

Environment Overview & Scrutiny Committee – 14 December 2005

Minutes of the meeting of the **Environment Overview & Scrutiny Committee** held on **14 December 2005** when there were present:-

Chairman: Cllr P A Capon
Vice-Chairman: Cllr J M Pullen

Cllr J E Grey
Cllr Mrs S A Harper
Cllr R A Oatham

Cllr P K Savill
Cllr Mrs M A Starke
Cllr P F A Webster

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Mrs H L A Glynn

OFFICERS PRESENT

S Scrutton - Head of Planning Services
J Bostock - Principal Committee Administrator

513 REVIEW OF THE PLANNING SERVICES COMMITTEE

The Committee considered the report of the Head of Planning Services outlining progress to date on the review of the operation of the Planning Services Committee and summarising the main issues requiring decision.

The Committee recognised that the two main issues to be discussed were whether public speaking should be introduced at Meetings of the Planning Services Committee and whether there should be a change in the size of the Committee.

In presenting this item, the Head of Planning Services reported on the outcome of the survey of the fourteen Town/Parish Councils seeking their views on the operation of the Planning Services Committee and the survey of District Council Members ascertaining whether any Members would prefer not to sit on the Committee. The survey of Parish/Town Councils had indicated that two Councils would like to see the Committee's size reduced and ten would like it to stay the same. No responses had been received from the remainder. On the question of public speaking, seven Councils had indicated that they would like to see a facility introduced, three that they would not and two had no comment to make. No responses had been received from the remainder.

The survey of District Council Members had indicated that thirty four would wish to continue to serve on the Planning Services Committee. There had been one non-reply. The remaining three had either opted out or had no strong views either way.

Referring to Audit Commission comments on the arrangements at East Hampshire District Council (where all Councillors are appointed to seats on area planning committees) the Head of Planning Services reported on statistics published by the Chartered Institute of Public Finance and Accountancy (CIPFA) in 2003/04 which indicated that the Rochford District Planning Service cost £13,253 per 1000 residents. The East Hampshire District figure was £17,505 and the average for all Councils was £13,320.

Public Speaking

The Chairman invited Members to give views both in favour of and against public speaking at planning meetings. The following observations were made in favour:-

- It could be seen as democratic and it is likely that any issues associated with the maintenance of order and time controls could be overcome via suitable arrangements, such as permitting only one person to represent a particular group.
- The public may, at times, provide information that would help the Committee reach decisions.
- It would address the fact that there has been some criticism.
- It could enable Members to be aware of the views of the public. However, it might be that this aspect would be less of a feature for meetings of smaller committees at which visiting Members could speak on behalf of the public.
- The Audit Commission had commended East Hampshire District Council for allowing a representative of the applicant, objectors and Parish Councils to address the Planning Committee and account should be taken of the recent survey results on the views of the Town/Parish Councils within the District.

The following observations were made against public speaking:-

- There are occasions when high numbers of public are in attendance at a meeting for a particular item. There could well be issues around determination of who should speak, particularly if they do not know each other.
- There is a possibility that the Council could be accused of selecting the wrong individuals to speak and time control issues.
- At times, residents indicate that they would expect elected representatives to speak on their behalf.

- Whilst Members are expected to consider and comment on planning applications from the perspective of planning law, there is no expectation on the public to have such understanding and a likelihood that their views could be based on emotion.

Responding to questions, the Head of Planning Services advised that:-

- A draft protocol for public speaking had been previously developed. Provisions had included a requirement that only one person can speak on behalf of objectors and one on behalf of the applicant – should no objector wish to speak, then the applicant could be precluded from doing so. The proposed time limit for speaking was two minutes and a point in time was identified prior to the meeting by which speakers would have had to be identified.
- There is currently a facility for a Town/Parish Council representative to speak to an application.
- Members of the Planning Services Committee are required to bring an open mind to Meetings and to consider material planning grounds. Members are precluded from representing Ward residents on planning matters.
- Many Authorities had a public speaking facility at Planning Meetings and there were indications that the public welcomed the opportunity.
- The Council could trial a public speaking arrangement.

During debate, it was observed that public speaking may be workable if potential issues of control/timing are addressed via a protocol. It was also observed that a time period such as two minutes could be optimistic in terms of the reality of allowing public speaking and that, if there is a trial arrangement, there is every likelihood of complaints being received should the Council conclude that the facility should be ended. Reference was made to the fact that District Members who also serve on Town/Parish Council Planning Committees can be a party to discussions by those Councils provided they make a formal statement that, when presented with information at District Council Meetings, they can change their minds.

The Committee concluded that it would be appropriate to recommend the introduction of public speaking in principle, subject to consideration of an associated protocol.

Size of Planning Services Committee

Responding to questions, the Head of Planning Services advised that:-

- Costs associated with applications that had been determined by the Committee against Officer recommendations and then allowed on

appeal vary each time because they are based on the reaching of an agreement with an applicant over a claim submission. The percentage of applications allowed on appeal following determination by the Committee is relatively high, but this reflects the fact that only the larger, more challenging, applications are considered by the Planning Services Committee.

- . The Audit Commission's latest views on the operation of Planning Committees are reflected in the final report of the Best Value Review of East Hampshire District Council as detailed in paragraph 3.2 of the Committee Report.
- . There has been no official guidance on the optimum size of a Planning Committee. A survey of this Council's Audit Commission Family Group identified that the average Committee within the Group comprised seventeen Members.
- . He was not aware of any indications that a failure to reduce the size of the current Committee would have consequences for the Council's role as a Planning Authority. The views of the Audit Commission are likely to depend on the weighting that the Commission gives to the question of change.
- . Members of a Planning Services Committee have a responsibility to consider all applications equally. There has been a recent Ombudsman case associated with site visits highlighting the importance of all Members of the planning committee having equal levels of information about an application.
- . Whilst the majority of Authorities delegated full executive powers to their Planning Committees, this is a matter for each Council to decide.

During debate it was observed that:-

- . The greater the number of Members on a Committee, the greater the likelihood of a wider range of views.
- . The current arrangement whereby all Members serve on the Planning Services Committee appears to provide good value in the context of the 2003/04 CIPFA statistics on the cost of the Planning Service per 1000 residents.
- . If a smaller Committee meant that only one Member in a multi-Member Ward could be appointed, there may be appointment issues if every Member wanted equal involvement. Equally, if there was no interest in some Wards, there could be difficulties if it was felt that appointments should be made on a geographical spread basis.

- . The Council should not automatically conclude that, from information and observations received to date, a Committee of all Members is inappropriate. It is important for the Council to be happy with its arrangements.
- . Members should not be influenced by any questions around the cost of Planning Appeals when they are considering planning applications in Committee.
- . Each Member is likely to be particularly well informed about sites within their own Ward and it could be retrograde if this knowledge was not available to the Committee.
- . Notwithstanding that the recent survey identified that thirty four Members have indicated a wish to remain on the Planning Services Committee, it is possible that other statistics could point to a need for further questions. For example, on average twenty nine Members attend meetings of the Planning Services Committee, twenty attend Planning related training sessions and twelve attend planning site visits. That said, this could be a reflection of the fact that, at any one point in time, Members will have a particular interest in matters in the vicinity of their own Ward. Also, thirty four Members is such a significant proportion of the whole Council that the statistic could be seen as a clear indication of the prevailing view.
- . It is possible to have highly trained small and large Committees.
- . There are no significant financial implications associated with staying the same and, from the Council's perspective, the current arrangement works. It also minimises the potential for corruption.

At the conclusion of debate the Committee agreed a motion, moved by Councillor P A Capon and seconded by Councillor P F A Webster, that it should be recommended that all Members of the Council continue to serve on the Planning Services Committee.

Other Matters

The Committee considered the questions of arrangements for site visits, procedures for deferment and compulsory training. It was agreed that arrangements associated with deferment and site visits worked well. With regard to training, it was considered that there would be merit in introducing a compulsory session of up to four hours duration, subject to appropriate arrangements being in place should someone fall ill or be unable to attend for some other significant reason.

Resolved

That the principle of public speaking at Planning Meetings be endorsed, subject to the detailed consideration of an associated protocol by this Committee prior to a final recommendation.

It was further:-

Recommended to the Environmental Services Committee:-

- (1) That all Members continue to serve on the Planning Services Committee.
- (2) That the current arrangements for site visits and deferment be retained.
- (3) That a compulsory training session of up to four hours duration be introduced for all Members of the Planning Services Committee, subject to appropriate arrangements being in place should someone fall ill or be unable to attend for some other significant reason. (HPS)

The meeting closed at 9.20pm.

Chairman

Date