

Review Committee – 13 September 2011

Minutes of the meeting of the **Review Committee** held on **13 September 2011** when there were present:-

Chairman: Cllr Mrs J R Lumley
Vice-Chairman: Mrs H L A Glynn

Cllr Mrs P Aves
Cllr K A Gibbs

Cllr Mrs A V Hale
Cllr I H Ward

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs J R F Mason and R D Pointer.

OFFICERS PRESENT

S Scrutton - Head of Planning and Transportation
P Gowers - Overview and Scrutiny Officer
M Power - Committee Administrator

203 MINUTES

The Minutes of the meeting held on 27 July 2011 were agreed as a correct record and signed by the Chairman.

204 DECLARATIONS OF INTEREST

Cllr Mrs A V Hale declared a personal interest in Item 7 of the Agenda, Pre-Application Planning Fees, by virtue of her interest in a development company that operates in the District.

205 THE FORWARD PLAN

The Committee reviewed the Forward Plan and noted its contents.

206 ADVERTISEMENT REGULATIONS

The Committee considered the report of the Head of Planning and Transportation, which provided some background on the advertisement regulations and the arrangements for enforcement of the rules in the District, particularly commenting on the display of temporary signs and banners at prominent locations around the District.

In response to Member questions, the following was noted:-

- Although the regulations provide Councils with an option of imposing a fine or prosecuting 'fly posters', strict implementation of the rules is resource intensive. Certain events that take place in the District and in neighbouring districts are often advertised via the use of unauthorised banners, posters etc. Although Councils can take action to remove such advertisements, a balance must be struck between allowing a business to

operate effectively, especially in the current economic climate, and taking a hard line in accordance to the law.

- The general rule is that companies have the right to display advertisements on their premises/forecourts, but the size of such advertisements is set out in the regulations. Advertising boards officially should not be on the highway and it would be the decision of the Highways Authority to determine whether or not a particular board is acceptable. In the case of A-boards on pavements, if the pavement is narrow and there is judged to be a safety issue it will be removed.
- Posters attached to Highways furniture or infrastructure also be the responsibility of Essex County Highways to enforce, and a phone call will be made to the County Council where possible to advise of any infringements, and to arrange for removal.
- In respect of the suggestion that a structure of fines be put in place for unauthorised advertising, as a way of raising revenue, it was noted that this would not be appropriate within the terms of the regulations.. The Council currently is happy to give advice to businesses on how they can advertise within the legal parameters.
- The responsibility for determining whether a mobile advertisement constitutes a safety hazard lies with Essex County Highways, as does enforcement.
- A temporary advertisement will usually refer to a specific one-off event.

Resolved

That the contents of the report be noted.

207 PRE-APPLICATION PLANNING FEES

The Committee considered the report of the Head of Planning and Transportation setting out information about the merits of introducing charges for pre-application advice.

The Head of Planning and Transportation advised that currently there is a standard structure of planning fees across the country but that local fee setting regulations are due to come into force shortly. A local fee structure will enable local authorities to introduce a level of fees that will cover the full cost of the application process. Proposals for introducing pre-application fees could be looked at in conjunction with decisions around setting a local fee structure.

In response to Member questions, the following was noted:-

- Current pre-application advice provided by the Council gives potential applicants guidelines around the permitted/desired design of buildings.

However, responses to statutory consultations once the application has been submitted may impact on the pre-application advice that has been given.

- If charges for pre-planning advice were to be introduced, a prospective applicant could choose whether or not to take the advice. A prospective applicant who pays for advice but who subsequently decides not to submit an application could regard this as a preferable option to proceeding with an expensive application that is unlikely to be granted planning permission.
- Potentially there could be exemptions from paying for pre-application advice, for example, for individual householders.
- There could be an issue whereby an applicant who has paid for pre-application planning advice presumes that approval will be granted. If fees were to be introduced there was recognition that applicants must be made aware that the fees were payable for advice only and were not a guarantee of permission being granted.
- A simple leaflet could be designed and made available via the Council's website which outlined the information available and the charges that would apply in respect of pre-planning application advice.
- Introduction of charges for pre-application planning advice could raise an applicant's expectation of receiving more detailed, formal reports, which would result in increased pressure on officers' time. Officers would thus spend more time dealing with this aspect of the business and potentially less time on processing planning applications. There might also be a need to employ additional planning officers to deliver the two streams of service in tandem. However, it could be argued that more detailed pre-application planning advice could result in less time being spent on planning applications that are unlikely to be successful.
- There could be time issues involved in publishing a pre-application report prior to the application being submitted. This could result in delays to the application process.

It was agreed that, for further comparisons to be made, it would be appropriate to have information on how authorities across the country of a similar size/nature to Rochford District Council that have a fee structure for pre-application advice process applications.

Recommended to the Portfolio Holder for Finance that consideration be given to the subject of introducing charges for pre-application planning advice as part of the forthcoming Members' budget process.

The meeting closed at 9.02 pm.

Chairman

Date

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