

**Council 13 June 2018: Questions submitted from Members of the Public**

Question No.	Question from	Question:	Question to:	Responsible Officer:
1.	Mr Jeff Tutt	In light of the recent planning committee decision on Brotherhood Wood 17/502338/FULL, reached after significant pressure from the full time officers and legal services, does he think it could be considered as 'Wednesbury unreasonable'.? Could he please explain how he reaches his conclusions, either way, as many fellow parish Councillors in the Borough and members of the public see the decision as perverse to say the very least.	Cabinet Member for Planning	James Freeman
<b>Response:</b> <p>“Wednesbury unreasonable” is a standard of unreasonableness used in assessing an application for judicial review of a public authority's decision.” I am neither, nor have been, a practising lawyer or town planner so you will forgive me for not answering the questions[s] you ask of me – I could seek advice but that would then be someone else’s answer.</p> <p>I am clear that the role and function of Members of the Planning Committee is to make clearly understood decisions on applications in public which are based on consultation and qualified planning and legal officer’s advice on material planning considerations using policy from the NPPF and Swale’s own adopted Local Plan contained in their agenda reports.</p> <p>In recent years we have successfully introduced protocols which cover the process of hearing applications at Planning Committee. More recently, in conversations with members of the public, the Chairman of the Planning Committee, Members, officers and my own observations of meetings, it has become obvious that the protocols should be reviewed. I had already asked for work to be started on drafts for consideration which I would like introduced at the earliest opportunity.</p> <p>I thank Mr Tutt for his question and have been advised that he and Dunkirk Parish Council [of which he is a Member] have each made a complaint to the Council. These complaints have been jointly answered. The complaint could now go to the Ombudsman if the complainants so wish. I am also aware that an application for judicial review could be made by those who wish to challenge the decision.</p>				
2.	Mr Brian Spoor	Can the Leader give a view as to why Sheerness Labour councillors twice voted in favour of a Sheerness Town Council in chambers and have since then gone to the utmost lengths to scupper this. They have gone door to door with a	Leader	Mark Radford

		<p>cleverly worded template letter, coercing the residents of Sheerness into sending back these letters, saying they do not want a Town Council.</p> <p>As it is just under 1000 residents who have expressed this view, surely this means the other 7000 or so households are agreeable to it.</p>		
<p><b>Response:</b> The Council's administrative role in this is to conduct the review in accordance with the terms of reference agreed. Tonight on the agenda we will be discussing the latest stage in this process and taking a view on the appropriate weight to be given to all aspects of the consultation so far. It is not for me to second guess the intentions of my political opponents but as a Council we have always thought that given the petition received we had a duty to consider the establishment of a town council and to follow the appropriate process.</p>				