council's petition scheme sets out the following points of guidance in the event that there is dissatisfaction about the way a petition has been handled:
 - If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's Scrutiny Board review the steps that the council has taken in response to your petition.
 - The Board will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Scrutiny Board 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 recommendations to the Executive and arranging for the matter to be considered at a meeting of the Council. Once the appeal has been considered the petition organiser will be informed of the results within 5 working days.
12. In carrying out its review, the Scrutiny Board is asked to review the content of all the correspondence contained in the appendices, the steps taken by the Council and the reasons given in the subsequent complaint, to determine if the way in which the petition has been handled is appropriate and in accordance with the Council's Constitution, Standing Orders and Code of Conduct for Members.
13. The Scrutiny Board should consider the anticipated outcomes requested by the Lead

Petitioner, as set out in paragraph 8. However, the Lead Petitioner has already been advised that the Scrutiny Board is unable to meet all of these required outcomes, (please see the top of the second page of Appendix C) as the Scrutiny Board does not have the power to do so, according to the functions of the Scrutiny Board detailed in the Council's Constitution.

RISK ASSESSMENT

14. There are no significant risk considerations in relation to this report.

CONCLUSION

15. On considering this matter, the Scrutiny Board will need to determine if the steps taken by the Council in response to the submitted petition were correct, or if any or all of the reasons given for the complaint should be upheld.

Appendices:

- A:** Initial Correspondence
- B:** Complaint Form
- C:** Correspondence Following the Complaint

Enquiries:

For further information on this report please contact Leigh Usher. (Ext 4553)