

Planning Committee Review Sub-Committee – 5 June 2006

Minutes of the meeting of the **Planning Committee Review Sub-Committee** held on **5 June 2006** when there were present:-

Chairman: Cllr M G B Starke

Cllr T G Cutmore
Cllr K H Hudson

Cllr A J Humphries
Cllr R A Oatham

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr S P Smith.

OFFICERS PRESENT

S Scrutton - Head of Planning & Transportation
S Worthington - Committee Administrator

7 MINUTES

The Minutes of the meeting held on 23 March 2006 were approved as a correct record and signed by the Chairman.

8 REVIEW OF PLANNING SERVICES COMMITTEE – PROGRESS UPDATE

The Sub-Committee considered the report of the Head of Planning & Transportation summarising the main elements of the review of the operation of the Planning Services (now Development Control) Committee.

In response to a Member concern relating to the non attendance of Mr I Davidson of the ODPM Improvement Board, officers confirmed that Mr Davidson had indicated that he would be unable to attend this Sub-Committee, as he would be attending an Audit Commission meeting at that time. Mr Davidson would, however, be asked to attend the Council meeting at which the Sub-Committee recommendations would be considered.

Visits to Other Authorities

The following Member observations were noted:-

- In East Cambridgeshire, 12 officers and 14 Members had attended the Planning Committee. Each case officer was in attendance to present their case, which appeared inefficient.
- In East Cambridgeshire the Committee (16 Members) on a number of occasions rejected officer recommendations.
- Public speaking in Brentwood operated very efficiently, with speakers allowed 3 minutes. In East Cambridgeshire, however, public speaking

was not so tightly managed. Speakers were allowed 5 minutes, and often ended up with a much extended forum, as a result of Members questioning them on their statements.

- This Authority's Planning Committee was operated more efficiently than the other 2 Authorities, with the exception of public speaking, which should be introduced at Rochford.
- In East Cambridgeshire Members visited the application sites on the day of the Committee, commencing early in the morning and continuing right through to the Committee meeting in the afternoon. Each Committee therefore took an entire day, including site visits. This appeared somewhat excessive.
- In Brentwood, Members were required to visit the sites of their own volition. There would, however, be merit in having an officer in attendance at the site visits, as was the case in Rochford.
- Webcasting was well conducted in Brentwood. This was something that should be explored in the future, and for Council meetings too, although the costs were currently high. This would be particularly useful for larger, more contentious applications such as the Ashingdon Hall application, which elicited much public interest.
- Webcasting could inhibit some Members from speaking up and could result in others hogging the limelight. It should be extensively trialled before any introduction, which should be done very gradually.
- The officer presentations at East Cambridgeshire and Brentwood were inferior to those at Rochford.
- It seemed unwieldy that in Brentwood the Planning Committee did not have full executive powers, which could result in applications being referred to full Council, with implications for achieving the target dates.

Focus Groups

Officers stressed that participants in the focus groups expressed surprise that all Members of the Council sat on the Planning Committee. If a decision was ultimately taken that all Members should continue to sit on the Committee, it would be necessary to educate and publicise to residents how the Development Control Committee operates.

During debate Members made the following observations:-

- The final two sentences of page 23 of the focus groups' report indicated that participants would feel reassured by all Members of the Council being able to vote on larger, more contentious planning applications, ie,

retaining an all Member Development Control Committee.

- There should be more planning training for Members, with a session specifically dedicated to instruction on how to understand a set of plans.
- The public would perceive that there would be less opportunity of heavy lobbying by developers with an all-Member Committee, as inferred in the first comments made by focus group participants on page 10 of the focus groups' final report.
- With reference to the final observation of the inexperienced group on page 18 of the final report, it was perceived that a smaller Planning Committee referring complicated or contentious applications to the full Council would lead to unnecessary delays in determining applications. The current system of an all-Member Committee with full executive powers facilitated quicker decisions, as there was never any requirement to refer decisions to another Committee or to Council.
- It was somewhat surprising that members of the panel did not think of contacting Ward Members for information relating to large planning applications, such as the recent Asda application. Ward Members for that particular application had received numerous letters and telephone calls from residents relating to the new Asda store.
- It was clear from the final report that the participants did not appreciate the high percentage of planning applications that are delegated to the planning officers to determine.

In response to a Member concern relating to recommendation 8 of the final report which sought a review of the definition of 'neighbour' in the context of notification of planning applications, officers advised that the Authority went well beyond what was required statutorily and consulted more widely than many other Authorities. Officers would, however, be reviewing the content of letters sent out to consultees to ensure that information was clear and well communicated. In addition to this, a survey would be sent to those who had been consulted recently on planning applications seeking their views of the process and the material sent to them.

During debate, although one Member felt that a smaller Committee could be more focused and better trained, most Members considered that the current all-Member Committee performed well, particularly in comparison to the other Planning Committees that were visited, and facilitated quicker planning decisions for larger, more contentious applications.

Public Speaking

In response to a Member enquiry relating to the costs of oral broadcasting, officers advised that these had not yet been quantified. Members concurred that webcasting or oral broadcasting of Committee proceedings could well

enhance existing arrangements and there would be merit in the Policy, Finance & Strategic Performance Committee considering this issue in some detail.

Members all concurred that public speaking should be introduced to the Development Control Committee. During discussion of the length of time that should be allocated to public speakers for addressing the Committee, there was a general consensus that a clock counting down the time left for each speaker would be too distracting and would be difficult to site in the Chamber in a position suited to speakers and to the Chairman. Members stressed the importance of the Chairman indicating to speakers the point at which they had just one minute's speaking time left. The draft protocol for public speaking should also include reference to the fact that each speaker would receive this warning and that they would be cut off when their time had come to an end.

In response to a Member enquiry as to who would decide which members of the public should speak, officers advised that it was unlikely that anyone other than those directly involved with individual applications would wish to speak. This could be reviewed after public speaking had been in operation for a specified period. Responding to a supplementary question relating to whether there should be guidance in the draft public speaking protocol on how to deal with vexatious members of the public wishing to address the Committee, officers advised that this was also something that could also, if necessary, be reviewed after a specified period.

Some Members believed that each public speaker should be allocated 3 minutes while others felt that up to 5 minutes would be more beneficial for those residents not used to speaking in public.

Although one Member favoured public speakers being cross examined by Members of the Planning Committee, most Members were concerned that this could lead to instances of some members of the public not coming forward to speak, as they might find this intimidating. Further, Members considered that there was a real possibility, based on the East Cambridgeshire Committee, of public speakers having far in excess of their allocated speaking time, as a result of Member questions. Members also believed that it was unlikely that there would be public speakers for every Committee application. The Parish Councils, for example, only sent a representative to speak at Committee for large, contentious applications.

Members all concurred that the applicant/representative, one public speaker and one representative from the relevant Parish Council should be allowed to address the Development Control Committee, for up to five minutes each. Members felt that amenity groups should continue to submit written representations, rather than being invited to address the Committee.

Members stressed that a lot of planning policies were filtered down from central Government and the Authority was obliged to operate within this framework. All Members concurred that a 39-Member Development Control Committee should be retained and that public speaking should be introduced, with speakers allowed up to 5 minutes each. There was a general consensus that Members of the Development Control Committee should all attend two mandatory planning training sessions each Municipal year, or should make alternative arrangements with officers if unable to attend the scheduled training sessions. It was considered that there should be some means of ensuring that Members did attend training.

Members concurred that all Members should make every effort to attend scheduled planning site visits or to familiarise themselves with sites prior to Committee meetings. It was further considered that there would be merit in Members signing a book prior to Committee to record their attendance at scheduled visits or the arrangements they had taken to familiarise themselves with the site, in order to offer a greater transparency to members of the public.

Members further considered that officers should investigate the possibilities of improved pointers/cursors for presentations during Committee meetings. Members further concurred that webcasting or oral broadcasting of Committee proceedings would be desirable but should be further examined by an appropriate Committee. Members agreed that officers should liaise with the Chairman of this Sub-Committee on the wording of the final report and recommendations to Council.

Recommended to Council

- (1) That the Development Control Committee should comprise all 39 Members of the Council.
- (2) That public speaking should be introduced, within the framework of appendix 3 to the officer's report, subject to the time allowed for public speaking being limited to 'up to 5 minutes' each for the applicant/representative, one objector and the Parish Council.
- (3) That all Members of the Development Control Committee should be encouraged to attend scheduled planning site visits, or to familiarise themselves with the sites if unable to attend to ensure they have sufficient information on those applications.
- (4) That a book should be made available before Committee meetings for Members to sign to confirm that they had attended any organised site visits, had alternatively made an individual visit to the sites, or were familiar with the sites for other reasons including their role as a Ward Member.

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- (5) That there should be improved pointers/cursors for the officer presentations.
- (6) That webcasting or oral broadcasting was desirable, but would require further investigation; a report should be made in due course to the Policy, Finance & Strategic Performance Committee.

On a motion moved by Cllr M G B Starke and seconded by Cllr T G Cutmore it was further:-

Recommended

- (7) That all Members of the Development Control Committee should attend two mandatory planning training sessions totalling four hours in each Municipal year, or make alternative training arrangements with officers if unable to attend scheduled sessions, otherwise sanctions might be considered. (HPT)

The meeting commenced at 10.00 am and closed at 1.00 pm.

Chairman

Date